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FORESTRY

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

TO

RECEIVE TESTIMONY ON THE FOLLOWING BILLS: S. 1784, THE OREGON AND CALIFORNIA LAND GRANT ACT OF 2013; and S. 1966, THE NATIONAL FOREST JOBS AND MANAGEMENT ACT OF 2014

FEBRUARY 6, 2014

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CONTENTS

STATEMENTS

	Page
Barrasso, Hon. John, U.S. Senator From Wyoming	9
DeFazio, Hon. Peter A., U.S. Representative From the 4th District of Oregon	11
Dombeck, Mike, Board Member, Trout Unlimited	87
Ellis, Steven A., Deputy Director for Operations, Bureau of Land Management, Department of the Interior	15
Franklin, Jerry F., School of Environmental and Forest Science, University of Washington	40
Georg, Clint, Partner, Saratoga Forest Management	97
Leiken, Sid, Commissioner, Lane County, OR	75
Matz, Mike, Director, U.S. Public Lands, The Pew Charitable Trusts	49
Miller, Andrew, President/CEO, Stimson Lumber Company, Portland, OR	46
Murkowski, Hon. Lisa, U.S. Senator From Alaska	7
Riddle, Dale, Senior Vice President, Seneca Sawmill Company, Eugene, OR	68
Risch, Hon. James, U.S. Senator From Idaho	38
Robertson, Doug, Commissioner, on Behalf of the Association of O&C Counties	55
Stevens, Sean, Executive Director, Oregon Wild	58
Tidwell, Hon. Thomas, Chief, Forest Service, Department of the Interior	23
Wyden, Hon. Ron, U.S. Senator From Oregon	1

APPENDIXES

APPENDIX I

Responses to additional questions 107

APPENDIX II

Additional material submitted for the record 127

FORESTRY

THURSDAY, FEBRUARY 6, 2014

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 9:40 a.m. in room SD–366, Dirksen Senate Office Building, Hon. Ron Wyden, chairman, presiding.

OPENING STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

The CHAIRMAN. The committee will come to order. We have a busy forestry agenda this morning.

But with Senator Murkowski's leave, I have just a few comments to make on another matter. I think we both know it is always a challenge to definitively predict the schedule here in the U.S. Senate. But it does appear that this morning is going to be my last hearing as chair of the committee. I just want to offer up a couple of big thank-you's and make a couple of comments about the last year.

On the thank-you front, Senator Murkowski, I just want you to know that I believe you are essentially the gold standard for how you go about trying to promote principled bipartisanship, and particularly bipartisanship on difficult issues.

Everybody knows you can be bipartisan if you just want to stand around and issue press releases. But to take core principles, principles that I think, in our discussions, both of us know we have, and still find common ground, that is something of a lost art. I just want to say thank you for all of that this morning.

I'm going to have some more to say about Senator Murkowski in a minute.

When Oregonians honored me with the opportunity to represent them in the Senate, I made a beeline for this committee. I did so because I believe getting natural resources policy right represents what is best about our country: wise use of our treasured lands, air, and water so there are sustainable good-paying jobs for our people and protection for the environment.

Without delivering a filibuster, I just want to mention a few things that happened on our watch, Senator Murkowski. The first is we gave a big boost to renewable energy with a hydropower law projected to generate 60,000 megawatts of clean renewable power. We actually moved Government toward that sweet spot in terms of natural gas, where we take this energy source, 50 percent cleaner than the other fossil fuels, and make sure that it was available to

boost our key industries, and at the same time help the environment, particularly getting renewables into a base-load power.

We also, together, funded rural schools, police, and parks. We wrote a bipartisan plan for dealing with nuclear waste after years of gridlock on that issue. As you and I have talked about, after 5 Congresses and 3 Presidents failed to figure out what to do about the Government's enormous stockpile of helium, we produced a law that works for our vital American industries and for taxpayers.

All told, based on what our staffs are telling us, no other committee during our watch has passed out more bipartisan legislation.

Now, for everybody who's listening in, I want it understood that it's my view that Senator Landrieu and Senator Murkowski are going to do an outstanding job of building on the common sense that I see from the members of this committee every time that I'm in this room. It's going to be an honor, Senator Murkowski, to continue to sit next to you and Senator Landrieu as we deal with these important issues.

I think by way of wrapping up, it's a thank-you for a great ride, an exciting ride where I think we did what we were sent here to do, which was try to make good policy in a polarizing time. I think people also know that you and I swap ideas on subjects we don't take up in this room, and I know we're going to continue that as well.

So, as I'm going to hear this weekend at town hall meetings in southern Oregon, we always come back to forestry policy. I have some comments to make on the O&C legislation. But let me turn this over to you for any statement you'd like, since I've consumed a little extra time.

[The prepared statement of Senator Johnson follows:]

PREPARED STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA, ON S. 1966 AND S. 1784

Thank you, Chairman Wyden and Ranking Member Murkowski, for holding this hearing on forest management. As you know, forest management and forest products play an important role to the economy and communities of the State of South Dakota and many other states across the country. I appreciate your efforts to improve the management of forest lands and support crucial rural jobs across our country.

As you know, the pine beetle epidemic has struck the Black Hills of South Dakota hard. Roughly a third of the beautiful forests for which the Black Hills are named have been affected. The Forest Service, private forest land owners, and forest products companies need to have the tools to treat the land and process the wood in a timely manner if we are to get ahead of the curve on this epidemic. Though tremendous work has been accomplished in response to the pine beetle, we simply must accelerate the treatment and restoration of these lands.

Because of the significance of the Black Hills National Forest to the economy and quality of life in western South Dakota, I would like to focus my remarks specifically on the National Forest Jobs and Management Act (S. 1966).

I agree with the bill's goals of improving the certainty in forest products supplies, strengthening the associated jobs supporting rural economies, and streamlining the process of getting access to forest products from our public lands.

However, it is important that these goals be met through responsible policies and programs that protect our nation's water, land, fish, and wildlife and the legacy of our public lands.

The 2014 Farm Bill contains several provisions I supported that take strong steps to do just that. The Good Neighbor authority that Senator Barrasso and I have worked to expand, the insect and disease treatment areas that was piloted in the Black Hills, the permanent reauthorization of stewardship contracting, and the permanent exemption of silvicultural activities from Clean Water Act permitting all im-

prove the ability to responsibly bring wood products to market. With the recent passage of the Farm Bill, we need to give these tools time to work.

I have concerns that S. 1966 proposes to prioritize and streamline timber sales on our national forests by reducing or eliminating provisions that help to make sure that the sales and subsequent harvest activities are carried out responsibly and consistently with the established multiple uses of national forest system lands. The bill designates timber management areas based on forest plan designations that may be a decade or more out of date, and it limits the opportunity of land managers to reassess those designations due to changed conditions. Additionally, as introduced, the bill effectively eliminates alternatives to be analyzed under NEPA, so that an appropriate range of alternatives will not be known to the public or decision makers. While limits on NEPA reviews may accelerate projects, the public input process and consideration of alternatives helps bring about better decision-making and can reduce conflict among different users of our national forests. Finally, I am concerned that S. 1966 would establish a binding arbitration process in lieu of court review that requires an arbitrator to select one of the submitted proposals without modification and without any process to determine whether they are within the scope of the NEPA analysis or the authority and resources of the national forest.

In closing, I support the stated purposes of S. 1966 but have reservations about the approach taken in the bill. The Mountain Pine Beetle Response Project in the Black Hills National Forest has shown that the Forest Service is capable of undertaking landscape-scale planning and adapting its management to changing conditions. I believe we can build upon this approach, and I look forward to working with the Chairman, the Ranking Member, Senator Barrasso and the rest of my colleagues to improve forest management and the responsible use of wood products from our forest lands.

Senator MURKOWSKI. Mr. Chairman, before we get to the substance of the issues that we have before us, and again, in this committee we take up good, substantive stuff. Not to suggest that other committees don't roll up their sleeves and dig into it, but I think that through your leadership and guidance, and working with you, we have gained a reputation in this body for being the committee that works, the committee that really operates with a process that is respectful of one another, our issues, and the policies that we have put forward.

We have taken some relatively controversial issues, and we have had good, constructive dialog. Mr. Chairman, when we started off last year, I had been kind of operating with the hope that if the Republicans were successful that I might be sitting in your chair and holding that gavel. In anticipation of that, I worked with my staff pretty aggressively to build my framework, my Energy 20/20.

All throughout that process, you were there, not being critical and willing to come out in opposition to things that you didn't even know where I was going to be coming from. You sat back, and you said, "This is great stuff! Because this will help us begin that dialog."

As you know, I have said many, many times that 115 pages of Energy 20/20 can be distilled into one bumper sticker: "Energy Is Good." Mr. Chairman, you have made that true, but you've also expanded that so that I can honestly say that energy is fun. We have had a good time working on some great, meaty issues.

I'm going to miss Wyden Wednesday. This is the time that we gather every Wednesday morning for at least an hour to talk about calendar, to talk about policy, to talk as leaders in the energy sector here in this Senate about what we can build. That commitment to a working relationship has been incredibly important to me.

But I think it goes beyond what you have built with your ranking member here. I think every member of this committee feels that you have gone the extra step to seek out their opinions, to see

if we can't work out the differences. Whether it was how we dealt with North Carolina beaches and turtles or how we deal with nuclear waste issues, you have made a very concerted effort to make sure that every member, majority and minority, is heard and heard fully.

So, I thank you for the guidance that you have given this committee. I'm pleased for you that you can move to another committee and give that leadership there. But I will miss the collaboration that you and I established. I'd also like to acknowledge your staff, who has worked extraordinarily well with our side. I'm going to miss them, too. So we may have to be doing some borrowing here.

But I will look forward to continuing to work with you on not only energy issues, but on so many of those other areas where we can take areas of controversy and say, "This is important to address. Let's begin the discussion. Let's begin the dialog."

Final point, you have made mention in hearings past, when you're talking about LNG and the prospect for export. Exports can be a pretty controversial issue around here. You've made the connection that, well, they're not like Oregon blueberries. Mr. Chairman, when I had my blueberry smoothie this morning, I was thinking about you and your willingness to have a graham cracker dipped in LNG with me when you came to Alaska.

[Laughter.]

Senator MURKOWSKI. So I'll continue eating blueberries, thinking about you. I don't know that I'm going to ask you to do any more LNG graham crackers. But I think that was just yet another example of your willingness to meet me halfway in understanding the issues that are important to my State and to others around the country. So, thank you for your leadership.

The CHAIRMAN. Beyond being overly kind, I think it's appropriate, as we begin to hear from the witnesses, that as a Williamette grad, you do have Oregon blueberries in that special place.

Senator MURKOWSKI. That's true.

The CHAIRMAN. We appreciate it.

Let's go now to the O&C bill. We're also going to be taking up Senator Barrasso's bill, the O&C bill, S. 1784. Then later, we'll hear from Senator Barrasso about his bill, S. 1966, the National Forest Jobs Management Act.

I think it is fair to say that, with respect to the O&C Lands Act of 2013, we Oregonians feel these lands are truly unique both in their legal status and their history. It really goes back to the middle 1930s and the 1937 O&C Act.

That Act established a checkerboard of public lands mixed in with private land. The Bureau of Land Management now oversees O&C lands with a unique mandate for forest management that exists nowhere else in our country. I think it's fair to say folks in these 18 Oregon counties feel like they have been hit by a wrecking ball. Unemployment is high. The newspapers are full of stories about crimes going unpunished because law enforcement doesn't have the manpower to respond.

These counties need jobs in the woods, in the mills, and for plumbers and restaurants and small businesses that are so vital to

the rural Oregon economy. Instead, folks in these communities feel that they have nowhere to turn.

I want to spend just a moment talking about how we actually got to this point. My own take is a big part of it is the conversation about managing these lands has now been monopolized by the ideological extremes who seem allergic to the idea of a compromise. The answer always seems to be cutting, clear-cutting away the old growth, or blocking even responsible timber harvest.

It's my view that neither of these extremes are a long-term winner for our State. That's why leaders from the forest products sector, from recreation, from conservation groups, and local officials stood up with me and Governor Kitzhaber in our State capital when I rolled out recently a fresh vision for the O&C lands.

Our legislation ends the stop-everything approach that has paralyzed forest management, and at the same time it acknowledges the days of billion-board-foot clear-cuts are not coming back. The approach substantially increases the timber going to our mills. It creates certainty for our working families, certainty for our counties, and certainty for every employer who's going to invest in the future of our rural timber communities.

By doubling the harvest compared to the average harvest of the last decade, these communities can save the jobs that they've got now and create more. Assuring future decades of reliable harvests that averaged 300 and 350 million board-feet per year will give employers confidence they can grow their businesses and provide more good-paying jobs.

In working with the best scientists in the Northwest, including Dr. Jerry Franklin, who's going to testify today on behalf of himself and Dr. Norm Johnson, the priority was to make timber harvesting as ecologically friendly as possible. Ironclad protections for clean drinking water, wildlife, and Oregon salmon in this bill stems from discussions that were held with many conservation groups.

This is legislation that I believe can pass both houses of the Congress and actually be signed into law by the President. Our forests, our counties, and our mills cannot keep waiting while lawyers for both sides litigate away. Forest management has been stalled so thoroughly it is virtually fossilized.

My bill amends the law that established these unique Federal lands to make clear how O&C lands are to be managed in the future. First, the bill puts approximately half of the O&C land into a forest-emphasis area, and the other half into a conservation-emphasis area, so there is no question where sustainable timber harvests are the priority and which areas will be permanently conserved.

In timber-emphasis areas, the bill rules out the controversial sales that are most likely to end up in court. It creates the first-ever legislative ban on harvesting old growth on the O&C lands. Critically, the bill tells the natural resources agencies to offer timber sales according to harvest that mimic natural processes.

In addition, the bill streamlines an environmental review process that in many cases has bogged down timber harvesting to the point of stagnation. It does that while maintaining—while maintaining carefully our country's bedrock environmental laws.

The point of this legislation is to bring together all of the stakeholders at the outset and come up with a plan for 10 years of timber harvests that will be approved at the start. So instead of dealing with dozens of individual studies, foresters will have the certainty that the harvest can proceed without some group parachuting in out of nowhere and throwing up last-second roadblocks.

I want it understood that Oregonians have the right to be heard when they disagree with forestry policy, but every tree should not get its own lawsuit. Advocates for this bill are especially proud of its conservation gains. The bill creates 87,000 acres of wilderness and 160 miles of Wild and Scenic Rivers. In all, it will permanently conserve over 1 million acres of O&C lands.

An essential element of the bill is strong protections for streams and watersheds. We were able to have the good fortune of working with one of the Northwest's foremost water resource experts, Dr. Gordon Reeves, to establish the first-ever legislative protections for the O&C streams. It includes special areas protected for recreation, which is an especially important part of our rural economies and is responsible for 141,000 jobs in our State alone.

Make no mistake about it: In Oregon and much of the country, recreation is going to be a powerful economic engine for the future. The reality is logging by itself does not address all of the economic challenges facing the O&C counties.

So, we have made the judgment that there are two parts to the equation. For one, there is the safety net. In this room, back in 2007, Larry Craig and I wrote the bipartisan Secure Rural Schools Bill, and that got extended for 1 additional year. It's the helium legislation. Then there is this legislation, which is designed to get people back to work in the woods.

Together, these approaches can get rural counties off the roller coaster that has produced so much uncertainty for our counties trying to fund police, roads, and other basic services.

The bottom line with this bill is there will be more jobs for loggers, for millwrights and sawyers making lumber for our homes, and work for plumbers, hardware stores, and other small businesses needed to meet the demand for more goods and services in our rural communities. Most importantly, these are good-paying full-time jobs that offer an alternative to grinding underemployment in rural Oregon.

Now, it's fair to say that not everybody gets what they want here. Not everybody gets what they believe they ought to get. But this is going to deliver what Oregon needs. It does so because it is designed to end the tyranny of the extremes. It ought to be a new day for the brave who are willing to try something new, and this committee is especially pleased to hear from some of those brave souls today.

I want to make it clear I'm going to work in a bipartisan way with Senator Murkowski and all of our colleagues to quickly mark up this legislation and bring it to the Senate floor. Hundreds of hours went into working on this bill, and while I've always been open to suggestions, I want it understood we're going to move forward to this bill.

I want to thank Govenor Kitzhaber, the Governor of our State, who has invested an enormous amount of time and effort into this

issue. I'm very pleased that Congressman DeFazio, who represents most of the O&C counties, will be able to testify here as well. I want it understood that I'm looking forward to working with all of our colleagues in the House, and I'll have more to say about Congressman DeFazio's good work in a moment.

I also want to turn to S. 1966 before recognizing Senator Murkowski for her comments. This is the National Forest Jobs and Management Act. This legislation has a number of striking similarities to Title I of H.R. 1526. The administration has issued a veto threat against H.R. 1526 when it passed the House last fall.

I'm anxious to hear from Senator Barrasso and others on it. My concern is, as it has always been with those kinds of approaches, that we would reignite the timber wars in our part of the United States.

Finally, as Senator Murkowski and I have indicated in past meetings, she and I are going to be working very closely together to find bipartisan, collaborative approaches to addressing these issues on a national level. Senator Heinrich has some very good ideas on this topic as well. Suffice it to say there are a lot of us on this committee who share Senator Murkowski's view that we have to work on these issues on a national level as well.

Last point I'll make is we're going to be spending a lot of time in addition dealing with the greatest threat to national forest management, which is the absolutely untenable situation with fire funding. That's why Senator Crapo and I, along with Representatives Simpson and Schrader in the House, have introduced bipartisan legislation to deal with funding these fires.

This idea that would neglect, as you and I have talked about, Senator Murkowski, the preventive efforts in the forest, and then you have these massive infernos, and the bureaucracy then raids the prevention fund to put out the fire—that seems foolish even by Washington, DC, standards. So, we are committed to changing that as well.

Finally, I'm very appreciative of the good work that was done by Senator Stabenow on the Farm Bill. The Farm Bill includes provisions on national forest management to promote stewardship contracting. We have the chief here, who has been an eloquent advocate of that. I'm also pleased that that bill includes Senator Barrasso's Good Neighbor Authority that we dealt with here.

I so appreciate all our Oregon witnesses making the trek back here. I understand you got the usual delays in Chicago and other faraway spots. So we appreciate your coming.

With that, let me turn to Senator Murkowski for any opening statement she'd like to make.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman. I'll be quick in my remarks this morning.

The bills that we have before us today, I think we acknowledge, address the critical topic of management of our Federal timberlands. In addition to the description that you have given of your bill and the background on that, I appreciate your willingness to work to include Senator Barrasso's bill in this hearing as well,

and then his work to really prepare the bill to accommodate a more accelerated schedule. So, I'm pleased that we were able to work together to make it happen today.

Just a quick mention on process before my comments with regards to the respective bills. We noticed this hearing a week ago. It's been in the works for sometime prior to that. So I think everyone has been on notice that this was going to be on deck for us here as a committee. But we only received testimony from the administration on both of these bills very late last evening. The Forest Service got us its testimony at 5:40 p.m. The BLM testimony wasn't submitted until 8 o'clock.

This makes it tough, Mr. Chairman. This isn't constructive to a committee process that—I think most folks heard that we were just lauding, we can do our work, but we do need to have that input from the administration in a timely manner. So I would certainly hope that we're going to improve that.

Turning to the bills first, Mr. Chairman, I know that the management of the Oregon and California lands in your State is a very important issue to you. Very early on, as we talked about issues to bring before the committee, you clearly indicated to me that this was a level of priority for you. It was back last summer.

When we were talking about those obstacles that get in the way of active management of our forests, you had indicated that this was something that you had been working on for some time. So, it's good to be able to have it here before the committee.

As I understand it, in Oregon, on the O&C, at issue is the management of more than 2.4 million acres of timberlands that were, by statute, to be managed for permanent forest production under the principle of sustained yield. That mandate was upheld in Federal court.

But yet, despite that mandate, it's not happening. I think you know, because we've had this discussion, we've got a similar mandate in Alaska; we're not seeing the timber harvest levels increase either. So I clearly know your frustration and desire to try to legislate a better result.

Like you, I think we know that it is about certainty within the industry. It's about jobs for the people who live in these communities, and not just about raising revenue for the counties. So, lots of good reasons for how we can do better when it comes to the management aspect.

This bill also seeks to modernize existing Federal laws, including NEPA, to provide certainty that timber harvests will occur and end the vice grip litigation has had on the harvest. I do appreciate the acknowledgement that these laws need modernizing. Certainly, from all the press accounts, the debate has already begun about whether or not these provisions would work, what levels of timber harvest and revenue the bill would generate, and the appropriate management regime for these lands.

So, given the good panel of witnesses that we have before us today, given the level of interest that we're seeing with just folks who are here to listen, I think that probably that debate is probably going to continue here today.

The other bill that we have before us, Senator Barrasso's National Forest Jobs and Management Act, would launch a national

pilot to accelerate the pace and scale of timber harvest on the acres already identified in existing forest management plans as suitable for such harvest. The bill would expand concepts already reflected in the Healthy Forest Restoration Act to streamline NEPA compliance and reduce the cost and time of planning.

The bill also introduces arbitration as an alternative dispute resolution process to the courts, where I think we all know we've seen a lot of good projects die when they get to the courts. So, I think it is fair that we have both measures before us here today. They both raise critical issues that I think deserve our attention.

As we noted at the outset, this could very well be your last hearing. Based on your comments, I have to believe it is. So I think it is appropriate that we should be taking up a topic that is so important to you and those that you represent. So I'm looking forward to hearing from our witnesses today and further discussion about the importance of timber management on our Federal lands.

The CHAIRMAN. Thank you, Senator Murkowski, and thank you again for giving me this opportunity to have this extraordinarily important Oregon issue aired today. I'm very appreciative.

Senator Barrasso.

STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Thank you, Mr. Chairman. I also want to welcome Clint Georg, who's going to be testifying a little later today, and I want to thank you, Senator Wyden, for scheduling this hearing. I look forward to hearing more about your O&C Bill. I am pleased we're hearing my bill, the National Forest Jobs and Management Act. As chairman, I'm appreciative that you've prioritized forestry-related issues. I appreciate your emphasis on these critical issues and hope you're going to continue to be engaged as a senior member of this committee.

The committee has talked at length about how our national forests' health is declining. The forests are dangerously overgrown and suffering from severe disease and insect infestation. We've discussed the increasing severity of wildlife fire and the escalating costs of suppression. You mentioned that in your opening remarks. We've talked about how increased soil erosion, loss of wildlife habitat and species and economic opportunities are the result of this.

The committee recognizes timber harvest is a good thing. We need to get the cut-up to help our forests and communities get healthy again.

We've heard testimony about how chronic high unemployment and the resulting financial crisis is hurting rural communities around America. We have seen sawmills close down. We've seen them lay off employees. The committee has examined how the National Environment Policy Act and Endangered Species Act are preventing needed forest management. We've observed how the high cost of compliance with NEPA and the Endangered Species Act Regulations are draining forest service budgets, they're preventing dollars from being spent actually improving forests.

We've heard countless testimony of litigation preventing desperately needed forest projects. That's why I introduced this bill, the National Forest Jobs and Management Act. The primary pur-

pose of the bill is to solve the forest health and rural community crisis.

The administration estimates that between 65 and 82 million acres of national forest lands are in need of treatment, between 65 and 82 million acres. My bill only directs the Forest Service to treat a small percentage of that, 7.5 million acres, over 15 years. So it's a fraction of what we need to do. This acreage only represents about less than 4 percent of the national forest system in total.

So, to avoid resource conflicts about where timber work should be done, my bill limits the projects to lands already identified in forest plans as suitable for timber production. The bill builds on the bipartisan approach of the Healthy Forest Restoration Act by identifying high-priority lands for management, then utilizes streamlined procedures to comply with Federal environmental laws, including NEPA.

The bill allows forest projects to be developed and managed from the cooperative middle, not the radical extreme. It applies the forest service objection's process to resolve disputes early on. If disputes can't be resolved, the bill provides arbitration as a new avenue for a timely independent review of an agency decision. Legislation also provides counties with an extra 25 percent of the revenue collected from the forest projects.

Additionally increasing active management creates needed wildlife habitat, which enhances recreational hunting and wildlife viewing. These are important economic drivers in many States, including Wyoming. I'd like to submit for the record letters from the Ruffled Grouse Society, the Rocky Mountain Oak Foundation, the Boon and Crocket Club, and the National Wild Turkey Federation.

The CHAIRMAN. Without objection. So ordered.

Senator BARRASSO. Thank you, Mr. Chairman.

You know, this committee has studied these issues, now time to act before it's too late to save our treasured national forests and the local communities around them.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Barrasso.

Congressman DeFazio, you have been very patient. I just want, by way of, you know, introducing you, to make sure that it's understood both in Oregon and in the Congress that there is no one better qualified to talk about the need for a permanent solution for the O&C counties than Congressman DeFazio.

Not a day goes by when he doesn't have his sleeves rolled up trying to find a solution to the crisis facing the rural communities in his district. Congressman DeFazio's fourth congressional district has the most O&C acres in the State.

Suffice it to say, I think I mentioned this, Peter, that my last round of town meetings, I remember being in Corvallis late afternoon, early in the evening, when people said I was cutting too much. Then the next morning, I was in Eugene for another town hall meeting, and they said I wasn't cutting enough. I think that pretty much is what you deal with every single day.

So, we welcome your remarks. On a personal level, I just want you to know how much I appreciate the chance to work with you on this. Folks understand at home that we're having a lot of discus-

sions about trying to build this and welcome any remarks you'd like to make.

STATEMENT OF HON. PETER DeFAZIO, U.S. REPRESENTATIVE FROM THE 4TH DISTRICT OF OREGON

Mr. DEFAZIO. Thank you, Mr. Chairman, and I look forward to continuing to work with you on this issue and hopefully get a final resolution this year. Thanks for your leadership by introducing a Senate version, and thanks for inviting me to this hearing today.

When I ran for Congress in 1986, BLM was logging 1.53 billion, B, billion board-feet a year, about 10 times the current level of harvest. They were clear-cutting irreplaceable old growth. They were logging on steep slopes. We had destabilization. We had degradation of streams and threats to drinking waters.

Logging 1.53 billion board-feet in irreplaceable old growth helped put the spotted owl on the endangered species list. In 1986 when I ran, I said that level of harvest was unsustainable. It was. It continues to be out of step with the environmental and social values of most Oregonians.

In the 1990s, we tried to reform forest management in the Pacific Northwest with something called the Clinton Northwest Forest Plan. I opposed that plan, too. I didn't think it would solve the fundamental problem in western Oregon, permanently protecting old growth and conservation values while ensuring a predictable, sustainable supply of timber that's necessary to support rural communities and basic county services.

Unfortunately, I was right. The pendulum has now swung the other way. Timber harvests on the O&C lands are down 80 to 90 percent, a reduction beyond anyone's wildest imagination, and not necessary to protect critical environmental values. Old growth still lacks protection.

Due to the lack of a predictable timber supply, the last remaining mill in Josephine County, a family owned business for 90 years, recently closed its doors. They laid off 88 people in a rural community with a population of less than 2,000. Josephine County is 70 percent owned by the Federal Government, surrounded by Federal forests in need of management; and yet, the mill had to close for lack of timber supply.

Current management of the O&C lands has also left rural counties whose budgets are statutorily linked to these lands on the cusp of insolvency. In some counties, there's little or no law enforcement. In fact, a year-and-a-half ago, news reports encountered the devastating story of a woman in Josephine County who was assaulted and raped by an ex-boyfriend. He was standing on the doorstep trying to break down the door while she was on the phone with the 911 dispatcher, who said they don't have anybody to send.

The status quo: bankrupt counties, 15 to 20 percent real unemployment, one out of every 4 people on food stamps, 25 percent of the school-aged children growing up in poverty, unhealthy forests, lack of opportunity. That's not what Oregonians want, either.

It's time to move away from the extremes, from the swinging pendulum, to find and legislate a reasonable and balanced solution. Chairman Wyden, I know together, working with the rest of the delegation and the Governor, we can do that. You and I, together

with the Governor and members of the delegation, have agreed to principles: predictable revenues to help counties provide basic services, meet their State-mandated responsibilities; a sustainable, uninterrupted timber supply to create good-paying jobs, support the local infrastructure; and significant, lasting conservation victories like protection for old growth, drinking water, and imperiled species.

On the House side, Congressman Walden, Congressman Schrader, and I took our best shot at a balanced plan. It's not the bill any one of us individually would have written. But it's one that we could ultimately agree on and compromise, and one that we believe was consistent with the principles that I just enunciated earlier. It did manage to pass the House of Representatives.

Our solution used the trust concept. Mr. Chairman, you've made it clear that a trust concept cannot pass the Senate and would likely face opposition from the Obama administration. I still think there's benefits to it. It's a pretty simple approach, but I acknowledge the political reality, and I believe our agreed-upon principles can be legislated through a different construct along the lines of the construct you've proposed in your O&C legislation.

I believe we'll need to work on changes to the bill in order to get the level of revenues and harvest we need for jobs, employment, and county revenues. We're going to need to expand the land base. We need to look at the public domain lands, the management of the controverted lands, and other ways to creatively move through this issue.

The harvests need to be geographically dispersed to provide for the remaining local infrastructure so we don't neglect the management needs of our forests in southwest Oregon, which are more fire prone, and opportunities for litigation over scientifically sound, sustainable timber projects needs to be reduced.

A huge priority for me and the Governor is a more coherent policy for protecting our rivers, streams, and aquatic features. In the House bill, we were able to secure language to dedicate 5 percent of net revenues to protecting rivers and streams on neighboring private lands by purchasing easements from willing landowners to create continuous riparian buffers on private and Federal lands, since the O&C lands are a checkerboard.

This is something that is supported by industry, the counties, Governor Kitzhaber, who's committed to matching the dollars with State money. If we're going to pass a bill into law, everybody at the table needs to know what they're getting.

We need reasonable certainty. The counties need to know the range of revenues they can expect so they can plan accordingly. Local businesses in the timber industry need to know what timber supply can be expected so they can build viable business plans. The general public and conservation community need to know that iconic, irreplaceable, natural treasures will be protected and conserved for future generations.

Certainty is going to require compromise. Congress is not going to solve all the counties' financial problems. But we can pass a bill that creates jobs, provides a reasonable level of revenues, and gets rural economies growing again. Who knows? Maybe if real unemployment dropped below 15 to 20 percent, which is the real rate in

my rural counties, the voters would vote to pass ballot measures to build on the revenues coming from the Federal lands to have more funding for public safety, public health, and other critical services.

Congress can't and won't legislate a 1986 timber plan. But Congress can and should pass a timber plan that increases the volume to a meaningful level. The House and Senate bills propose to increase timber harvest to 30 to 40 percent of historic levels. That's not unreasonable, it is achievable, and can be done protecting environmental values.

Finally, more conservation groups need to come to the table and engage constructively in the legislative process. We have better science, data, information, and experience than when the Northwest Forest Plan was adopted. Because we lacked this information, the Northwest Forest Plan adopted very conservative protection measures that should be revisited. Thanks to work being done by scientists at Oregon State, we now know that one-size-fits-all riparian protections can, in some cases, be reduced without sacrificing ecological or aquatic function.

We now know that some terrestrial and wildlife goals of the Northwest Forest Plan have not been met. The lack of regeneration harvests in O&C lands has led to a deficiency in early seral-stage forests, which support numerous species of plants and animals, including elk and deer. Two of the gang of 4 who wrote the Northwest Forest Plan, one of whom is going to testify here today, have proposed cutting-edge science that address this ecological issue and to improve forests' resiliency and health in the long term.

Questioning the motives of esteemed scientists, the same scientists who wrote the Northwest Forest Plan, many conservation groups like to tout and defend endlessly challenging and litigating modest scientific demonstration projects sponsoring misleading and downright false billboards and advertisements back home to scare the general public and flat-out refusing invitations to join with diverse stakeholders to build a balanced Oregon plan for a uniquely Oregon problem. Those things aren't going to work.

These same people are advocating for the status quo. But the status quo has failed us. It's failed the children of these counties, who have walked up to their county library looking to check out a book from a school, for a school project, to find a locked door. It has failed the sheriff's department, who have been served—the sheriffs have been served pink slips because the Federal Government couldn't live up to its obligation.

It's failed the justice system, which has been forced to turn a blind eye to criminals as they walk out the doors of the county jail due to a lack of available beds. The status quo has failed victims of horrific violence who have dialed 911, desperately looking for help, only to be told, "There is no help coming."

This is it. This is the best and maybe the last opportunity to fix the crisis in Southwest Oregon before counties completely dissolve. Once they dissolve, we don't know how to get them back. The delegation wants to move forward. Oregon wants to move forward. We need a long-term solution to stop the endless forest wars that are undermining our rural communities, our counties, and the health of our forests.

We can do this. Together, I know we can, Mr. Chairman. We need to get it done this year. Thank you.

The CHAIRMAN. Congressman DeFazio, I think you've given an excellent statement, and it is very constructive both in terms of the substance and the tone. I think much as you have discussed, we ought to just say, this is going to get done this year. I mean, we'll never have a better opportunity. This has been the longest-running battle, practically, since the Trojan War. I mean, you and I can remember debate after debate after debate.

Oregonians deserve the kind of solution that our delegation is talking about, which is getting the harvest up in a sustainable way and protecting our treasures and protecting our counties. You know, when we wrote that law back in, you know, 2000, we thought that would be a lifeline for rural communities, and it has been.

But even with it, just as you've said, there has been so much hurt. So in addition to the safety net, which we're going to continue to try to find creative ways to fund, we've got to get people back to work in the woods.

I think what you have said this morning gives us a chance, once more, to change the conversation from one that has been monopolized, dominated by these ideological extremes, who seem just allergic to the word "compromise," and get back to what Oregonians do best, which is to find ways that people can make a living in rural communities, protect our treasures, and fund basic services like you've talked about with respect to the law enforcement needs.

So, if any of my colleagues have any questions for my colleague from Oregon, we can do that. Or we can excuse you at this time.

All right. Thank you very much. It's been very helpful, your presentation.

Mr. DEFAZIO. Mr. Chairman, just one quick anecdote.

The CHAIRMAN. Of course.

Mr. DEFAZIO. I ran into Jerry Franklin, who you've invited to testify. He had first written, I believe his first public presentation on new forestry, which has evolved considerably since he conceived it, was at a conference I sponsored as a freshman member of the House, because there was such controversy over our forests.

I said, "Let's figure out a way how we can bring together people and agree." So what I did was I sponsored a conversation. I said, "We'll put it so far in the future it will be unimaginable." The conference was called Our Forests in the Year 2010.

[Laughter.]

Mr. DEFAZIO. The idea was if we looked way out to the future, we would be able to agree on what we would want them to look like out in the future and go forward.

Jerry testified there, and now he's still working the issue.

The CHAIRMAN. You and I are determined not to have another conference in 2030 that would address problems that are going to get resolved in 2014. I thank you very much. You've been very helpful.

Mr. DEFAZIO. Thank you, Mr. Chairman.

The CHAIRMAN. All right. Our next panel will be witnesses from the administration. Steve Ellis, who is Deputy Director of Operations, Bureau of Land Management, and Chief Tom Tidwell with

the Forest Service. As they come forward, just by way of another quick comment, we're so pleased to have Steve Ellis here.

Gentlemen, just please, be seated.

He's still got his ranch in Baker. We're glad that he's kept that. I think some of his family is still there. Previously, he was a forest supervisor on the Wallowa-Whitman National Forest. He's been one of our very best forest supervisors. We're really pleased to see him here today.

I also want to thank the chief, Chief Tidwell, for all the help that he's given. Chief, I got a little bit of an update on the eastern Oregon front, and what is going on with Ochoco and the folks there, I think is going to be a model for the kind of forestry that we need that gets the harvest up in a sustainable way in eastern Oregon. It simply couldn't have happened without you practicing good forestry.

So we're very glad that both of you are here. Why don't we begin with you, Mr. Ellis, given the interest in BLM? Then we'll have the chief. We'll put your prepared statements into the record in their entirety. If you can, perhaps you can summarize your key views. There seems to be a special place in heaven for those who can summarize their views.

[Laughter.]

The CHAIRMAN. We'll make your prepared remarks a part of the record.

Mr. Ellis, welcome.

STATEMENT OF STEVEN A. ELLIS, DEPUTY DIRECTOR FOR OPERATIONS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. ELLIS. Chairman Wyden, ranking Member Murkowski, members of the committee, thank you for the opportunity to be here today. I'm Steve Ellis. I'm Deputy Director for Operations, and I'm here for the department to testify on S. 1784, the Oregon and California Land Grant Act.

This is a complex bill concerning the BLM managed lands in western Oregon known as the O&C lands. My oral statement will briefly summarize our written testimony.

S. 1784 would establish new designations and principles for the management of O&C forest lands, transfer into trust status on behalf of two tribes, and amend the Coquille Restoration Act and establish new conservation designations in western Oregon.

The Department appreciates the Chairman's work in developing this legislation and views it as a continuation of discussions about improving the management of these western Oregon lands. We support many of the goals of the bill, we supports Title III, and would like to work with the sponsor and the committee on amendments to Title I and II.

We have concerns with the bill as it's drafted. We are committed to continuing to work with the sponsors to address them and further develop the proposal. We are encouraged by the ongoing discussions among the stakeholders.

The 1937 O&C Land Act placed 2.2 million checkerboard acres of Oregon and California and Coos Bay Wagon Road land grants under the jurisdiction of the Department of the Interior. In addi-

tion to these O&C lands, the BLM manages over 200,000 acres of public domain forest in western Oregon. BLM's management involves complex legislative frameworks and resource management goals, including the predictable and sustainable yield of timber, endangered species habitat, clean water, and recreation opportunities.

The BLM is revising the 1995 Resource Management Plans that govern management of the O&C lands. We have actively sought engagement from stakeholders and the public and will continue to strive for a cooperative approach on the complex issues of these lands.

Title I of S. 1784 provides guidance for managing forestry and conservation emphasis areas. We share the goals of providing a sustained yield of timber while protecting older, complex forests in support of conservation for threatened and endangered species. While we support many of the goals in Title I, we have concerns with the language and would like to work with you to address these.

We are concerned that there's a lack of clarity in the bill about the relationship and potential inconsistencies between this bill and other environmental laws and authorities. We are also concerned about the timeframes and some of the deadlines in the bill. We would like to work with you on these and other issues.

Title I also provides for numerous conservation designations, including the expansion of the Cascade-Siskiyou National Monument, several Wild and Scenic Rivers, and a number of other designations. We'd like to work with you to clarify the management goals and the boundaries of these special areas.

Title II would provide that roughly 32,000 acres of BLM managed lands would be held in trust for the benefit of two tribes. The BLM welcomes the opportunity to work with Congress on the transfer of lands into trust status and supports the goals of this title. We would like to work with you to address various issues, including access rights and timber harvest.

This title would also amend the Coquille Restoration Act to provide for changes in management of the Coquille Forest. We support this modification.

Title III would establish new wilderness and Wild and Scenic River designations in Oregon. The bill would enlarge the Wild Rogue Wilderness and extend the Rogue Wild and Scenic River. It would establish a Devil's Staircase Wilderness and would designate the Molalla River and Table Rock Fork as part of the Wild and Scenic River system.

The department supports this title, which would conserve and protect these special places, which are treasured both locally and nationally.

Mr. Chairman and Ranking Member, we want to thank you again for your hard work in developing this proposal. We look forward to working further with you on a committee to address the concerns we have with this bill as drafted and to accomplish our shared stewardship goals for BLM managed lands in western Oregon.

[The prepared statement of Mr. Ellis follows:]

PREPARED STATEMENT OF STEVEN A. ELLIS, DEPUTY DIRECTOR FOR OPERATIONS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to discuss the views of the Department of the Interior on S. 1784, the Oregon and California Land Grant Act of 2013. The bill concerns the 2.2 million acres of Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands (the O&C Lands) in western Oregon administered by the Bureau of Land Management (BLM).

S. 1784 would establish new designations and principles for the management of O&C forest lands (Title I), transfer certain lands into trust status on behalf of two tribes and amend the Coquille Restoration Act (Title II), and establish new conservation designations in western Oregon (Title III). Due to the complexity of the bill and the issues it addresses, the Department of the Interior's testimony summarizes the views of the Administration on each title of the bill.

The Department appreciates the Chairman's work in developing this legislation and views it as a continuation of discussions about improving the management of these western Oregon lands. The Department supports many of the goals of the bill, supports Title III, and would like to work with the sponsor and the Committee on substantive, clarifying, and technical amendments to Titles I and II. The Department has previously testified on many of the ideas contained in the provisions in Title II and Title III. We have concerns with the bill as drafted, but we are committed to continue working with the sponsor to address concerns and we are encouraged by the ongoing discussion between stakeholders. We look forward to working with the sponsor and the Committee to further develop the proposal.

MANAGEMENT OF O&C LANDS / BACKGROUND

Current BLM Management of O&C Lands

The O&C Lands Act of 1937 placed 2.2 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands under the jurisdiction of the Department of the Interior. Under the O&C Lands Act, the Department of the Interior manages the O&C lands 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." The Act also provides that the 18 O&C counties receive yearly payments equal to 50 percent of receipts from timber harvests on O&C lands in these counties.

After the historic highs of the late 1980s, timber harvests and the associated payments to counties decreased significantly in the mid-1990s due to many factors, including business cycles, changes in logging practices, and a better understanding of conservation requirements for threatened and endangered species such as the Northern Spotted Owl, Coho Salmon, and Marbled Murrelet. The 1994 Northwest Forest Plan was developed by Federal agencies and scientists in consultation with the public and industry to be a balanced, long-term management plan striving for a stable supply of timber along with protection of fish and wildlife habitat for 24.5 million acres of Federal forest, most of which is managed by the U.S. Forest Service, and the majority of which occurs in western Oregon, western Washington, and northern California. The BLM's western Oregon Resource Management Plans were amended in 1995 (1995 RMPs) to incorporate the Northwest Forest Plan management guidelines and land use allocations.

In addition to the O&C lands in western Oregon, the BLM manages 212,000 acres of public domain forests and other acquired lands within the boundary of the Northwest Forest Plan. The Department of the Interior continues to manage the O&C lands under the 1995 RMPs and the guidance of the Northwest Forest Plan, along with management recommendations derived from the 2011 Northern Spotted Owl recovery plan and 2012 Final Critical Habitat Rule, as well as a number of court decisions. The BLM's timber management program involves complex legislative frameworks and resource management goals, including providing a predictable and sustainable yield of timber and other forest products vital to rural communities, maintaining endangered species habitat and recovering populations, providing clean water, restoring fire-adapted ecosystems, and providing recreational opportunities. In the last three years, the BLM in western Oregon has offered approximately 620 million board feet of timber from O&C lands and generated over $60 million dollars in timber receipts. These and other BLM-managed lands in western Oregon also provide outstanding recreational opportunities, with over 5 million visits per year to enjoy hiking, camping, hunting, and fishing.

Collaborative Approaches

In western Oregon, the BLM strives to strike a balance between the need for a predictable and sustainable timber supply, provision of recreational opportunities and other non-timber products, and achieving conservation objectives, such as protecting older forests and aiding in the recovery of the Northern Spotted Owl and other threatened and endangered species. Despite decades of controversy surrounding these issues, many in Oregon continue to work hard to look for solutions that meet the needs of industry, rural communities, local governments, and the conservation of habitat, species, and water resources. As provided under Title II of the Secure Rural Schools Act, the BLM has collaborated with Resource Advisory Committees to prioritize and allocate funding for restoration projects.

As part of the Administration's ongoing commitment to improve forest resiliency, aid in the recovery of the Northern Spotted Owl, and support economic opportunities for local communities in the Pacific Northwest, leaders from the FWS, BLM, and U.S. Forest Service met in 2013 with employees from all three agencies to articulate a common vision and intent in approaching these goals. We are aware that during the past year, Governor Kitzhaber; Senator Wyden; and Representatives DeFazio, Walden, and Schrader have initiated efforts to better understand and address these multifaceted concerns. We are eager to engage with them on these issues and we appreciate both the challenges and the possibilities that result from collaborative efforts involving the wide range of stakeholders.

Resource Management Plans

The BLM is currently revising the 1995 RMPs that govern management of the O&C lands. The BLM has actively sought significant engagement from the public and key stakeholders and will continue do so throughout this effort, striving for a cooperative approach to the complex issues associated with managing these lands.. The BLM in western Oregon is employing a series of collaborative approaches and meetings to engage over 25 formal cooperators and interested stakeholders during the current efforts to revise the RMPs. We have received positive feedback on these efforts. The revised RMPs will provide a management framework for O&C lands that furthers the recovery of threatened and endangered species, produces a reliable and sustainable yield of timber products, provides for clean water, restores fire-adapted ecosystems, and ensures diverse recreational opportunities. The BLM has completed public scoping as part of the National Environmental Policy Act (NEPA) process and used input derived during the scoping period to help craft the Purpose and Need for the planning effort. As the BLM moves forward in developing draft RMPs, it will consider public input as well as lessons learned from 20 years of experience implementing the Northwest Forest Plan, the BLM's ecological forestry pilot projects, and threatened and endangered species recovery plans and critical habitat designations from both the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS).

S. 1784 TITLE I

Management of O&C Lands

Title I pertains to management of the O&C lands. This title allocates certain forest lands as "Forestry Emphasis Areas" and others as "Conservation Emphasis Areas" and provides guidance for the management of each area. The BLM shares the goals of providing a sustained yield of timber, establishing a large block network of older forest habitat, and protecting older, more complex forests in support of improved conservation of threatened and endangered species. The BLM understands that one of the goals of S. 1784 is to simplify management direction and environmental analysis for the O&C lands and we also share that goal. BLM believes that the goal of addressing management challenges in Western Oregon must be achieved collaboratively and with the best available science. However, rather than simplify management for the O&C lands, BLM is concerned that that the current draft of the bill could create increased complexity and uncertainty.

In support of some of the same broad goals of Title I, in 2010, the Department of the Interior initiated four collaborative pilot projects applying the principles of ecological forestry in the BLM's Roseburg, Coos Bay, and Medford districts. These pilot projects have involved collaboration with resource professionals from the BLM, FWS, NMFS, and the Coquille Indian Tribe, as well as industry and the conservation community. The BLM is exploring the further application of ecological forestry principles in preparing ongoing timber sales while it undertakes efforts to revise its RMPs.

Although the BLM supports many of Title I's broad policy goals, we have concerns with the language of Title I and the impacts of its implementation. We would like

to highlight some of those concerns and we would like to continue to work with the sponsor and the Committee to address them.

The BLM's management of the O&C lands, as well as public domain forests in western Oregon, is currently governed by a number of statutory and other requirements, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, the O&C Lands Act of 1937, the Federal Land Policy and Management Act (FLPMA), and the relevant implementing regulations and plans. We are concerned that there is a lack of clarity about the relationship between the various statutory provisions in this legislation and other related laws and regulations. This could lead to duplicative analyses and planning efforts, disputes or confusion over appropriate BLM management actions, delayed compliance, and potentially increased costs of litigation. In addition, the Department is concerned that the very prescriptive management requirements will undermine flexibility necessary to manage in changing circumstances, use the best available science, engage the public, or achieve recovery goals for key threatened and endangered species. For these reasons and others, it is difficult for the Department to determine the full scope of the impact this bill would have on existing environmental laws, public involvement in, and sound management of, these lands and to provide comments on that basis.

As drafted, the bill could be inconsistent with important protections provided by current laws for environmentally sound management of these lands and could reduce public involvement in the management planning process. The Department has concerns about provisions that are inconsistent with the species protections afforded by the ESA, such as the apparent allowance for certain projects to go forward in spite of a jeopardy determination by the FWS or site specific analysis.

Additionally, the Department has concerns regarding the time frames established in the bill, including the timelines prescribed for compliance with NEPA—the cornerstone law guiding environmental protection and public involvement in federal actions. Many deadlines in the bill are not sufficient to allow for the necessary level of analysis, the public participation necessitated by the high level of public interest and involvement in these issues, and the complexity of the issues and information that must be analyzed. In our experience, mandatory deadlines can often result in incomplete or rushed analyses, increasing litigation risk and delay. We are also very concerned with using an environmental impact statement prepared for a large area as the only NEPA review for any subsequent site-or project-specific activity for a period of 10 years precluding consideration of changes on the ground that occur during that 10 year period. The Administration's concerns include: (1) the temporal and spatial scale of the EIS; (2) the limitation precluding consideration of more than two reasonable alternatives; (3) the limitation precluding consideration of impacts beyond specific authorized actions; (4) the limitations on the public's ability to review and challenge; and (5) the limitations on the consistency document that replaces a tiered, site-or project-specific, environmental review. These concerns cut to the very core of the ability to prepare a reasoned and considered NEPA environmental review. We would like to work with the sponsor and the Committee to ensure that the processes required under the bill allow for the necessary analyses and sequencing to produce environmental reviews for informed and defensible analyses and decisions.

Finally, the bill does not incorporate direction for the 212,000 acres of public domain lands that are found within western Oregon and currently managed under the Northwest Forest Plan guidance. The BLM is concerned that implementing different management direction on public domain versus O&C lands that are intermingled, ecologically similar, and have historically been managed under the same guidance could lead to confusion and further management challenges and associated costs.

The Department has a number of substantive and technical concerns, and would like to work with the sponsor on clarifying amendments.

Revenue Distribution

The Administration has a number of concerns with the language regarding revenue distribution as drafted and we look forward to working with the sponsor on clarifying amendments. Title I would depart from the historic formula of sharing revenues from O&C timber sales with the O&C counties and Treasury's General fund for the benefit of all taxpayers. Additionally, the bill caps receipts allocated to the General Fund at no more than $4 million and provides that money be taken from the U.S. Treasury and BLM administrative payments if a minimum county payment threshold is not met. BLM takes seriously its responsibility to the public as stewards of our nation's natural resources and ensuring that public resources on federal and Indian lands provide a fair return to the American people. As drafted,

the bill may set an undesirable precedent by diverting receipts from the Treasury and thereby reducing the net return to taxpayers.

Conservation Designations

Title I would establish or modify several conservation designations that would be included in the BLM's National Landscape Conservation System. Section 112 proposes to add approximately 2,050 acres to the Cascade-Siskiyou National Monument in southwestern Oregon. The Monument was established by Presidential Proclamation on June 8, 2000, and was later modified with the addition of wilderness and additional management direction by P.L. 111-11, the Omnibus Public Lands Act. The Monument's nearly 53,000 acres are a place of great biological diversity due to its location at the confluence of three converging mountain ecoregions—the Cascade, Klamath, and Eastern Cascade. The proposed additions would enhance this biodiversity and provide important habitat connectivity. The BLM generally supports the proposed additions, and would like to work with the sponsor to ensure consistency in management across the entire Monument and to consider any minor boundary modifications.

Section 114 establishes a protective corridor for sections of the Pacific Crest National Scenic Trail where it travels through and adjacent to Cascade-Siskiyou National Monument. While the BLM generally supports these provisions we would like to work with the sponsor to improve consistency with the National Trails System Act, BLM policy, and BLM management objectives. Finally, section 103 would protect over 50 miles of Oregon rivers with new designation as either recreational or scenic rivers under the Wild and Scenic Rivers Act. The BLM supports these designations.

Title I also establishes a wide variety of designations, including two National Recreation Areas four Drinking Water Special Management Units, and the Illinois Valley Salmon and Botanical Area Special Management Unit. Additionally, the bill establishes Special Environmental Zones, Primitive Backcountry Special Management Areas, and Special Management and Research Areas. Many of these designations are new to BLM and it is unclear whether they will meet their stated conservation objectives. We would like to work with the sponsor on language that would clarify the management goals for each of these designation types. Likewise, we would like the opportunity to consider boundary modifications for manageability.

S. 1784 TITLE II, TRIBAL LAND

Title II of S. 1784 provides that approximately 14,804 acres of BLM-managed lands in western Oregon be held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and 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. This title would also require the Department of the 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. Finally, Title II provides for an amendment to the Coquille Restoration Act.

Many of the BLM-managed lands in this area have significance for nearby tribes. Both the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Cow Creek Band of Umpqua Tribe of Indians have expressed their desire to acquire culturally significant tracts of land in the region as well as forest lands to be managed for the financial benefit of tribal members. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships, and the BLM has a positive working relationship with the tribes in the area. The Department welcomes opportunities to work with Congress on the transfer of lands into trust status and supports the goals of this title. The BLM would like the opportunity to work with the sponsor and the Committee to address various issues related to the bill, including access rights, utility and facility encumbrances, and timber harvest.

The bill would require the BLM to identify sections of public domain lands to be reclassified as O&C lands within 18 months. It is our understanding that the sponsor intends the bill to transfer or reclassify only BLM-managed lands. The BLM would like to work with the sponsor to clarify language in sections 206 and 216 accordingly. The timeframes provided in the bill to complete reclassification of public domain lands are insufficient considering the workload, staffing and costs involved. Additionally, the BLM is concerned that lands of approximately equal acreage, habitat condition, productivity, and land use allocation are unavailable for reclassification within the affected planning areas. The BLM would like to work with the sponsor on a timeline that would add flexibility and language providing specificity regarding the lands to be reclassified and their subsequent management.

Because many of the lands to be taken into trust through this title have been identified for potential future timber sales, the BLM believes that the transfer of these lands into trust status would reduce the land base from which the BLM could offer timber sales, thereby reducing the quantities of timber that could be offered by the BLM in future timber sales and resulting in a potential reduction of timber revenues to the United States and to the O&C counties, and potentially impacting the BLM's implementation of the provisions in Title I.

Subtitle A, Oregon Coastal Land Conveyance

The bill's Oregon Coastal Land Conveyance provisions (Title II, Subtitle A; introduced separately as S. 1414) provide that seven tracts of land currently managed by the BLM, totaling 14,804 acres, be held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (the Tribes). The bill directs all right, title, and interest of the United States to the identified lands, subject to valid existing rights, to be held in trust for the benefit of the Tribes. These parcels are located in western Oregon's Coos, Douglas, Benton, and Lane Counties, and include tracts such as the Coos Head, Talbot Allotment, and Umpqua Eden parcels, which are of particular cultural significance to the Tribes, as well as areas such as the Lower Smith River and Tioga tracts, managed for timber production. While the transfer would be subject to valid existing rights, we have concerns about access and withdrawal. Finally, the lands identified for transfer contain 6,236 acres of critical habitat for the northern spotted owl, as well as critical habitat for the marbled murrelet and other threatened species. The Department notes that transfer of these lands could impact recovery of these species, and would like to work with the sponsor to clarify language related to the protection of wildlife.

Subtitle B, Canyon Mountain Land Conveyance

The bill's Canyon Mountain Land Conveyance provisions (Title II, Subtitle B; introduced separately as S. 1415) provide that approximately 17,826 acres of BLM-managed land in Douglas County, Oregon, be held in trust for the benefit of the Cow Creek Band of Umpqua Tribe of Indians (Tribe). The bill directs all right, title, and interest of the United States to the identified lands, subject to valid existing rights, to be held in trust for the benefit of the Tribe. The lands identified for transfer would be used to restore and expand the historic and economic base for the Tribe in southwestern Oregon. The parcels are scattered and interspersed with private lands, and include many areas popular with hunters, anglers, and campers. While the transfer would be subject to valid existing rights, the BLM has access concerns related to some parcels. These lands also include populations of the Federally-threatened Kincaid's Lupine and roughly 14,600 acres of critical habitat for the northern spotted owl. The Department notes that transfer of these lands could impact recovery of these species. The BLM would like to work with the sponsor to clarify language related to the protection of recreational, wildlife, and cultural resources.

Subtitle C, Coquille Restoration Act

Subtitle C of Title II would amend the Coquille Restoration Act (P.L. 101-42) to provide for a change in management direction for the Coquille Forest. The Department supports this modification to the Coquille Restoration Act.

S. 1784 TITLE III, OREGON TREASURES

The BLM also manages many extraordinary lands in western Oregon that are proposed for conservation designation under this legislation. Title III of S. 1784 includes the following wilderness and wild and scenic river designations in Oregon: the Wild Rogue in southwestern Oregon (introduced separately as part of S. 353); the Devil's Staircase in southwestern Oregon (introduced separately as S. 352); and the Molalla River in northern Oregon (introduced separately as part of S. 353). It also makes technical corrections to the Wild and Scenic Rivers Act (introduced separately as part of S. 353). The Department supports this title, which would conserve and protect these special places that are treasured both locally and nationally.

Wild Rogue Wilderness

Over millions of years, the Rogue River, one of the initial eight rivers recognized in the 1968 Wild and Scenic Rivers Act, has carved its way through western Oregon's mountains. Dense, old-growth forests flank the Rogue providing habitat for forest-dependent species. The cold, clear waters of the river provide a home for Pacific salmon, steelhead trout, and green sturgeon. Recreationists drawn to the Rogue River watershed are a critical economic engine for local economies and include fishing, rafting and boat tours, and hiking and backpacking.

The bill (Section 301) proposes to enlarge the existing Wild Rogue Wilderness by adding nearly 60,000 acres of land administered by the BLM and extend the existing Rogue Wild and Scenic River by adding 93 miles of 35 tributaries to the wild and scenic river system. In addition, the bill withdraws 50 miles of 20 other Rogue River tributaries from land laws, mining laws, and mineral leasing laws and prohibits the Federal Energy Regulatory Commission (FERC) from licensing new water resource projects and associated facilities along these tributaries.

The BLM supports this section of the bill. This wild and rugged area is largely untrammeled and has been influenced primarily by the forces of nature with outstanding opportunities for primitive recreation or solitude.

Devil's Staircase Wilderness

The proposed Devil's Staircase Wilderness near the coast of southwestern Oregon is wild, reminding us of what much of this land looked like hundreds of years ago. A multi-storied forest of Douglas fir and western hemlock towers over underbrush of giant ferns, providing critical habitat for the threatened northern spotted owl and marbled murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

Subtitle B of Title III proposes to designate over 30,000 acres as wilderness, as well as portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. In previous testimonies, the U.S. Department of Agriculture has supported legislation to designate Devil's Staircase as Wilderness as well as Franklin and Wasson Creeks as components to the Wild and Scenic River System. Our understanding is that USDA continues to support these designations. Additionally, the Department supports the designations that would be managed by the BLM, including approximately 6,830 acres of the proposed Devil's Staircase Wilderness and 4.2 miles of Wasson Creek.

Molalla Wild & Scenic River

At an elevation of 4,800 feet, the Molalla River flows undammed for 49 miles west and north until it joins the Willamette River, providing drinking water for local communities and important spawning habitat for several fish species. Within an hour's drive of the metropolitan areas of Portland and Salem, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming and draws over 65,000 visitors annually.

Section 321 of the bill proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. The Department supports these designations.

Corrections to the Wild and Scenic Rivers Act Section 322 of the bill pertains to lands managed by the U.S. Forest Service, and the Department defers to the Department of Agriculture on this provision.

CONCLUSION

S. 1784 would modify and direct the BLM's management of the O&C lands for timber harvest and conservation purposes, transfer certain lands into trust status for the benefit of tribes, and establish new conservation designations in western Oregon. The Department does support the goals of transferring lands into trust status and modifying management of certain lands for the benefit of tribes and supports the conservation designations that would be made under Title III. Additionally, the Department supports the goal of identifying a collaborative solution to conflicting management goals in western Oregon and the Department looks forward to continuing to work with the sponsor, the Committee, and stakeholders to address concerns with the bill as drafted, and to accomplish our shared stewardship goals for BLM-managed lands in western Oregon.

The CHAIRMAN. Mr. Ellis, I'll have some questions for you in a moment. But I do want to acknowledge at this time all the work that your staff did, an enormous amount of work that they did over the last few months to get our office what we needed to go forward with this draft. I'll have some questions in a moment, but I want people to know how much we appreciate the professionalism of the people that you all have at BLM.

Chief, please proceed.

STATEMENT OF THOMAS TIDWELL, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. TIDWELL. Mr. Chairman, first of all, I need to thank you for your support and leadership on this committee. We will miss you in the chairmanship, but look forward to continuing to work with you in your new role, but then also through this committee.

So, Chairman, Ranking Member Murkowski, and members of the committee, thank you for the opportunity to be here to testify on S. 1966, the National Forest Jobs and Management Act of 2014 that's sponsored by Senator Barrasso. We agree with the goals of this bill.

But we cannot support it as it's currently written. We agree that we need to increase the pace of restoring the health of our national forests. As Senator Barrosso mentioned, we're on record of showing and knowing that there's over 65 million acres of our National ForestS that needs some form of restoration. Of that 65 million, there are at least 12 to maybe 15 million that are going to require some form of mechanical treatment and timber harvest to be able to restore those lands.

Over the last few years, we've been making good progress to build support for restoring the resiliency of our National Forest. Even though our funding for resource management has declined due to the transfer of funds to cover fire-suppression costs, we've been able to continue to increase the acres treated and timber harvested over the last 2 years. This has been accomplished through our collaboration and management efficiencies that have allowed us to overcome a reduction of 35 percent in our staffing over the last 12 years.

There are a few key components of the bill that we'd like to work with Senator Barrasso and the committee on. The first point is that we need to be careful to not restrict or limit our ability to address restoration at a landscape scale. We're having good success now looking at tens of thousands of acres under one analysis. Using an EA to document analysis could be limiting our ability to look at these landscape-level projects.

We also need to include all the restoration in the analysis, and not just the biomass removal of the timber harvest. We agree that we must be able to provide some level of certainty to the industry and to our communities on the amount of restoration work that's going to be done, such as we've been able to accomplish with stewardship contracting authority. I cannot thank you enough for your support for giving us that authority.

Second of all, we need to continue to improve our processes. We've done a good job to reduce our costs over the last 12 years. In fact, we have reduced our costs by 28 percent over the last 10 years. But we need to continue to improve on that. I'd like to expand the use of using designation by description so that we can focus on what's left on the land, not what needs to be removed.

Following a strong collaborative process using focused NEPA, we can reduce the number of alternatives analyzed that can reduce the cost and save time, just like we have with the Healthy Forest Restoration Act. I appreciate that you acknowledge we need to use our pre-decisional objection process, and also be able to use authorities

like the Good Neighbor Authority. Senator Barrasso, I too want to thank you for your work to be able to get that for us.

The third point that I need to raise, it's essential that we honor public involvement in the management of our National Forests. If interest groups, local governments, if they believe that their opportunity to be involved is cut out or reduced, there's just going to be more controversy and delays.

The arbitration proposal, it's interesting. But I need to make sure that it doesn't add more process. I also need some level of reassurance that an arbitrator would make a better decision than what the Forest Service does in conjunction with the public. We're willing to explore this idea of some type of maybe a nonbinding, reviewable arbitration on a trial basis. But it's definitely something we want to work with you on.

Fourth, we also need to be careful not to create public distrust by reducing some of the regulatory agency's roles. Their role, to be able to concur with what our biologists determine and our biological assessments and evaluations, provides the public with that reassurance. I think we need to be careful not to lose some of that trust we've built.

Then last, we need to have the resources to be able to do the work. Even with the efficiencies that S. 1966 would provide, it's still not going to be enough. We need to be able to have the resources to be able to increase the amount of work that's being done. We need to stop this annual transfer of funds every year to deal with fire costs.

Mr. Chairman, I want to thank you and Mr. Crapo for your leadership to be able to put a stop to this disruptive practice of fire transfer and to provide additional funding to manage and restore our forests. I look forward to working with the committee to build on the new authorities in the 2014 Appropriations Act, and the forestry title of the Farm Bill, to increase restoration of our national forests. Thank you.

[The prepared statement of Mr. Tidwell follows:]

PREPARED STATEMENT OF THOMAS TIDWELL, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Chairman Wyden, Ranking Member Murkowski, and members of the Committee, thank you for inviting me here today to testify on the National Forest Jobs and Management Act of 2014 (S. 1966) sponsored by Senator Barrasso. With our many partners, Secretary Vilsack and the USDA Forest Service share your commitment to increase the pace and scale of forest restoration and management in our National Forests. Restored acres and timber volume is up on the National Forests and we must continue to invest in current management regimes and not lose focus on legislative changes that may only polarize and create more conflict. However, USDA cannot support the bill as it is currently written.

We must manage and restore more acres to reduce the threat of catastrophic wildfire, to address insects and disease, and to restore the ecological health of forests for the benefit of all Americans. We greatly appreciate recent efforts in Congress to provide key authorities through the FY 2014 Consolidated Appropriations Act (highlighted below) that are essential in carrying out our work. The Forestry Title in the recently enrolled Farm Bill also includes additional tools that will assist the Forest Service, along with our partners, to improve the condition of the Nation's forests.

We cannot address the management of the National Forests without addressing the fire budgeting challenge. The Forest Service and Department of the Interior have had to increasingly transfer money from non-fire programs to fight fires due to longer fire seasons and more acreage of forests and rangelands burning each

year. But, this is not just a problem of fire borrowing during difficult fire years. The Forest Service once spent 10%-15% of its budget on fire—today we spend over 40%. As a result, over the long term, the Forest Service has had to shift resources away from forest management and other activities. We support efforts by Chairman Wyden, Senator Crapo and others to address this issue in a way that both ends the disruptive practice of fire transfers and provides resources to manage and restore our forests so they are more resilient to wildfire.

S. 1966 aims to "provide for the restoration of the economic and ecological health of National Forest System (NFS) land and rural communities." The Forest Service strongly agrees that more forest management and restoration work needs to occur, but cannot support the bill as it is currently written as it rolls back key environmental safeguards, diminishes public participation, sets artificial management targets in statute, and leads to potentially more conflict (including potentially more objections and challenges), not less, in regards to management of the National Forests. We are implementing the following approaches to increase the pace of restoring the health of our National Forests and Grasslands.

THE AGENCY IS SAVING COSTS BY GAINING EFFICIENCIES IN OUR ENVIRONMENTAL REVIEW PROCESS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND OTHER REGULATORY RESPONSIBILITIES AND STEWARDSHIP COMMITMENTS

We are identifying NEPA efficiencies by focusing on improving Agency policy, learning, and technology. These NEPA process improvements are designed to provide certainty and integrate the applicable review and permitting processes. This will improve the overall planning process to increase decision-making efficiencies and result in on-the-ground restoration work getting done more quickly, collaboratively, and across a larger landscape. The Agency has initiated a NEPA learning networks project to learn from and share the lessons of successful implementation of efficient NEPA analyses and develop and institutionalize a more integrated and predictable planning process that will provide for timely and better decisions. The goal of this effort is to ensure that the Agency's NEPA compliance is as efficient, cost-effective, and up-to-date as possible. Specifically we are looking at expanding the use of focused Environmental Assessments (EAs), identifying any additional categories of actions that may be appropriately excluded from documentation in an EA or an Environmental Impact Statement (EIS), and applying an adaptive management framework to the planning process whether a Categorical Exclusion, EA, or EIS is prepared in conjunction with other processes under statutory and regulatory regimes including the Endangered Species Act (ESA), Clean Water Act, and Clean Air Act.

We are implementing Section 428 of the 2012 Consolidated Appropriations Act, which authorized the Agency to establish a pre-decisional objection process for projects. Considering public concerns before a decision is made aligns with and strengthens our collaborative approach to forest management increasing the likelihood of resolving potential concerns, and resulting in better, more informed decisions. The Agency also believes the predecisional objections process will aid efforts to be more efficient with documenting environmental compliance and stewardship with the goal of providing better outcomes for our communities and our environment. We greatly appreciate the provision included in the FY 2014 Consolidated Appropriations Act and the recently enrolled Farm Bill which allow categorical exclusions to remain unencumbered by administrative procedures that are not commensurate with the nature of these decisions.

THE FOREST SERVICE IS UTILIZING THE COLLABORATIVE FOREST LANDSCAPE RESTORATION (CFLR) PROGRAM TO RESTORE LARGE LANDSCAPES

Currently, 23 CFLR projects are underway that emphasize restoration across large scale landscapes in order to reestablish natural fire regimes and reduce the risk of uncharacteristic wildfire. In addition to finding efficiencies in planning and treating larger landscapes, CFLR emphasizes collaboration. Through work with partners, land managers are able to leverage funding, knowledge, and support to accomplish additional work on the ground. In FY 2012, these projects exceeded the targets for the majority of performance measures. In addition to proposed projects under CFLR, we are developing and implementing broad-based, landscape scale, project planning whenever appropriate.

THE AGENCY IS COMPLETING RESTORATION ACTIVITIES UTILIZING STEWARDSHIP CONTRACTS AND TIMBER SALE CONTRACTS

In FY 2012, 25 percent of all timber volume sold was under a stewardship contract. Stewardship Contracting includes forest product removal (goods) and restora-

tion projects (services), which are offset by the value of the goods. Further, stewardship contracting allows the Forest Service to use best value contracting to evaluate contractors' proposals. Stewardship contracting authorities enable the Agency to fund watershed and wildlife habitat improvement projects, invasive species removal, road decommissioning, and hazardous fuels reduction activities. This builds public support for forest management activities. The permanent reauthorization of stewardship contracting is critical to our ability to collaboratively restore landscapes at a reduced cost to the government by offsetting the value of the services received with the value of forest products removed. We greatly appreciate the provision included in the recently enrolled Farm Bill and FY 2014 Consolidated Appropriations Act to extend the Stewardship Contracting Authority.

THE FOREST SERVICE IS CONDUCTING WATERSHED RESTORATION ACTIVITIES ON NFS AND ADJACENT STATE AND PRIVATE FOREST LAND

In 2000, Congress authorized the Forest Service to undertake a pilot program referred to as "Good Neighbor" in Colorado and granted authority for the program in Utah in 2004. This legislation authorizes the Forest Service to enter into cooperative agreements or contracts with state foresters to conduct certain watershed restoration activities—such as reducing hazardous fuels, addressing insect outbreaks, and improving drainage to prevent sediment from eroding into forested watersheds—on NFS land. Although projects are conducted by the State, projects on Federal land remain subject to our Federal management and stewardship responsibilities, many of which cannot be delegated to a tribal, state or local governments. The Forest Service greatly appreciates efforts by Congress to permanently extend this authority and expand its use to other states through the FY 2014 Consolidated Appropriations Act and the recently enrolled Farm Bill.

THE AGENCY IS REVIEWING OUR BUSINESS PRACTICES

We are reviewing our business practices around timber sale preparation, specifically regarding designation of timber for harvest and accounting for merchantable volume, to determine how to reduce the cost to the government for selling timber.

S. 1996

Title I of S. 1996 would authorize the Secretary of Agriculture to carry out covered projects (projects involving the management or sale of national forest material) in Forest Management Emphasis Areas (areas of national forest land in western forests that are identified as suitable for timber production in the forest plan). The bill would direct that timber sale contracts would be the primary means of carrying out covered projects and would set a target of 7.5 million acres to be treated over a 15 year period.

S. 1966 would modify the process for NEPA compliance in carrying out covered projects, and could be read to modify the consultation process under the ESA by directing that the Forest Service make the determinations required under section 7 of the ESA. Covered projects would be subject to notice and comment during development of the EA and to a predecisional objection process. In lieu of seeking judicial review after completion of the objection process, S. 1966 would establish a fifteen year pilot program that requires the use of arbitration instead of judicial review as the sole means to challenge for a covered project in a Forest Management Emphasis Area (FMEA).

The bill also contains other provisions relating to the distribution of timber receipts generated by covered projects and requires the agency to develop performance measures to evaluate whether targets for acres treated are achieved.

We share Senator Barrasso's commitment to improving the management of the NFS. The Administration has a number of concerns with the legislation, as drafted, and cannot support it in its current form. We offer the following observations and concerns regarding S. 1966:

- The mandate to identify, prioritize, and carry out projects on 7.5 million acres lands identified as suitable for timber production represents roughly a threefold increase in workload beyond our current restoration efforts and is beyond our existing capacity. A significant amount of new funding would be needed to accomplish the targets set forth in S. 1966 without having to redirect funds from other essential programs and initiatives within the Agency. In addition, S. 1966 prohibits the Forest Service from reducing the acreage deemed suitable for timber production in any subsequent forest plan revision which would, among other things, reduce the agency's ability to engage in adaptive management of the area based on the best available science, particularly in combination with the target harvest requirements;

- The Forest Service is responsible for upholding numerous Federal laws (e.g., Clean Water Act, Clean Air Act, National Historic Preservation Act, and the ESA). Compliance with these laws generally occurs in association with the NEPA process and will require more time than the 180 day time limit (set forth in S. 1966) to complete an EA or other appropriate environment review under NEPA. As a general matter, the Administration cannot support arbitrary deadlines in the NEPA process, as they have the potential to constrain decision-making, lead to rushed or incomplete analyses, and potentially lead to more litigation and delay;
- The provision regarding ESA consultations is unclear as to what is intended. The provision could be read either as authorizing Forest Service employees to make determinations required under Section 7 of the ESA in lieu of the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) as presently called for by the ESA, or as requiring the Forest Service to use qualified individuals to make those ESA determinations that are already within the Forest Service's authority or responsibility under the ESA. To the extent that S. 1966 is suggesting that the Forest Service take over ESA compliance responsibilities from FWS and NMFS, it is not clearly stated and, in any event may cause confusion and controversy that could negate any efficiency gained. To the extent the provision is only intended to require the Forest Service to use qualified professionals to make ESA judgments that are already within the Forest Service's purview under the ESA, the provision is still ambiguous because it is unclear what it meant by a qualified professional;
- Further clarification is needed regarding the requirement for indirect or cumulative effects analyses and the public comment process as part of the EA. To the extent that this portion of S. 1966 eliminates the typical NEPA requirement to analyze the indirect and cumulative effects of a proposed action, it will significantly diminish the nature and quality of the information available to the public and the decision-maker;
- The Agency fully supports collaboration with our partners and stakeholders from all interest areas as one way to be more efficient, through a shared understanding of the desired condition, across the landscape. In some Forest Service Regions, litigation remains a challenge we face in striving to increase our restoration efforts. The Forest Service has limited experience with arbitration and will need to complete a technical and legal review relating to its use within the Agency. As an initial matter, we have concerns with the mandatory nature of Sec. 5 of S. 1966 and the lack of standards to guide selection of and decision by an arbitrator. We are also concerned with the strict limitations on the potential remedy available to an arbitrator, the lack of reviewability, and the very short timeframe during which arbitration must be completed. That said, we are willing to explore the use of non-binding, reviewable arbitration (through a collaborative approach) on a trial basis before implementing such a change nationwide; and
- Clarification is needed regarding the process to determine location, extent and determination of lands that are suitable for timber production in the designated FMEA.

We have recognized for some time the importance of increasing our restoration efforts and continue to explore new and existing tools to become more efficient. We are making progress and need to continue investing in existing land management programs and tools included in the recently enrolled Farm Bill. S. 1966 could undermine many of those efforts. We want to work with the Chairman, Ranking Member, Senator Barrasso and other members of the Committee to build on the authorities provided in the FY 2014 Consolidated Appropriations Act and through the Forestry Title of the recently enrolled Farm Bill. We look forward to continued dialogue to identify ways to increase restoration efforts on the National Forest System.

The CHAIRMAN. Chief, thank you very much. Just so you know, we so appreciate the leadership that you've shown on this stewardship contracting issue. I can tell you, every single town meeting that I've had in eastern Oregon, this has come up. This has been a top priority of the county commissioners. So we thank you for it.

I also want to note that Senator Merkley, my colleague in the Oregon delegation, pitched very hard for this as well.

Mr. Ellis, with respect to the O&C legislation, S. 1784, my understanding is not only is the BLM in Oregon not meeting the tim-

ber targets established in the resource plan, I guess, your allowable sale quantity, but they're largely focused on thinning harvest, and that there are limited places that rely on timber from thinning.

Is continuing to rely on just thinning those harvests going to produce a sustainable approach? What are the implications for running out of volume just by dealing with those harvests?

Mr. ELLIS. Mr. Chairman, two things. First of all, I should mention that in 2014, this fiscal year, BLM plans to offer 231 million board-feet of timber, which is about 25 million board-feet above the 206 million we offered in 2013.

As for thinning, we are, yes, primarily doing thinning. Commercial thinning is a sound silvicultural practice. But one thing about thinning, it won't last forever. So what our staff tells me in western Oregon is that if we continue at this pace for thinning perhaps another 15 or 20 years, what we need to do is have a silvicultural practice where we can get some early seral development in some younger trees coming up.

The CHAIRMAN. Now, many of the sales that the BLM designs on the O&C lands never seem to result in any timber being cut, because of the continual appeals and litigation and the fact that you just seem to have this legal demolition derby, where people just insist on suing each other till one side is crushed.

How serious is this in terms of the work for BLM? Is it your view that legislation that provides more explicit direction with respect to the management of these lands at least would help get more timber harvest and help address this problem?

Mr. ELLIS. Mr. Chairman, we don't lack for appeals on litigation. What we do on public lands, whether it be on O&C or other areas, but what I would say is, in the O&C, I think the appeals that we have and the litigation that we have really reflects the many values that we have from our publics in western Oregon.

The CHAIRMAN. So your sense is that trying to come up with a piece of legislation to embody those values would be constructive as long as we strike the right balance between giving you direction and not trying to micromanage from Washington, DC." Would that be another way to say it?

Mr. ELLIS. Balance is important. Collaboration is important. I believe earlier, you know, what I heard in your statement was about Oregonians collaborating. We feel that this is very important.

We have, as you know, a resource management planning effort that is currently underway. We've held a series of listening sessions. We have many cooperators in the west side. We're moving forward in that effort and attempt to listen to our publics and try to come up with a suite of alternatives for management of these O&C lands that reflects all the values that are reflected, and also to try to come up with some sustainability for the O&C lands and some predictability for these counties, for these O&C counties.

The CHAIRMAN. Very good.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Before I direct my questions to the two bills in front of us, Chief, I want to raise with you an issue that we discussed when you were visiting the State when we were touring the Tongass summer of last year.

I think you got a real sense in terms of the challenges that we face in really doing any level of development or activity within the 9.5 million acres of the Tongass there when it comes to how we might develop our renewable energy resources, how we might access our mining potential, how we might deal with transmission lines when you have the very, very heavy burden of the Roadless Rule in front of us.

Now, I have insisted that that Roadless Rule needs to be repealed, but short of that, we need to have some flexibility here. I appreciated your very public statement when you were in the State, acknowledging that you felt that there was flexibility that was built into the rule and your willingness to really work with us to see how we can move forward in the Tongass.

I've had a lot of folks from the State ask me about how we're coming with that. I would ask that if we can have an opportunity for a sit-down to discuss this more thoroughly; obviously, this is not the appropriate venue. But it is something that we've allowed for a period of time to go by. We haven't really seen anything from the department. I'd like to have a further conversation with you if we can make that happen.

Mr. TIDWELL. Yes.

Senator MURKOWSKI. I would appreciate that.

Let me ask you, Chief, because you mentioned in your testimony the fact that we need to have resources to do the work; we certainly understand that. I know that you believe, as I do, that it's critical that we get the timber harvest up on our national forests. The Chairman has certainly worked aggressively in this area.

You have seen the impacts in the State of Alaska where folks are literally hanging on by their fingernails there. So how we're able to advance these priorities is significant from a policy perspective. But really, to ensure that the folks on the ground are being heard, that those jobs that are so key to these timber communities are truly there, and jobs that can sustain a family in a high-cost area.

So, you mentioned that funding is important. We acknowledge that. But it's also about management priorities. I hear from my constituents and from others that this should be a bigger, if not a top, priority of the agency—that is, getting the timber harvest up.

Chief, I guess the question to you then is, Wouldn't it be helpful to you to have clear direction from the Congress that timber harvest is a management priority for the national forests? I think that as S. 1966 gives the forest service that direction, does that help you?

Mr. TIDWELL. Senator, what would be helpful is to have clear direction about the importance of our National Forests and restore those forests. Yes, timber harvest is a tool that we need to apply in many of those acres, as I've already stated.

But the purpose of it is to be able to restore these forests so they will be able to provide the full mix of benefits. A big part of that is to be able to sustain communities, sustain the economies. So that is where, I think, the more that we can focus on the need to do the work, that we can continue to build more support.

Whenever it comes across that we look at the National Forests for one purpose—and there's parts of the forest that that can be the dominant use. But whenever we start to talk about it that way,

it's my experience it just creates more controversy and more concern about our management.

Where we have been able to look at large landscapes and be able to address all the restoration needs, besides the timber harvest, the biomass renewable, but at the same time deal with wildlife habitat, fisheries, recreation facilities, when we can put that all together under one project, that's when we've had tremendous success and we build support and we're able to get the work done.

Senator MURKOWSKI. I have always been a strong advocate of multiple use. But sometimes, I feel that, particularly when it comes to the Tongass, it's every other use except timber harvest. It's everything but. It's kind of like what we're seeing when the President says, "Well, I support an all-of-the-above energy plan, except for oil and except for coal and except for."

When we're talking about multiple use, that priority on timber harvest has to be, in my view, a priority that is given great significance than I think that we're seeing in the Tongass. I recognize that not all forests are situated similarly.

Let me ask very quickly, because my time is running here. Mr. Ellis, this relates to the O&C Bill. You mentioned this checkerboard pattern of O&C land. In section 117, there is a requirement there, before exchanging any land the Secretary has to determine that it is in the public interest.

I have had some recent experience with designation by the Secretary of public interest as it related to the Isenbeck legislation. As my colleagues know, that didn't go very well. I don't want this public interest determination language to be a precedent, then, for all Congressionally authorized land exchanges. I think it's a mistake for Congress to basically seed its authority to determine what's in the public interest to folks in the administration and agencies that are not elected.

So, I guess what I would like to know, Mr. Ellis, is, explain to me how the BLM would determine, under this bill, whether or not it is in the public interest to exchange lands that the agency has identified for disposal. Do you have a process that you have laid out, or thought through the criteria? If you can outline for me how that process would work.

Mr. ELLIS. Senator, as far as exchanging under this bill, I'm not, I guess, familiar enough with the details or specifically how it would work for this bill. But I could comment, speculate generally on how I've done that in my career on finding out the public interests.

Generally, when we look at a piece of public land, there are many values on that public land. As you indicated, there are many multiple uses, there are many values that our public has. When we dispose of a piece of ground, a piece of land, whether it be an exchange or sale, we look in terms of, what is in the public interest or what will be gained if we exchange that piece of land?

For example, if we're going to pick up a piece of ground that's part of a sensitive riparian area or sensitive species habitat, that we feel that that may be in the public interest. So, it really, there's not, I guess, a one-size-fits-all for this. My experience has been that it does vary.

Senator MURKOWSKI. That's where, I think, the devil may really be in the detail. I think we learned that with the Isenbeck legislation, which allowed or gave the Secretary that discretion to determine that best interest. Again, it's a very subjective process. I think we've looked at it and said, "If this is going to be precedent, it would be helpful to know that there is a set of criteria that doesn't allow for such discretion, again to an unelected official."

So I would caution you in that. I've had a lot of red flags go up about it. So I raise it to you.

Mr. Chairman, my time has expired. I'm sorry.

The CHAIRMAN. Thank you, Senator Murkowski.

The ever-collegial Senator Heinrich has indicated that Senator Udall can go next.

Senator Udall, please proceed.

Senator UDALL. Thank you, Mr. Chairman.

Yes, Senator Heinrich is the epitome of collegiality, and I thank him for yielding to me.

Mr. Ellis, good to see you. Chief, great to have you here.

Before I make a comment and ask a couple of questions, I want to make sure we acknowledge that two Coloradans are here, Mr. Mike Matz, who is a member of the Pew Charitable Trust team. Then Mr. Clint Georg is also here, and he represents the Saratoga Forest Products Company. They're both going to have a chance to testify later, and they have important things to share with the committee.

The issue of forest health is one that's near and dear to my heart because Colorado's forests are critical to our clean water supplies, and they provide places where we work, we live, we play, we recreate. We've been seeing—and, Chief, you know this; Mr. Ellis, you know this—insect outbreaks and catastrophic fires that are unprecedented in our recent history.

At the same time as Senator Murkowski just alluded to and Senator Wyden, our forest products infrastructure, like our sawmills, continue to struggle. I recognize we've made substantial efforts to help solve these issues. I'm very pleased, for example, that there's a Farm Bill finally on the way to the President, and that the forestry title includes many provisions that support more on-the-ground work by encouraging cooperation and streamlining agency processes.

Some of these, such as the Good Neighbor Authority, are provisions I've worked on for years, and I'm proud to have done so with Senator Barrasso, who was here earlier. I'm sure he will return because he cares deeply about this as well. I look forward to working on more bipartisan initiatives like that because more needs to be done.

I say this not as a Coloradan, but as someone whose home has been subject to a wildfire evacuation order. In Colorado, the question is not if we will have another mega-fire; it's when. In Colorado communities like my hometown of Eldorado Springs and major cities like Glenwood Springs, Fort Collins, and Colorado Springs are increasingly living under the threat of major wildfires.

So we've got to do everything we can to protect Colorado's communities and thousands more across the West. Make no mistake about it: Wildfire threatens our water supplies and our very way

of life in Colorado. I appreciate your listening and your attentiveness, because you both understand this. You live it every day.

So, let me turn to the forest products industry. It's a critical partner. It's helping us improve the health of our forests, Chief, and it provides jobs at the same time, particularly in rural Colorado communities like Montrose, Kremmling, and Sawatch.

I'm concerned that there's a substantial gap between the acreage that the U.S. Forest Service has provided for management and the capacity of the forest products industry. Given the conditions of the forests in Colorado, what can you do to provide additional acreage?

Mr. TIDWELL. Senator, first of all, thank you for your support and your leadership to get the authorities in the Farm Bill. Those are going to be very helpful as we move forward.

There's no question that we need to increase the pace of the restoration. I do believe that, through some of the improvements in our internal processes that we're making to be as efficient as we possibly can are helping.

We need to be able to do even a better job to look at these large areas to be able to do an analysis that looks at the tens of thousands to hundreds of thousands of acres at one time, and then to be able to use something like stewardship contracting so that there is some certainty so that the timber industry, they can have some confidence that they can make the investments that they need because they know that they've got maybe up to 10 years worth of work in front of them that's guaranteed.

I think the more that we can do that, the better we can get more work done. There's no question I want to work with the committee to find more ways to be more efficient. I think with Senator Barrasso's bill, the idea of if we can use a strong collaborative process in our focused NEPA, we can reduce the number of alternatives that need to be considered. I think those are the things we need to continue to work on, be able to get more work done.

Then last, there's just no question. We just have to stop this fire transfer.

Senator UDALL. Yes. I'm on that.

Mr. TIDWELL. If at all possible, find ways to add some additional resources.

Senator UDALL. Let me move to that, and let me make the point as you just did that the forest products industry is about providing timber, biomass, and most importantly, forest health. Forest products industry will really help us return to a time when our forests are healthy.

I think that's been an epiphany for many. That's certainly been—a light went on for many of us that that's really the utility of and the importance of the forest products industry. They're ready and rearing to go. So I want to work further with you on that.

Let me talk about what you just alluded to. I'm a co-sponsor of the Wildfire Disaster Funding Act of 2013 with Senators Wyden and Crapo. They would allow the Forest Service and the Department of the Interior to access emergency funding to fight what are becoming expensive modern mega-fires.

Can you talk about fire borrowing and the forest service activities that get cut back year after year because of the growing expense of wild land fire fighting?

Mr. TIDWELL. It seems like it's almost every year now that, starting in August, we have to stop some of the work that we're doing to not only be able to do the work that was planned for August and September, but where it has even more impact is we're not able to have our staff out doing the prep work for the next year's projects.

So, year after year, this continues to just slow us down, not only in the work that we normally would get done in probably the best part of the field season, in August and September, but then we cannot do the prep work, be out doing the surveys or doing the marking during those months for the next year's work.

So it's just been just a chronic problem. That if we could change that, I can guarantee that you'll see an increase in our level of production, without any question.

Senator UDALL. We've got to turn it around. We truly have to turn this around.

Mr. TIDWELL. Yes.

Senator UDALL. Thank you, Chief. Thank you, Mr. Ellis.

The CHAIRMAN. Chief, thank you. There was kind of almost a modest Murkowski—Wyden addendum to your comment. Apparently, it's 8 out of the last 10 years that we have faced the situation you're talking about. That's what we're going to try and correct.

Senator Flake.

Senator FLAKE. Thank you, Mr. Chairman.

Thank you both.

Chief Tidwell, as you know, the White Mountain Stewardship Contract is the first large-scale 10-year contract. It expires this year. While there's always room for improvement, the contract is considered by many to be a success, an example for future contracts.

In response actually to the contract, we've seen about $130 million of investment in the area of revitalization of the timber industry, desperately needed after a couple of decades of neglect, certainly. We hope that the Four Fry Program, the Four Forests Initiative, will foster continued restoration.

But that may take awhile to get going in a big way. We're concerned there that we'll lose a lot of the investment that has been made. Once you do, as you know, it takes a long time to ramp back up.

It seems to me that Senator Barrasso's bill, which I'm happy to cosponsor, would establish a framework for establishing forest treatments in the Apache-Sitgreaves National Forest, where it's just right next to where I grew up.

But can you provide me some concrete examples of where the forest service intends to make efforts to make sure that we don't strand the investment that has already occurred in the White Mountains? What can we do to bridge that gap between the White Mountains Stewardship Contract and Four Fry?

Mr. TIDWELL. Senator, I'm confident that we're going to be able to move forward with Four Fry. We had some of the problems with the original contractor, but now we've been able to move past that. So that the new company that's in place, I've met with them, and I can tell you I'm confident that they are going to be moving forward. This would be demonstrated this year by the number of task

orders that they're going to take on to be able to continue to do that work.

There's no question that we have to be able to demonstrate that this is the right way to go forward. The White Mountain Stewardship has been the model, and there's just no question of the difference it's made on the ground.

Senator FLAKE. Yes. You and I have toured some of these areas, particularly after the Wallow fire, where, you know, the town of Alpine would not be there were it not for the stewardship contract and the thinning that has gone and the, you know, forest—community interface. But obviously, we've got to go deeper, deeper into the forest here.

As you know, the Farm Bill reauthorized stewardship contracting in perpetuity. That's a good thing. That's one of the good things about the Farm Bill, among many other good things, in my view. But, and it did include some of the technical corrections that I've been working on with the forest service and BLM.

But we didn't get done some of the cancellation ceilings, ceiling requirements, regulations that would give some more flexibility to the forest service in entering into these public—private partnerships.

Can you commit to work with us on that in the areas where it's problematic to have these contracts? I know that the forest service is concerned with the cancellation ceiling and how we deal with it. But can we work together on this issue to make sure that we can move forward more quickly?

Mr. TIDWELL. Yes, Senator, I will make that commitment. I need to also thank you for your leadership on the stewardship contracting. Your amendments, the changes to that, not only is it now permanent, but it's better. With the changes, it does address some of the concerns that our communities had and some of the industry had over that. So it's going to actually be a better authority for us as we move forward.

Senator FLAKE. I thank you. I thank you for working with us on this. I know of your concern personally for the forests in Arizona. We hope to be able to move forward quickly. We've lost too much already. I appreciate your work on this. Thank you.

The CHAIRMAN. Thank you, Senator Flake.

Senator Heinrich.

Senator HEINRICH. I want to pick up where Senator Flake left off. I want to start just by commending the work that he has done on stewardship contracts. Unlike Senator Flake, I have some real concerns about S. 1966, but I think the work that he has done around stewardship contracts is absolutely critical, including in the Farm Bill.

One of the concerns I have, and I'm very glad to hear that you think Four Fry is moving forward, because these forests, you know, when you look at the Southwest and you look at a map on Google Earth, the Mogollon Rim stretches across both Arizona and New Mexico. The forests, the heel in the forest, the Apache-Sitgreaves, are right next door to each other. If you're hiking from one to the other, you would never notice the difference.

S. 1966 has some strong language bias, in my view, for timber contracts rather than stewardship contracts as a preferred manage-

ment tool in our national forests. In my view, that's a less than perfect fit for Southwestern forests and for forests in New Mexico. I would like to see—well, I believe that stewardship contracts are really a much more holistic way to manage our forests, particularly in the Southwest, where we had a lot of very high-end sustainable cut a number of years ago. Now we're struggling more with fire issues.

Stewardship contracts really help us create contracts that make sense, where you can have timber management and timber harvest, but you also incentivize the harvest of small fire-prone trees that have sometimes minimal, sometimes negative economic value. But removing them is a way to make the big trees grow faster, and it's a way to get ahead of the mega-fires that we've seen in recent years.

The other thing that we've seen as a very beneficial outcome of these stewardship contracts is that they incentivize other multiple uses within the management and restoration of those forests. You know, they reinstall culverts. They do travel management post-cut, as well as providing some fire prevention values.

So I want to ask you, Chief Tidwell, do you have any concerns about the language in S. 1966 relying too exclusively on timber contracts to the near exclusion of stewardship contracts as the primary tool for managing our national forests, and in particular with an eye toward the Southwest, where we have dry forests that are different than in other regions?

Mr. TIDWELL. Senator, we need both tools. We need stewardship contracting. We also need our timber sale authority. But we also need the flexibility to be able to choose the right tool for the situation.

Senator HEINRICH. Right.

Mr. TIDWELL. There's no question that there's a lot of places where stewardship contracting is building more support, more trust, because folks can see that we're not only just doing the timber harvest, the biomass removal, we also accomplish all the other benefits that you mentioned. It gives them trust in that the things they're concerned about are also going to be addressed versus just doing the timber harvest and then, with a hope and a promise maybe from the Forest Service that eventually we'll get around to doing the wildlife habitat work, the fisheries work.

So we need to keep both tools, but we need to have the flexibility to be able to choose which is the right tool for the right job.

Senator HEINRICH. I appreciate hearing you say that, because I think that one of the great things about these stewardship contracts is they really represent a coordinated effort at multiple use. They recognize all the important values of the forest, not just one to the exclusion of others.

I can say, as, you know, someone who in a previous life managed 540 acres adjacent to the Cibola National Forest in western New Mexico, these areas, depending on their history, require very different approaches. The Ponderosa pine forest that I managed, and certainly I, you know, personally harvested 1,000s of very-small-diameter stunted trees that grew up after the very heavy harvests 80 years prior, 80 years of fire suppression, and the big saleable

trees. As you know, in the Southwest, sometimes it takes 300 years to produce a 42-inch-diameter DBH Ponderosa pine—weren't there.

But it was very important that we were able to go in and thin those forests out and getting them to look and function like they did previously, before, you know, we lost the big trees and before you had the level of fire suppression that we have today.

So having that flexibility to tailor the tool to the area and its specific history, I would say, is something that we need to make sure you continue to have the flexibility to do.

Mr. Chair, I'm over my time.

The CHAIRMAN. Thank you.

Senator Barrasso.

Senator BARRASSO. Thank you very much, Mr. Chairman.

Chief Tidwell, first, I really appreciate your oral testimony today. Of course, I'm disappointed in the written testimony that you were required to give on my bill at the direction of the White House. The statement contains very limited constructive feedback. It dismisses an important opportunity to comment on a potential nationwide effort to improve timber production.

From the language of the first paragraph of the written testimony, it's evident that testimony on this bill is influenced by the political advisers within the administration. You know, just this past week, President Obama's former Secretary of Energy said at a Keystone XL Pipeline, "The decision on whether the construction should happen," he said, "was a political one, not a scientific one."

Just like the Keystone XL Pipeline, it looks like forest management decisions in the administration are being dictated more by political influence than by science. I say that because, just like the pipeline, the President's activist base is mobilizing and fighting against the good American jobs that my bill would create.

The Washington Post gave the NextGen Climate Action agenda 4 Pinocchios. They're the folks that take a look at the validity of statements. Four Pinocchios for its ad that was critical of the pipeline.

Using similar tactics, the Wilderness Society is concluding that my bill would, they say, "require a massive increase in logging and other mechanical treatments across tens of millions of acres," they say, of national forestland in the West, when the fact is my bill covers, as you nodded your head as I was reading my earlier statement, 7.5 million over 15 years, not tens of millions of acres.

The political double standard in the written testimony is also apparent. The administration opposes my bill, in part because it sets a management target in statute. But it's supported bills introduced by Democrat members of this committee, including S. 37 and S. 1301, which do exactly the same thing.

When testifying on my bill, the administration says it wants to invest in current management regimes and not lose focus on polarizing legislative agendas. Perhaps the administration should consider its support of bills sponsored by Democrat members of this committee on the same grounds. Nor do I buy the administration's political rhetoric that legislative changes would cause the forest service to lose focus.

I want to just go on. In answering Senator Murkowski's question, you characterize my bill as making timber production the dominant

use, I think you said, of forest service lands. The 7.5 million acres to be treated over 15 years is like 3.8 percent of the national forest system—3.8 percent. The wilderness system makes up 36 million acres. So wilderness is 36 million acres, or 19 percent of the national forest service.

The Roadless Rule covers an additional 60 million acres, 31 percent of the system. The fact is wilderness and limited-use de facto wilderness are the dominant use in today's national forest, not timber.

You also spoke about collaboration. Are you suggesting that the forest service isn't going to be allowed to work in areas where there are no collaboratives and where stewardship contracting are not the proper tool?

Mr. TIDWELL. No. The concerns that I have is I want to make sure that we're not doing something there maybe that we don't fully understand. Any time when we start to, you know, change the processes, for instance through our forest planning process, based on the input we get from communities, based on input from our scientists, there are times we need to adjust the suitable base. We need to, I think, be able to keep that flexibility.

There's nothing in your bill that limits our collaborative efforts. I think it's essential that we make sure that the public understands that they're still going to, you know, have that role.

I think I've been on record for many years now being able to say we need to be able to increase the restoration. There is millions of acres that we need to use timber harvest to be able to get that accomplished; there's just no question.

But when we've taken this approach we're looking at, the restoration across large landscapes, we are having very good success. So, as we move forward with opportunities like your bill could provide, some ways to improve our processes, I want to make sure that we just don't add any more to the conflict that we've had in the past that I feel we're really moving past.

I think your ideas about limiting alternatives, that's something we had experience when Healthy Forest Restoration Act, and it's worked well. Where we've had strong collaborative efforts, we've been able to reduce the number of alternatives because there's strong support about the work that needs to get done.

So there are ways to be able to do that. I just want to make sure that we do it in a way where the public feels that they still have their role to play in the process and that no one feels that they're being shorted in any way.

Senator BARRASSO. That's, of course, the concern with what I see coming out of the—not you in particular, but the administration in the White House is. Is the White House and how the forest service sits in its decisions support replacing the forest system with State-by-State forest placed bills?

Mr. TIDWELL. There is definitely some need for us to make some changes because we've not been able to get the work done. We have had a couple of State-by-State bills that have come forward. We've had some concerns about our capacity to be able to implement those with our current funding.

But where we have been able to see a strong collaboration come together where there is strong support for being able to do the

work, those are the things that we're interested in. Ideally, it would be great to have a national bill that would embrace all these key elements. But that being said, if you look at the diversity of our forests across this country, there's probably going to be a need for some site-specific or forest-specific bills at the same time, you know, hopefully some opportunities for some national direction that would help us to be able to improve our efficiencies.

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Risch, you have just arrived.

STATEMENT OF HON. JAMES RISCH, U.S. SENATOR FROM IDAHO

Senator RISCH. Thank you very much, Mr. Chairman, and I will be brief. I was—one of the things that I'm a little disappointed with in the hearing, ordinarily we talk about what a great hearing—and it is. These are important issues that need to come up.

The CHAIRMAN. You can still call it a great hearing.

Senator RISCH. I will, for you. By the way, is today your last, is today the——

The CHAIRMAN. Kind of.

Senator RISCH. Today's the day, huh?

In any event, one of the things I wanted to talk about is that how the States manage their lands versus how the Federal Government manages its lands. I understand that this is not something that's just happened; this is something that's grown up over decades, really, of the management of lands.

But as an example, in recent, in fiscal year 2012, the Idaho Department of Lands sold 330 million board-feet and generated $50 million in revenue. This came from 2.4 million acres of State endowment lands. Comparing that with the forest service, they don't own 2.4 million; they own 20.4 million acres. They sold 79 million board-feet, compared to the 330 million board-feet that we sold.

So, what does this tell us? It isn't that our land is better than the forest service land. Indeed, this came off of land which was randomly selected from the land in Idaho. We received two sections of land out of every township on July 4th of 1890 when we became a State. Those are essentially our school trust lands. There's a few others in there, but it's primarily school trust lands.

But I mean, this isn't a little bit of difference. I mean, this is a tremendous amount of difference between the two. Now, I don't think we'll ever get to the point where the Federal lands are managed the same as the State lands are. But having said that, there's a concept that's been talked about around here for some time, and that is the trust concept, where indeed the States could get some Federal land, some more Federal land.

As you can see, what we've done in Idaho, we could do really, really well if we could get a little bit more land. I know there's people that talk about a wholesale takeover of the Federal grounds. I think everyone with common sense knows that that simply is not going to happen. But having said that, I think some modest step toward the State having more say in the management of these lands, and the ability to withdraw some of those Federal lands in trust so they could do as they're doing now with their lands, would be very helpful.

They could do it without decimating Federal lands or decimating what the Federal vision is, which is very different than the State vision for Federal lands.

So, having said that, I was kind of hoping we'd get a panel where we could talk about this concept. I understand it's going to be controversial as we go down the pike. But perhaps we can do this at a future date, and you'll come back as a distinguished guest.

The CHAIRMAN. I'm going to be sitting right there.

Senator RISCH. I understand that. But give us the wisdom of the many years you've had in this committee.

The CHAIRMAN. Senator Risch, you know how much I value your opinion. Especially, we've already talked about the effort you and I and Senator Crapo have underway in terms of fighting these fires. We really haven't gotten into it.

But what is just astounding about this debate is we have already seen fires in our country in January. The combination of fires this early, plus drought, that ought to be a wakeup call to everybody for the kind of preventive effort that Senator Risch has been talking about. So I'm going to be working closely with you on that.

Senator RISCH. Senator, I think that's absolutely right. I've often wondered why when we have these disasters and everyone wrings their hands at the time, there is no follow-through.

The best example I can give is I really thought we were headed for some significant reform after the Biscuit Fire that was in Oregon. That's probably one of the more significant ones that caught the headlines around America. I mean, it was front page for some time, and as soon as it was out, we seem to have moved on to other things. It's really unfortunate.

But as you point out, we're starting early already this year, and the acres keep growing every year. We're talking about it more; that's a good thing. But I think we need to really roll up our sleeves and get active in it. I appreciate your commitment to that, and I appreciate you working with Senator Crapo and I with the serious issues.

I used to carry around with me the fire starts in the United States. Each one was represented by a little tiny red dot. The epicenter was right in southwest Idaho, and it went out from there. So our State has a real interest in that. Thank you, Mr. Chairman.

The CHAIRMAN. All right. I think we saw that when I was over with you and Senator Crapo in Boise this summer, this past summer, how important this is. We are going to get that bill passed this year. We came so close, as you know, in the budget discussions, where we had a lot of support on both sides of the aisle. We're going to get that done.

Senator RISCH. Senator, can I take just one more second?

The CHAIRMAN. Of course. Of course.

Senator RISCH. I would be remiss if I didn't thank both Mr. Ellis and Mr. Tidwell, who have been very active in Idaho in supporting the kinds of things that we're doing there. Mr. Tidwell, of course, is a native of Idaho. I really appreciate working with these two gentlemen. They have been good to work with, and I appreciate their service.

The CHAIRMAN. We've having a little bit of a Western sparring over who gets to claim Mr. Ellis.

[Laughter.]

The CHAIRMAN. Because his ranch is in Baker, and he's working in Idaho. We appreciate it.

I'm going to not have any further questions. I do want to put into the record, because we've got a lot of bipartisan work to do on this, that during the Bush administration, the George W. Bush administration, according to documents reviewed by the staff, the cut was about 2.2 million board-feet per year. So far, in the Obama administration, it is about 2.6 million board-feet.

So, by any calculation, we have got to work together in a bipartisan way to get these numbers up. I'll just put that into the record, and we will excuse both of you at this time. Thank you.

[Pause.]

The CHAIRMAN. Let's now welcome our next panel. Dr. Jerry Franklin with the University of Washington, Mr. Andrew Miller with Stimson Lumber, Mr. Mike Matz with the Pew Charitable Trust, Mr. Doug Robertson with the Association of O&C Counties, Mr. Sean Stevens with Oregon Wild, Mr. Dale Riddle with Seneca Sawmill, and Mr. Sid Leiken with Lane County. He is one of the commissioners.

Big thanks to all of you for coming. Under the best of circumstances, it is a long trek. Yesterday was not an easy day to fly, as I understand it. So I very much appreciate all of you coming. You're each a leader in this field, and we are glad to have you share your thoughts.

As I indicated, we'll put your prepared statement into the record in its entirety. If you can summarize your oral remarks, we'll begin with you, Dr. Franklin. Welcome. And thank you, thank you, thank you for all of the hours that you and Norm put in to putting our legislation together.

STATEMENT OF JERRY F. FRANKLIN, SCHOOL OF ENVIRONMENTAL AND FOREST SCIENCE, UNIVERSITY OF WASHINGTON

Mr. FRANKLIN. Thank you very much for the opportunity to be here. I think everybody's probably aware that Dr. K. Norman Johnson, Oregon State University, and I have worked together on this. We've functioned in a way as science consultants to Senator Wyden and the staff of this committee in terms of working on this bill, responding to such questions as, you know, What do we need to be thinking about when we write this bill?, What would be the scientific and management consequences of particular alternatives?, and so forth.

Certainly, they provided us with some definite goals that they had in mind for the legislation as they put it together. Specifically, for example, how do we provide for protection of older forests?

So, I just want to begin by saying that I find the outcome in terms of this bill to be quite extraordinary in the sense of being outstanding in terms of incorporating a very strong scientific basis and doing so while attempting to do good for both the forests and for society.

I'll take just simply, you know, as the example the recognition of the need in policy to distinguish between moist forests and dry forests, where on the one hand the dry forests, we could call them,

what were historically the frequent-fire forests, but have not been for sassafras tree. The moist forest being typical, the Doug fir, hemlock forests, that don't burn except with many centuries, usually, intervals.

Because of these different ecologies and because of these different approaches, it simply was imperative in policy development that that be recognized and that they will, in fact, require different approaches. I just want to say that that was our most important recommendation, and it's profoundly embedded in this bill.

Number of really extraordinary features of this bill. One of them is it provides for statutory protection of all older forests for the first time. We've never had statutory protection for old-growth forests.

The CHAIRMAN. You can repeat that as often as you like, Dr. Franklin.

[Laughter.]

Mr. FRANKLIN. The Northwest Forest Plan was a wonderful thing, but it was developed and has been an administrative decision process only. It's never had legislative protection or support of any kind. So, this is just really outstanding, and in the case of the moist forests, it not only provides for protection of all old growth forests and all old growth trees, but also most of the mature forests, which is extraordinary.

In the case of the dry forests, it recognizes that we want to protect the old growth trees, but that in fact we may need active management in order to help sustain those old growth trees. So, and that policy, incidentally, is a permissive one, and it doesn't require treatment. It simply allows managers to carry forward treatments, while at the same time retaining and actually nurturing the old trees.

The bill adopts a very different approach to forest management than we have practiced historically in this country on all Federal lands, as well as private lands. That is an adoption of ecological forestry as a basis for management. Ecological forestry is not a silvicultural prescription. It is, in fact, a philosophy and an approach. It contrasts with the traditional approach to forestry, which has been use of an agronomic model as constrained by the economic.

It does provide for variable retention harvesting, for regeneration harvests in the moist forests, and interestingly, not just for wood, but also very much for the ecological objective of creating early successional conditions, which in fact, in the moist forests, are the most biologically diverse stages of forest development.

Finally, I just want to say that variable retention harvesting and ecological forestry are not experimental. They're widely practiced throughout the globe. However, we do very strongly need to have an adaptive component in the activities, and perhaps this might be one area in which the bill could be strengthened.

Finally, I just want to say I really want to reinforce Senator Wyden's comments when he initiated this, that perhaps the most important thing about this legislation is, for the first time, it begins to define a new pathway forward, a third path, that kinder and gentler forestry that I first talked about at Peter DeFazio's conference back in—what was it?—1998, something like that. So, thank you.

[The joint prepared statement of Mr. Franklin and Mr. Johnson follow:]

PREPARED STATEMENT OF JERRY F. FRANKLIN, SCHOOL OF ENVIRONMENTAL AND FOREST SCIENCE, UNIV. OF WASH., AND K. NORMAN JOHNSON, DEPT. OF FOREST ECOSYSTEMS AND SOCIETY, OREGON STATE UNIV

I speak today for myself and Dr. Norm Johnson. These comments represent our own views and not those of our respective institutions.

Our testimony today concerns our work with Senator Wyden to integrate ecological forestry principles into S.1784 direction for management of the BLM O&C lands in Western Oregon.[1] Specifically, we address how utilizing ecological forestry principles in managing these lands could provide ecological benefits and a sustained yield of timber harvest and revenue.

CONSIDERATION OF ECOLOGICAL FORESTRY IN S. 1784

Ecological Forestry—A Philosophy of Forest Management

"Ecological Forestry" is an approach to managing forests utilizing principles from natural forest development, including the role of natural disturbances, in the initiation, development, and maintenance of forest stands and landscape mosaics (Seymour and Hunter 1999, Franklin et al. 2007, Franklin and Johnson 2012). Ecological Forestry is based, therefore, on application of our best current ecological understanding of forest ecosystems in managing these ecosystems to achieve integrated environmental, economic, and cultural outcomes.[2] S.1784 embraces this philosophy of forest management, incorporating the latest ecological science in the process, as we describe below.

Recognition of Moist Forests and Dry Forests

A distinction between Moist and Dry Forests is essential in setting policies for O&C lands because of their contrasting disturbance regimes and responses to management. This distinction is especially critical in developing policies and practices intended to protect old-growth forests and trees. S.1784 recognizes this critical distinction between Moist and Dry Forests within the range of the Northern Spotted Owl and provides distinctive policy direction for each throughout its forest management stipulations.

Conservation of old forests and trees requires fundamentally different management approaches on Dry and Moist Forest sites because of contrasts in their disturbance regimes and the impacts of past management on current forest conditions. For example, existing intact old-growth forests on Moist Forest sites have undergone limited changes as a result of >100 years of fire suppression; active management to restore conditions within such stands is not only unnecessary but would adversely affect them. Setting aside existing older Moist Forests is, therefore, an appropriate conservation approach.

Dry Forest sites, on the other hand, have undergone dramatic changes from European pre-settlement conditions as a result of many human activities, including elimination of fire. Consequently, Dry Forests have undergone significant changes and many are currently dense, fuel-loaded stands dominated by fire-and drought-intolerant species. These forests and the old trees that they contain are, consequently, at significant risk of stand-replacement wildfire as well as highly susceptible to drought and insect attack. Hence, policies need to permit active management of such forests (including those with older trees) to create more resilient conditions.

S. 1784 recognizes this need to provide for different policies for Moist and Dry Forests while providing the first statutory protection for old forests and trees on federal forest lands. All old-growth and the vast majority of mature forests are reserved on Moist Forest sites as well as all older trees that are present in younger forests

[1] The BLM in western Oregon administers a collection of land ownerships resulting from various Congressional actions. They include the Oregon and California Railroad Lands, Coos Bay Wagon Roads Public Domain, and other lands. The legislation addresses the Oregon and California Railroad Lands, and Coos Bay Wagon Roads that we will call ,. "BLM O&C lands" in this testimony. They cover approximately two million acres of forest in western Oregon, with Moist Forests occupying approximately two-thirds of that area and Dry Forests the remainder.

[2] For a more in-depth description of ecological forestry see Franklin and Johnson (2012) at http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/JOF%20Article%20with%20Case%20Studies_2.pdf and previous testimony by Franklin and Johnson on the O&C lands at http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Johnson_June%202013.pdf

subject to timber harvest. All older trees are reserved in Dry Forests but active management is permitted around them to improve their longevity. Active management of Dry Forests is also permitted (but not required) to improve the ability of Dry Forests to tolerate fire, drought, and insect epidemics, which is also an initial step in improving their ability to accommodate climate change.

Ecological forestry in Moist Forests

In addition to conserving older forests, S.1784 includes two other key components of ecological forestry for Moist Forests: 1) thinning in some younger forests to accelerate structural development and 2) creating structurally-rich openings in some younger, mostly previously-harvested stands to create early successional conditions and regenerate Douglas-fir and other tree species.

Thinnings in younger stands in Moist Forests, mostly plantations that developed after previous harvests, have been the source of most recent timber harvests from O&C lands. Under S.1784, thinning these stands can continue to occur across the landscape and they would be an important source of harvest volume over the next 20 years. Unfortunately much of the thinning during the past two decades has contributed little to enhancement of ecological values even on land allocations where that was the primary intent under the Northwest Forest Plan. Language in S.1784 will dramatically improve the quality of future thinning by requiring the use of recent scientific findings to improve the ecological content of thinning, such as creation of spatially heterogeneous outcomes.

Thinning opportunities will substantially decline after 15-20 years, as the program progresses through younger stands, with a resulting sharp reduction in thinning harvests (Tuchman and Davis 2013). Additional problems with the thinning program is that it produces only modest revenue, requires extensive road systems, and contributes little to the array of habitats needed to sustain regional forest biodiversity.

Silvicultural treatments that create significant but structurally enriched openings in the Moist Forests are necessary to provide high-quality early successional habitat. The early successional stage, which occurs between creation of an opening and re-establishment of a closed stand of trees, is the most biologically diverse condition that occurs on Moist Forest sites. There are many habitat specialists (e.g., birds and butterflies) that depend on early successional habitats and even more species, such as elk and deer, for which it provides critical resources. Openings need to be large and persistent enough to allow for full development of the shrub-and herb-dominated communities and regeneration of the sun-loving Douglas-fir. Both natural and artificial tree regeneration can be used. The openings also need a significant legacy of scattered trees, snags, and logs (Figure 1).* Private landowners cannot be expected to provide this kind of habitat and so the only place where society can predictably provide for high-quality early successional habitat is on federal lands—just as in the case of old-growth forests!

To contribute to the goal of providing structurally-rich openings, S.1784 calls for variable retention harvesting, a highly flexible harvesting approach modeled on natural forest disturbances. Extensive ecological research has shown that natural forest disturbances typically kill many trees but leave behind large quantities and varieties of biological legacies from the pre-disturbance stand, including snags and logs. These legacies are profoundly important in providing for continuity in biota, habitat, and forest function between forest generations in contrast to the discontinuity created by clearcutting.

Variable retention is a harvesting method that emerged over 35 years ago and has exploded into world-wide use in the last 25 years. It has been extensively tested and shown to produce ecologically favorable outcomes (Lindenmayer, et al. 2012; Gustafsson, et al. 2012). Variable retention is a highly flexible approach that can be adapted to an immense variety of conditions and management objectives.

We favor the use of "aggregated retention" in which most of the retention is in the form of intact forest patches, including areas that buffer streams and other aquatic features. This type of retention works best in achieving the very complex goal of both sustaining most forest-related biota and processes (within the aggregates) while also providing sufficient openings to provide habitat for species dependent upon openings, including elk, deer, and Douglas-fir.

These structurally rich openings are not clearcuts.[3] Labeling such structurally-rich openings as "clearcuts" flies in the face of scientific terminology and concepts

* Figure has been retained in committee files.

[3] For a visual comparison of clearcutting and variable retention harvest, see http://fes.forestry.oregonstate.edu/sites/fes.forestry.oregonstate.edu/files/PDFs/Smith__combined.pdf

(Lindenmayer, et al 2012; Gustafsson, et al. 2012). In fact, variable retention as proposed in S.1784 can achieve the complex goal of both sustaining most forest-related biota and processes while also providing sufficient openings to provide habitat for most species that depend upon early successional conditions, including song birds, butterflies, and elk and deer.

In addition, variable retention harvests in Moist Forests as described here can provide a sustained-yield of timber harvest through time. In fact, they provide the foundation of sustained yield in S.1784. Without them, any significant sustained yield from the O&C lands is not possible.

Despite the evidence we have presented on the broad scientific basis for variable retention harvests some may still see them as risky or experimental. Thus, it is important to estimate the extent of these harvests. Under S.1784, variable retention harvests for a decade are limited to 8-12% of Moist Forest allocated to sustained yield management. Given the proportion of the O&C lands in these areas, we estimate that implementation of S.1784 would result in variable retention harvest being applied to approximately two percent of the O&C lands in the first decade.

The landbase available for variable retention harvest includes some stands 80 to 120 years old. By our estimates, these stands make up less than 10 percent of the landbase; over 90 percent of the landbase for variable retention harvest comes from stands that developed after a previous harvest.

Ecological forestry in Dry Forests

The general management approach to Dry Forest landscapes under S.1784 primarily utilizes partial cutting to reduce risks from fire, drought, and insects in the majority of forest stands, while retaining approximately one-third of the forest landscape in large dense forest patches to provide habitat for dense-forest dependent species, like Northern Spotted Owls. Silvicultural prescriptions in the treated stands are focused on retaining and enhancing the survival of all older trees (by eliminating neighboring competitors and fuels) and, in the remainder of the stand, reducing tree density, increasing average tree size, and shifting composition to more fire- and drought-tolerant species, such as pines.

Protection of aquatic systems

S. 1784 uses scientifically-credible methodologies to design riparian buffers, while still achieving the aquatic ecosystem goals of the Aquatic Conservation Strategy (ACS) of the Northwest Forest Plan and other ecological goals for these those forests. This design of riparian buffers is embedded in the continuance of the other components of the ACS, including recognition of key watersheds and requirements for watershed analysis.

Interim buffers (aka Riparian Reserves) of two-site potential tree heights on fish-bearing streams and one-site potential tree height on non-fish bearing streams occupy almost 40% percent of Matrix under the Northwest Forest Plan (NWFP). These interim buffers were identified as part of the NWFP in 1994, with the expectation that subsequently they would be revised during implementation of the NWFP. With rare exception, the interim buffers have not been revised (Thomas et al. 2007).

Recently developed science and analytic tools have opened the way to possible refinement of those buffer sizes. Applying these tools and science to streams in BLM Matrix, Reeves et al. (2013) concluded that alternatives exist to the current implementation of the ACS that reshape and reduce the buffer area needed to meet the goals of the ACS. One alternative has fixed widths and one has variable widths based on stream segment features. Both alternatives utilize "tree tipping" to ensure that thinning within buffers does not negatively affect wood delivery to the stream.[4] In both approaches most of the NWFP riparian buffer will be retained, placed where it will make the most significant contribution to aquatic ecosystem protection. Also, both options limit harvest to younger stands (stands generally less than or equal to 80 years of age). S.1784 allows the use of both alternatives, with scientific review guiding the development of variable width buffers.

Taking a landscape approach

Both Dry and Moist Forest strategies require landscape level planning and implementation to be successful in achieving their ecological and economic objectives. S.1784 recognizes this need by calling for landscape assessments and plans for both Moist Forests and Dry Forests that will guide the actions for each decade.

In Dry Forest landscapes a comprehensive assessment is needed to identify the locations of the denser forest patches for Northern Spotted Owls and other species before restoration treatments are implemented. One way to accomplish this quickly

[4] See Reeves, et al. (2013) for detail on the analysis and alternatives beyond that covered here.

could be by creating an inter-agency, inter-disciplinary team of forest and wildlife scientists and managers, including participants from the US Fish and Wildlife Service, and providing them with resources and an appropriate time line for completion.

In Moist Forest landscapes, a comprehensive assessment is needed to identify the potential locations for variable retention harvest and thinning activities that would meet the goals of the legislation, including support of the Northern Spotted Owl recovery plan. This important and challenging work could best be accomplished over a relatively short time period by an inter-agency, inter-disciplinary team of forest and wildlife scientists and managers, including the important contributions from the US Fish and Wildlife Service and NOAA Fisheries.

A first estimate of resulting harvest levels

Last fall, Dr. Johnson worked with the BLM to estimate the harvest levels that would result from full application of S.1784 to the BLM O&C lands. This work included recognition of the many land allocations and management strategies recognized in S.1784—a daunting task![5] He could not have made these estimates without the sustained and creative support of BLM professionals for which he is very thankful.

Under full implementation of S.1784, Dr. Johnson concluded that harvest on BLM forests in western Oregon could equal or exceed 300 million board feet per year for the next 20 years. That harvest would come from a mixture of variable retention harvests and thinning on Moist Forests and partial cutting on Dry Forests, with Moist Forests providing over three-quarters of the total harvest.

The ecological forestry strategies embedded in S.1784 will enable a sustainable harvest into the distant future. However, Dr. Johnson did not attempt detailed estimates of that level beyond the first 20 years.

Embracing adaptive management

Ecological forestry provides a broad conceptual basis for adaptive management based on principles derived from natural forest ecosystems. Ecological forestry is most certainly not a specific silvicultural system or prescription but, rather, a commitment to manage using our best current knowledge about forest ecosystems and how they work. Insuring that there is the opportunity to practices to evolve as new knowledge becomes available must be an essential part of any program.

Strong commitments to an adaptive management approach are important in moving away from stasis and into the kind of complex, integrated management proposed in S.1784. The legislation contains five-year reviews by regulatory agencies and 10-year reviews by scientists and managers but does not include a commitment to an adaptive management approach within which these reviews can be utilized. The strategy and tactics of adaptive management can and should be added to the legislation. That would include both provisions for monitoring and the ability to modify prescriptions for management based on the results of the monitoring results and periodic reviews. It would also make explicit that silvicultural approaches would evolve as our understanding of these forest ecosystems, their responses to ecologically-based management, and effects of environmental changes become apparent. One major focal point for scientific research should be an expanded understanding of early successional ecosystems and their role in sustaining regional biological diversity. The portion of the O&C lands co-managed by the Secretary and Oregon State University as special management and research areas under the legislation could provide a focal point for this research and monitoring.

PERSONAL REFLECTIONS

Collectively, we have been at work as foresters for over 100 years. Much of that time has been focused on charting the course for our federal forests that would better incorporate and sustain the multiple values that we all have for them. We took on this work to explore management options for federal lands, in part because we sensed a general perception in society and among decision makers that there are only two alternatives for management of federal forests—either clearcuts and even-aged management or preserves, perhaps after an initial period of thinning remaining plantations. In fact, there are many alternatives to these two extremes, although there are places where each has application.

S. 1784 utilizes ecological forestry to develop and present a "third path" for management of federal lands—one firmly based on science and directed toward achiev-

[5] The language on roads in S.1784 is difficult to understand in some places. This work assumes that any of these difficulties will be smoothed, allowing harvest to occur where it has been designated in the legislation.

ing integrated environmental, economic, and cultural goals. We are pleased to have contributed to its development.

The CHAIRMAN. Dr. Franklin, thank you. We would not be at this point without the wonderful work you and Norm Johnson did. We thank you very, very much.

Mr. Miller, you had delays yesterday in the friendly skies, and so appreciate your coming and your expertise.

STATEMENT OF ANDREW MILLER, PRESIDENT/CEO, STIMSON LUMBER COMPANY, PORTLAND, OR

Mr. MILLER. Thank you, Senator. I appreciate the opportunity to address you and your committee.

I really want to thank you for taking the bold step to put this in play and to commit with your colleagues, Representatives DeFazio, Walden, and other members of your committee, to reach a resolution now. I think you know as well as any of us living in Oregon that time really is running out for these rural communities, and I applaud your willingness to step into the fray and find a solution that, albeit nobody will be happy with, but I think that's the essence of good policy in a bipartisan world, where everybody has to come to the middle and find a solution which is really best for the people of Oregon and, particularly, southern rural Oregon.

I've been in this industry for 30-plus years, and I've watched the comings and goings of markets and policies. Change is just the nature of our industry, but it's time to just come together here. My business is not directly affected by this legislation. My business is principally located in northwest Oregon and north Idaho. But grown up and raised in Oregon, and I can see what goes on in these rural communities. That's where I have lived; that's where I conduct my business.

The folks in rural Oregon deserve the opportunity to go back to work. The Federal Government is their landlord, and it's been 20-plus years where these issues have been debated and studied. Governor Kitzhaber, you know, did a remarkable job of bringing the parties together for yet another time, and his O&C Commission.

So, we know that the bookends of these issues and your bill is an appropriate place to begin the process to finally come to the middle and do what we need to do for Oregonians. Thank you.

[The prepared statement of Mr. Miller follows:]

PREPARED STATEMENT OF ANDREW MILLER, PRESIDENT/CEO, STIMSON LUMBER COMPANY, PORTLAND, OR

Good morning, Chairman Wyden, Ranking Member Murkowski, members of the Committee. For the record by name is Andrew Miller, President and CEO of Stimson Lumber Company family-owned company based in Portland, Oregon.

Thank you for the opportunity to appear before the Committee to discuss Senator Wyden's S. 1784.

The issues being addressed by S. 1784 are complex and have long defied resolution to the satisfaction of Oregon's rural communities which are dying away due to inaction, although the nearly two decade long debate about management of Oregon and California Grant Lands (O&C lands), is meeting the environmental organizations' goal of ending active management on these lands.

We are have arrived at the point where two more decades of debate, or even two more years, are not an option for many families, businesses, and communities in Oregon. They do not have that long to live. Several Southern Oregon Counties are bordering on lawlessness due to lack of resources to support basic public safety services. Congress bears responsibility for this dire situation because the Federal gov-

ernment owns approximately 70% of the land in these Counties and thus determines the economic and social well-being of these communities.

Before continuing I would like to take a moment to acknowledge and thank Senators Wyden, Stabenow, Crapo, Risch, their colleagues is the House, Representatives Walden, Schrader, Herrera, and others for their courageous leadership in seeing that vital private forest roads legislation was included in the just passed Farm Bill.

I use the word "courageous" because that is what will be required to pass O&C legislation which actually works on the ground to bring stability, certainty, and sustainability to Oregon's rural communities. The complex web of laws governing management of O&C lands have offered a treasure trove of opportunity by opponents of active, sustainable management to use the Federal Courts to systematically block actions long promised by the Northwest Forest Plan to successfully grind the harvest level down to virtually nothing today.

It took courage to see that the forest roads legislation made it into the Farm Bill, as there was strong opposition to it from environmentalists who wanted to continue to use litigation under the Clean Water Act to impose new permitting requirements for forest roads on private lands.

I applaud Senator Wyden for his willingness to step into the circular firing squad which O&C lands have become, to propose, and I hope to guide through the Senate, legislation which can be joined with O&C land legislation already passed in the House, to deliver a solution which restores hope and opportunity to many Oregonians.

Stimson Lumber is a seven generation family operated company, of which I am a member, which was founded in Michigan in the 1850's and began operating in Oregon in the early 1890's when timberlands were acquired in Northwest Oregon. A mill was built near Forest Grove, Oregon on the eve of the Depression. Six mills have occupied this site over the decades reflecting adaptations to changes in timber and wood products markets, timber type, the impacts of the great Tillamook Burn fires, technology innovations, environmental regulations, and Federal Forest management policies.

I have been working in various forestland and mill operations management positions at Stimson and other companies for 32 years.

Stimson today operates seven mills in Northwest Oregon and North Idaho employing 750 people. Stimson owns and manages 175,000 acres in Oregon and 338,000 acres in Panhandle region of Idaho.

We at Stimson are tree farmers who grow a 40-60 year crop. We plan for and make investments with a two generation mind-set. Stimson's employees have a deeply held regard and reverence for the forest and all it provides. They live in and about the forest. It is their home.

There have been tens of thousands, probably hundreds of thousands written pages of study, testimony, and analysis of the issues involved in active management of the O&C lands. Here today are individuals with more experience and knowledge who can speak to legal, forestry, County impact aspects of S. 1784. Oregon Governor Kitzhaber's O&C Task Force brought together experts and diverse interests in 2012 to once again plow the ground of O&C lands. They produced a comprehensive report detailing the book ends of the issues.

This is now simply a political issues. All the facts are out on the table for all to see. There is no reason for further study. It is time for action. Rural Oregonians deserve transparent and honest leadership from the men and women in this Chamber who hold their fate in their hands.

I spent years as a dirt forester.

While I may not have the pedigree in forest sciences of others in this room, or who have contributed to various O&C studies, I have spent enough years walking around in the forest to know that there is a potentially large gap between legislative language and results in the woods.

I also have spent years tangling in court and in state houses with opponents of timber harvest and public and private lands. Their goal of zero harvest and tactics of using complex Federal and State laws achieve their goal through the Courts is clear. It has been for decades.

Your leadership will be measured not by what is written in legislation, but what concrete actions transpire from your legislation in the forest to improve conditions for the communities of rural Oregon, and the lives of the people who live there.

S. 1784 leaves important questions to be answered. Is the projected annual harvest of 300-350 million board feet sustainable? The bill designates one million acres of O&C lands for permanent conservation. The counterbalance is that this harvest level also be sustained indefinitely.

Language around the ten-year project Environmental Impact Statement (EIS) is vague from the standpoint of implementation and truly streamlining the legal process which has been so artfully used by opponents of O&C timber harvest to stop, or delay current timber sales.

There are experts in these matters who need to be part of the legislation drafting process to insure that whatever legislation passes actually works for Oregonians, and is not just another kick in the gut to people already doubled over by current Federal practices.

I have concerns, as do many private forestland owners in Oregon, that conservation measures contained in S. 1748, especially those dealing with aquatic resources, which exceed those in place under the Oregon Forest Practices Act governing conservation practices on private forestlands, could result in the "Federalization" of private forest practices regulations in Oregon. I ask that S. 1784 make clear that conservation measures to be applied to O&C lands are unique to those lands, and in no way are intended to impinge on State regulations, or rulemaking processes governing private forestlands.

In closing I would like to again thank Senator Wyden for stepping into fray on this very contentious, yet vital issue, to many rural Oregonians.

Few are entirely happy with S. 1784. This is a process. We all know it. We simply have to persevere. The perfect cannot be the undoing of the good. The pieces of a good, but not perfect solution, to provide sustainability, certainty, opportunity, and hope for rural Oregonians are right in front of us. From industry side I believe there is solid support for a final bill which reflects elements of S. 1784 and the House passed O&C bill. The question is whether the environmental opposition side really wants a solution, or simply wants to continue the political debate and legal joisting to run out the clock on rural Oregon.

Thank you.

The CHAIRMAN. Thank you. What's striking about this is that we won a major victory in the Farm Bill. That dealt with the private lands. As you know, that was so important because we would have seen a lot of our private landowners subjected to every manner of litigation, had we not cleared that up. So we've got one down. Now we have two others that I think we can get done in this session, the O&C Bill and the fire prevention effort that Senators Crapo and Risch and I have been talking about.

It's just going to take the kind of stakeholders that are here today. The fact that on short notice you'd fly across the country to weigh in from private forestry is very, very helpful.

Mr. MILLER. I would like to thank you and your colleagues for the tremendous lift on the forest roads legislation in the Farm Bill. I know a lot of work went into that, and there were a lot of folks on the other side of the issue that did not want to see that in the final bill. That's the kind of thing that we need. I mean, that type of stability and certainty is what gives private industry the confidence to hire, to invest, to plan.

You know, we're in a business where we plan 40, 50, 60 years in the future in our investments. When Government policy is coming and going, and when very, very smart and well-funded folks use our legal system—and many of these folks don't live in these communities; they live in swanky places, and they fund activities that derail life for people in our rural communities—I think that's just intolerable.

I thank you for bringing a certainty around some of the really critical issue on forest roads. I believe you and your colleagues will be able to do the same with the O&C legislation.

The CHAIRMAN. I have plenty of questions for this panel, but I know my colleague has got to get out the door very quickly. I have had a tradition, and especially if this is the last hearing, I don't

want to break it. Would you like to say anything at this point, there for a last word for you?

Senator MURKOWSKI. Mr. Chairman, just a thank-you, too, to the panelists. I think the perspective that they have to share today is important. As has been noted, this is not easy stuff. What you have been able to advance today has certainly moved the conversation forward in a way that is important, not only to the residents of your State, but really as we're talking about forestry management in general around the country.

So, just a thank you to each of you. See you down the road, my friend.

The CHAIRMAN. Count on it. Count on it.

I think it's also worth noting, apropos of Senator Murkowski's point that, even when you pass legislation, the conversations continue. As Mr. Miller and environmental folks and I have talked about, we're going to have plenty of discussions with respect to, you know, private lands in our State and bringing together forest products folks and environmentalists and scientists and others.

But now, Oregonians have a chance to make judgments about those issues, rather than having them dictated by courts from afar. So the point's well taken, Mr. Miller.

So, Mr. Matz, welcome.

STATEMENT OF MIKE MATZ, DIRECTOR, U.S. PUBLIC LANDS, THE PEW CHARITABLE TRUSTS

Mr. MATZ. Good morning, Mr. Chairman. So, yes, my name is Mike Matz. I'm Director of U.S. Public Lands at the Pew Charitable Trusts. It's an honor to appear before you in what may be your last hearing in that particular seat. We appreciate the opportunity to share views.

The CHAIRMAN. It's starting to sound a little funereal.

[Laughter.]

Mr. MATZ. The good thing is that you're just moving over one.

The CHAIRMAN. I have 3 children 6 or under. I don't want them to hear about all this.

[Laughter.]

Mr. MATZ. Finding a balance between land production and resource development is not an easy task, as Senator Murkowski just mentioned. There's oftentimes a tendency to revert to entrenched roles with some who want no development and others who want no protection.

We strive to work together to find reasonable resolutions to these conflicts. It doesn't mean everybody gets everything they want. But each side can get much of what's important to them. It can result in a win/win situation. Mr. Chairman, we believe you're well along the path toward achieving that kind of balance.

So, to begin my specific remarks on the bill, I'd like to start with what we see as the clear benefits. One of the most important is the recognition of the need to protect water quality. More than 1.8 million local residents get their drinking water from watersheds in the O&C lands.

With the establishment of the Ford drinking water, special management units, and nearly 165 miles of Wild and Scenic Rivers, and by legislating the Northwest Forest Plan's key watersheds and

riparian reserves in its aquatic conservation strategy, the bill protects drinking water and saves wild salmon and steelhead habitat. The commendable attention paid to water quality is one of the bill's signature features.

The land designations included in the bill are also quite impressive. The bill safeguards parts of this majestic landscape for future generations with two new wilderness areas, the Devil's Staircase and the Wild Rogue, and two new national recreational areas. The special environmental zones and the Illinois Valley botanical and salmon special unit are examples of the care given to the little biological gems.

These enhancements, and the management prescriptions for the ancient forests that grace this part of the country, account for about 1 million acres on the conservation side of the ledger.

One other aspect of this bill we think highly beneficial is the assistance it provides to O&C counties. It's not a panacea, and local political leaders will still need to address fiscal issues and find other sources of revenue. But doubling timber harvests, as BLM modeling projects, in the ecologically sensitive manner called for in the bill, and providing a steady stream of revenue, does help these counties stave off draconian cuts in services that affect everything from law enforcement to libraries. It will also sustain and create resource-dependent jobs for the people who live there.

In the end, creating opportunity for local residents of southwestern Oregon and improving the quality of their lives is important to us, just as protecting water quality and conserving forests are.

I would like to mention a couple of provisions that we think should be improved as the bill moves forward. We understand that crafting legislation as complex as this is a fluid process and that you haven't finished fine-tuning it.

The first area we believe needs to be improved is the way the bill relates to the Endangered Species Act, bedrock environmental law enacted 40 years ago this year. Changes to ESA requirements and procedures aren't necessary to achieve the goals on the timber production side of the ledger. We appreciate your stated intent that you don't want to undermine compliance with ESA or its regulations. We believe minor edits would address our concerns and align the legislation with your intent.

The second issue involves the National Environmental Policy Act. We understand the desire to provide stability to communities and their finances, and certainty to industry in business decisions, so their business decisions can be planned and implemented. We support those goals.

By requiring more environmental analysis up front, as well as increasing timelines for objections to be heard, the bill can achieve more certainty and stability, and more participation on the part of the public, whose lands these are.

So last, Mr. Chairman, we would like to see some additional wilderness protections included in the bill for the backcountry of the Kalmiopsis, the North Umpqua River, Mt. Hebo, and a few other places. They have important fish and wildlife habitat and recreational values, and designating them as wilderness wouldn't detract from the available timber supply.

Mr. Chairman, it's been a real pleasure and a privilege to work with you on this issue, you and your staff. We look forward to continuing that work together when you move over to that next seat. Thank you.

[The prepared statement of Mr. Matz follows:]

PREPARED STATEMENT OF MIKE MATZ, DIRECTOR, U.S. PUBLIC LANDS, THE PEW CHARITABLE TRUSTS

I wish to thank you, Chairman Wyden, Senator Murkowski and members of the Committee for the opportunity to testify today regarding the Oregon and California Land Grant Act of 2013. Chairman Wyden, we appreciate your leadership on this important issue for the State of Oregon.

My name is Mike Matz and I am the Director of U.S. Public Lands at The Pew Charitable Trusts. Our U.S. public lands work is focused on achieving lasting protection for threatened wild lands. We proactively work to preserve some of the nation's last, best wild places in three ways:

1. Secure new legislatively protected designations for special areas on federal public lands across the country as a part of the National Wilderness Preservation System;
2. Secure legislative or administrative protection for other ecologically important areas as national monuments, national conservation areas or national recreation areas; and
3. Secure enhanced protection for critical ecological gems on Bureau of Land Management holdings through administrative procedures.

To conduct this work we partner with local wilderness organizations across the country to provide expertise in campaign planning and implementation. We are currently working with over 20 local groups in 12 states on 24 separate wilderness bills that are before Congress.

We engage in campaigns where we believe our expertise and efforts can help bring about balanced protections for the lands for which we care deeply, and needed stability for the local communities whose residents often depend on the natural resources around them for their livelihoods. We don't shy away from complex, or "tricky," issues. We have found that by talking these matters through with stakeholders, asking questions, and throwing out ideas, you can often find solutions where it was assumed none existed. We've discovered that one can simultaneously protect many thousands of acres of ecologically important wild lands while providing some economic stability for local communities and certainty for resource-based businesses.

It was with this balanced approach that we engaged in the Oregon and California Lands issue over a year ago. We are working with conservation partners—both local and national—as well as local business owners to ensure that any agreed-upon solution is balanced, protects water resources and sensitive old-growth habitat in western Oregon, and promotes the regional economy.

O&C LANDS BACKGROUND

Nestled throughout western Oregon are 2.8 million acres of federal lands—commonly referred to as O&C lands—rich with biodiversity and fraught with management challenges. These lands are some of the most unique landscapes in the world, harboring many distinct plant communities—temperate rain forests, ancient conifer forests, oak forests, and savannas—which include more than 300 plant species found nowhere else on Earth and which provide a home to a variety of endangered species, including wild salmon, steelhead, spotted owls, and marbled murrelets. At the same time, the ancient trees that once graced these lands were the economic backbone of many rural communities, and as such, for decades these lands have fallen into the all-too-familiar debate between species protection and timber production.

In 1866, Congress established a land-grant program to the Oregon & California (O&C) Railroad Company for the completion of the rail line between Portland and San Francisco. The grant required the company to sell the deeded land to settlers to promote economic prosperity. Forty years later, when the company failed to fully meet the terms of the agreement, the federal government reclaimed the remaining unsold lands. The lands are currently managed under the 1937 Oregon and California Revested Lands Sustained Yield Management Act (O&C Act of 1937) that reclaimed these mostly forested lands. As such, these lands are unique in the coun-

try—their management structure is based on a combination of the O&C Act of 1937 and the Northwest Forest Plan.

Prior to the development of the Northwest Forest Plan (NWFP) in 1994, timber production from O&C lands annually generated large amounts of revenues for the so-called O&C counties. Counties became dependent upon this revenue source and when it became clear that application of the NWFP would result in significantly less timber revenues for these counties, a short-term legislative "fix" was crafted as a transitional funding source to ease the financial pain to counties as they adjusted local tax policy and made other economic changes. Most counties did not make the necessary budget changes, hoping instead for further timber revenues, and Oregon's tax structure made certain tax changes more difficult for these counties. As a result, many O&C counties have found themselves in financial trouble, with some likely to go insolvent in the next year if additional funding is not secured.

Through the late 1980s, during the height of logging in the Pacific Northwest, intensive cutting liquidated many vulnerable and ecologically valuable stands of old-growth habitat on O&C lands. Yet despite decades of timber harvest, the 2.8 million acres still harbor some of the best old-growth habitat in the western United States.

MOVING FORWARD ON O&C

For decades the appropriate management regime for these lands has been debated. But the continued fighting has left rural communities in disarray, timber production uncertain and protections of our clean drinking water and precious landscapes at the whim of federal courts. It is time to find a solution to this decades-long issue and move forward—to find more certainty for all sides.

Mr. Chairman, we believe that your bill, S.1784, the Oregon and California Land Grant Act of 2013, is a step in the right direction in finding a balanced solution. We appreciate the leadership you have undertaken regarding this issue. With some important adjustments—such as clarifications and modifications to sections of the bill related to the Endangered Species Act (ESA) and National Environmental Policy Act (NEPA)—this bill would protect some of the most unique landscapes and river resources in western Oregon while at the same time providing a more certain source of timber production than the status quo. In fact, it doubles the current timber production on these lands.

Engaging some of the original authors of the Northwest Forest Plan—Dr. K. Norman Johnson, of Oregon State University, College of Forestry, and Dr. Jerry F. Franklin, of the University of Washington, College of Forest Resources—to craft the timber management provisions in the bill has helped to ensure that your bill's approach is thoughtful and scientific. The important effort made to reach out to the conservation community and other stakeholders to discuss the important ecological components of the landscape and the rivers that flow through these forests has ensured a vast array of conservation protections for some key areas in the O&C landscape.

CONSERVATION PROTECTIONS

In particular, Pew would like to highlight just a few of the important conservation protections that S. 1784 provides.

1. Wild Rogue and Devil's Staircase Wilderness Areas.—Title III of S. 1784 sets out the protection of two of the region's most important wild areas, the Rogue and Devil's Staircase. We appreciate the work your office has done to continue to move these protections and look forward to the full Committee's support for these provisions.

2. Rogue and Molalla National Recreation Areas.—Sections 106 and 107 provide protection for two notable river systems in Oregon, the Rogue River and the Molalla River, respectively. These areas, while important ecologically, also provide important recreational and economic opportunities in the state. The protection of these places as National Recreation Areas illustrates the point that protecting the environment is also beneficial for the economic bottom line.

3. Wild and Scenic River Protections.—Titles I and III designate almost 180 miles of wild and scenic river. These rivers are the bloodlines of Western Oregon, providing clean drinking water to more than 1.8 million Oregonians in rural and urban communities and the habitat necessary to protect and restore Oregon's fabled wild salmon populations.

4. Legacy Old Growth Protection Network.—Section 102 legislates the protection of old growth forests on O&C lands. Preserving the remaining stands of old-growth forests on federal lands in the Northwest has long been recognized as essential to the long-term health of the forests and the plants and animals that depend on them for survival. Protecting these ancient forests on O&C

lands ensures that these invaluable trees continue to play an important role in producing clean water, absorbing carbon, and providing refuge for flora and fauna alike.

5. Primitive Backcountry Areas.—In Section 115, the bill identifies six Primitive Backcountry Areas—Grizzly Peak, Dakubetede, Wellington Wildlands, Mungers Butte, Brumitt Fir, and Crab-tree Valley—all of which contain large swatches of land identified by the Bureau of Land Management as lands with wilderness characteristics. These areas are respites for hunters and anglers alike, as well as important for plant and wildlife species. While we believe at least some of these areas could and should be protected as wilderness, we appreciate the current designations and look forward to working with your staff on refinements.

6. Special Environmental Zones.—The O&C lands include more than 80,000 acres identified by the Bureau of Land Management and citizens as "Areas of Critical Environmental Concern"—habitats, resources, or landscapes in need of special management. These ecologically important locations, found in approximately 133 places, are scattered throughout western Oregon. They range in size from the 1,700-acre Bobby Creek Research Natural Area, with its rare plants and endangered stands of Port Orford cedar, to a 10-acre tract of land that is home to the northernmost grove of rare Baker cypress. The Valley of the Giants, a 1,300-acre tract in the central Oregon Coast Range, is valued for its scenic beauty, its fish and wildlife habitat, and as an example of a healthy, ancient-forest ecosystem. These are truly some of the most unique acres in the O&C landscape and we support and appreciate their protection as designated under Section 116.

7. Illinois Valley Salmon and Botanical Area Special Management Unit.—The Illinois River Valley in southern Oregon is renowned for its remarkable salmon runs and it spectacular and truly unique botanical resources. Visitors from around the globe come to fish these waters and to admire the beauty of this valley. Section 113 ensures the protection of these resources for future generations.

8. Drinking Water Special Management Units.—Sections 108 through 111 identify four special areas—McKenzie, Hillsboro, Clackamas, and Springfield/Eugene—dedicated to the protection of clean drinking water for various communities. The rivers that run through the O&C lands produce clean drinking water for more than 1.8 million Oregonians, and the protection of these key areas from contamination is both imperative to retain the high quality of clean drinking water available in the state while at the same time reducing secondary filtration costs otherwise necessary for delivering safe and affordable potable water to citizens across the state.

9. Riparian Reserves & Watershed Protections.—The Northwest Forest Plan's (NWFP's) Aquatic Conservation Strategy (ACS) has proven to be one of the most effective management strategies on federal lands. This provision has ensured the protection and restoration of aquatic resources throughout the Northwest. We are pleased that S.1784 legislates the ACS's goals and objectives of the NWFP, protects Key Watersheds, and applies the NWFP's current riparian reserves on approximately two-thirds of the O&C landscape. This approach is critical for clean drinking water resources, and protections for wild salmon.

We commend you for including these provisions and others I have not specifically listed above (including the expansion of the Cascade-Siskiyou National Monument, the protection of the Pacific Coast Trail, and the protection of critical habitat for fish and wildlife). These protections are essential to the balance we believe the bill's framework exhibits.

We know getting this far was not easy and we appreciate the time, dedication and leadership you have shown to craft a bill around these conservation pillars.

AREAS OF IMPROVEMENT

As you know, we are continuing to work with you and your staff on several areas that we believe could use clarification, refinement, and improvement. In particular, I'd like to highlight five sections where changes would make this legislation a better policy prescription for these O&C lands:

1. Endangered Species Act Protections.—We understand your stated intent when advancing this bill was to refrain from undermining key provisions of the Endangered Species Act (ESA). As you well know, the ESA, while often touted as a litigation roadblock to timber production in Oregon, does not in fact hold up timber production in the courts. Litigation limiting timber sales in Oregon

is found under other federal law claims, but not under ESA legal claims. Changes to the ESA are not necessary to move more timber from our public lands and to revise ESA procedures based on mistaken assumptions about the law would be unsound public policy. As currently written, we have some concerns in this regard, but appreciate the effort you and your staff are making to ensure that the bill does not undermine this important federal environmental law.

2. National Environmental Policy Act.—The National Environmental Policy Act ensures that federal agencies follow appropriate procedures to ensure the protection of our natural resources while at the same time ensuring that policy makers and the public are fully aware the potential environmental impacts of agency actions. This law has been instrumental in allowing public oversight of federal actions.

We also understand the desire to apply this law in a way that ensures clarity without undermining the basic tenants of the law. There are several clarifications and changes we have suggested to achieve this balance and are working closely with your staff to work through potential changes. In particular, we believe that there is a way to ensure that there is more information analyzed and assessed upfront in the agency decision-making process so that actions can move forward with more certainty once decisions are indeed made. This would also give the public more information at the start to understand the implications of the agency decisions. We believe this type of approach will provide the certainty the timber industry is seeking while at the same time ensuring the proper level of assessment of the environmental impacts of any future timber sales.

3. Monitoring and Evaluation.—As we stated, we appreciate the scientific approach you have taken in this bill by bringing together some of the leading forestry experts in the region to help guide the management strategies identified in this bill. At the same time, these are new approaches and new scientific ideas. We urge you to include a provision in the bill to provide for robust monitoring and evaluation of the proposed timber management regime, and its impact on water quality and fish and wildlife. The provision we suggest would require annual monitoring, analyses after the first five years and each five years after that, and an ability to adaptively manage and change course if the science illustrates that the path laid out in the bill is indeed having impacts—positive or negative—that were not anticipated at this stage.

4. Land Consolidation.—Section 117 of the bill includes a land ownership consolidation provision. Pew supports the general concept. We believe that consolidating the checker-board of O&C lands could have positive impacts for fish and wildlife in the region. At the same time, the language in this section as introduced appears to provide an incentive to sell or trade public lands without assurance that such a sale would indeed promote important conservative objectives.

5. Additional Wilderness Opportunities.—Six large blocks of contiguous O&C land—both BLM managed lands specifically addressed under S.1784 and Forest Service managed lands, not currently addressed under this bill—are excellent candidates for federal wilderness protection: Rogue River Canyon, Devil's Staircase, Mt. Hebo, McKenzie River headwaters, Kalmiopsis backcountry, and North Umpqua River wilderness. While S.1784 sets forth wilderness protection for two of these areas, the Wild Rogue and Devil's Staircase, these four other areas are also worthy of wilderness designation. These areas cover both O&C and adjacent inventoried roadless areas—public lands managed by the U.S. Forest Service and under a policy limiting road construction and the resulting environmental impact. Ancient forests and rare flowers, as well as bears, cougars, eagles, wild salmon, and threatened and endangered species make their homes in these places. The checkerboard land ownership patterns may complicate management, but these lands have outstanding wild character. They deserve to be safeguarded for future generations and granted special protection by the federal government. Attached to this testimony, and released today, is a list of more than 50 local businesses which also support the protection of these areas. We urge you to consider the protection of these special places in S.1784 as well.

CONCLUSION

On behalf of The Pew Charitable Trusts, I want to thank you for the opportunity to come before you today to voice our views on S.1784. We are committed to continuing to work with you and the Committee to ensure we achieve a final bill that

incorporates values we all hold dear—the protection of our natural environment and the economic vitality of rural communities in Oregon.

The CHAIRMAN. Thank you very much, Mr. Matz. Without making this a bouquet-tossing contest, the expertise that you all have on environmental issues has been absolutely invaluable in terms of trying to address these issues.

I think everybody knows that I have made protecting Oregon's treasures one of my priorities on my watch in the Senate. When the President that was sworn in in 2009, we got those big batch of bills passed. Mr. Stevens, I think his organization remembers that the Mt. Hood and the Badlands and the copper salmon and southern Oregon treasures, I mean, that was really, in my view, one of the moments in public service that I will always remember.

So we will be working very closely with you. I think it's fair to say that what Oregonians want is they want us to find a path to ensure that people in rural communities can make a living and make sure that we protect our treasures. I'm just not going to buy that these are mutually exclusive. The fact that you all have been willing to reject what I call the tyranny of the extremes has been hugely helpful.

Mr. Robertson, welcome. I'm going to be in your hometown for a town meeting on Saturday afternoon, so you can give me a little bit of a preview now. We appreciate your being here.

STATEMENT OF DOUG ROBERTSON, COMMISSIONER, ON BEHALF OF THE ASSOCIATION OF O&C COUNTIES

Mr. ROBERTSON. Mr. Chairman, thank you very much. My name is Doug Robertson. I'm a county commissioner in Douglas County, Oregon, and also President of the Association of O&C Counties.

As you know, Mr. Chairman, but I think it's important to emphasize, the O&C lands exist only in the State of Oregon. There are no O&C lands in any other State. The lands were part of a grant in the late 1800s to the Oregon California Railroad Company. The railroad was built, completed in 1887, but the terms of the grant were violated. So after decades in private ownership, and at the urging of Oregon citizens and local governments, the lands were taken back by the United States in 1916 with the intent that they be re-conveyed back into private ownership as rapidly as possible.

The policy of disposal of the lands was unsuccessful and ended with the passage of the O&C Act of 1937, which is still on the books today.

The O&C Act directed that the grant lands remaining in Federal ownership in 1937 be retained and managed primarily for timber production and the principles of sustained yield to produce revenue for local governments and to provide a stable source of timber supply in perpetuity. The O&C lands are unlike any other Federal lands. They are unique historically, legally, and physically. They are not national forests, and their management mandate is not multiple-use.

The United States followed the intent of the O&C Act closely for 50 years, but not so on in the last 20 years. The O&C lands are capable of producing 1.2 billion feet of wood fiber every year. But over the last 20 years, because of many factors, harvest levels and revenue generation have declined by almost 90 percent. The con-

sequences of these declines are more than just numbers. It's the people who pay the price.

While counties teeter on the brink of insolvency and chronic unemployment remains well above the national average, the social ills of substance abuse, gambling addiction, homelessness, and a spike in property crimes continues to rise.

Senator Wyden, your bill is an attempt to restore some semblance of rational management to the O&C lands, and we certainly applaud your efforts. While we are not ready to take a position on the bill at this time, it appears that the volume generated would only be available for 10 to 20 years, not on a sustainable basis, and that revenue generation was not a goal of the bill at all. Governor Kitzhaber has set in motion a process for objectively analyzing the bill to independently assess the sustainable levels of timber harvest and revenues it would produce.

Meanwhile, there are more questions. What about legal certainty? It should be noted that, just 2 weeks ago, environmental organizations filed litigation challenging the White Castle pilot project. The pilot project, sponsored by former Secretary of Interior Ken Salazar, that uses the same ecological forestry methods that form the basis of this bill.

We applaud you, Senator Wyden, for the initial efforts to streamline procedural requirements pertaining to the environmental impact statements and the National Environmental Policy Act. We fear, however, that improvements in this area might be more than offset by loopholes in new substantive requirements in other sections of the bill.

In September of last year, with the support and sponsorship of Congressmen DeFazio, Walden, and Schrader, the House of Representatives passed the O&C Trust Conservation Jobs Act, which the Association of O&C Counties strongly supports. It is our hope that your committee will come together in conference with the House delegation and incorporate the best elements from each of these pieces of legislation into a bill that provides the legal certainty, the harvest levels, revenue generation, and environmental safeguards that all stakeholders can accept.

Finally, Senator Wyden, those of us who live in the counties that are impacted by these lands, we can't change our geography. We live where we live. It happens that we live among some of the most productive and valuable low-elevation timberlands in the world. Yet, with all that potential, because of a maze of Federal rules, restrictions, regulations, and requirements, these lands are not and cannot be managed for their stated purposes.

BLM land managers don't manage these lands anymore. They manage paper, process, and litigation. That is of no benefit to the Federal Government, to the counties, to our economies, or the environment. It simply must change. Thank you.

[The prepared statement of Mr. Robertson follows:]

PREPARED STATEMENT OF DOUG ROBERTSON, COMMISSIONER, ON BEHALF OF THE ASSOCIATION OF O&C COUNTIES

Mr. Chairperson, Ranking Member and Members of the Committee:

My name is Doug Robertson. I am a County Commissioner from Douglas County, Oregon, and am President of the Association of O&C Counties. Thank you for the

opportunity to testify today concerning Senator Wyden's proposed Oregon and California Grant Lands Act.

This bill addresses management of about 2.1 million acres of land in 18 counties in Western Oregon. A quarter of these lands are scattered across my County, the rest are spread out in a checkerboard pattern across the other 17 counties western Oregon. In spite of the name, the O&C lands exist only in Oregon and nowhere else.

The lands were part of a grant in the late 1800s to the Oregon and California Railroad Company, in exchange for construction of a rail line from the Columbia River to the California border. The grant was for alternating sections of land on both sides of the rail line, in a checkerboard pattern, which the railroad company was supposed to resell in 160-acre parcels to actual settlers for no more than $2.50 per acre. The railroad was built but the terms of the grant were violated, so after decades in private ownership and at the urging of Oregon's citizens and local governments, the lands were taken back by the United States in 1916, with the intent they be reconveyed back into private ownership as rapidly as possible. The policy of disposal of the lands was ended with passage of the O&C Act of 1937, which is still on the books today. The O&C Act directed that the grant lands remaining in federal ownership in 1937 be retained and managed primarily for timber production under principles of sustained yield to produce revenue for local governments and to provide a stable source of timber supply, in perpetuity. The O&C lands are unique, and their statutory mandate is unique. On the O&C lands, the law provides for one dominant use—-timber production—-very unlike the multiple use mandates applicable to National Forests and most other federal lands.

The United States followed the intent of the O&C Act closely for 50 years, but not so much for the last 20 years. The O&C lands are capable of producing 1.2 billion board feet of timber on a sustained yield basis, forever, but over the last 20 years harvest levels have declined by almost 90 percent, to less than 200 million board feet per year. The generation of revenue for local governments, which was the primary objective of the O&C Act, likewise shrank by almost 90 percent, a loss that would have bankrupted many O&C counties had Congress not intervened repeatedly to provide assistance as part of the temporary Secure Rural Schools and Community Self-Determination Act program. The consequences of these declines are more than just the numbers that measure them. It is the people who pay the price. While counties teeter on the brink of insolvency, the last of the mills in some areas continue to close for lack of raw materials, contributing to unemployment that is chronically well above the national average, and the populace nears the end of the painful slide into the swamp of poverty, with all the attendant social ills that plague broken communities. And of course, the great irony is that the forests "saved" from timber harvest by the environmental movement are burning up all around us every summer. In my County alone last summer, wildfire destroyed over 50,000 acres of valuable timberland, an economic loss, to be sure, but also a great loss to the environment. The federal system for managing these lands is in desperate need of repair or replacement.

Senator Wyden's bill is an attempt to restore some semblance of rational management to the O&C lands. We applaud the Senator's intentions. Unfortunately, I fear the bill will do less than intended, and not nearly enough for local communities, considering what these lands are capable of producing. We are not yet in a position to judge what the bill would do, because it has not been properly analyzed. Governor Kitzhaber has set in motion a process for objectively analyzing the bill, to independently assess the sustainable levels of timber harvest and revenues it would produce, but that effort has been delayed by the BLM, which has been very slow to respond to requests for the information necessary for the Governor's experts to proceed with their analysis. We have been told that the Governor's experts will not have results until mid to late March.

Meanwhile, we are left with more questions than answers:

How much timber would be made available on a sustainable basis?

One estimate heard is about 330 million board feet per year, but preliminary information suggests that would only be for 10 to 20 years, after which the harvest level would drop substantially, perhaps by as much as 50 percent. The Counties believe that 500 million board feet per year on a sustained yield basis is the minimum acceptable, considering that amount is less than half of the amount of new growth added by the timber on these lands each year.

How much revenue would be produced to share with Counties?

Senator Wyden's staff told the Counties that no revenue projections were made by them or for them, and generating revenue was not a goal of the bill. I must report that the Counties were chagrined to hear that County revenue concerns were

not a factor in the design of the bill that is before you today. When the Governor's revenue analysis is available, we will know better if the bill is worthy of our support.

How certain is it that the bill would reduce litigation that has been obstructing rational management?

Even if the bill were projected under ideal conditions to produce adequate harvests and revenues, would appeals and litigation prevent achieving the intended results? It should be noted that just 10 days ago environmental organizations filed litigation challenging the White Castle pilot project that uses the same ecological forestry methods that form the basis for S.1784, which is a clear indication that the litigation onslaught will continue as long as it is allowed to continue. We applaud Senator Wyden for his initial efforts to streamline procedural requirements by the creation of a programmatic EIS and partially limiting the NEPA requirements for individual projects. We fear, however, that improvements in that one area might be more than offset by loopholes and new substantive requirements. We hope that Senator Wyden will be willing in the coming weeks to discuss possible ways to increase the certainty of achieving the outcomes intended by his bill.

The Association of O&C Counties remains supportive of the bipartisan O&C Trust, Conservation and Jobs Act sponsored by Congressmen DeFazio, Walden and Schrader, which was passed by the House of Representatives in September. There are some broad, common themes underlying it and Senator Wyden's proposal. It is our hope that Senator Wyden and others from this body will work with Congressmen DeFazio, Walden and Schrader to identify the best parts of each proposal, blending them to produce a combined bill that earns widespread support in Congress as well as the support of those of us who live and work among the O&C lands.

The CHAIRMAN. Thank you, Mr. Robertson. I think you saw when Congressman DeFazio was here, and from the constructive tone of his comments, that our delegation is very much determined to make these kinds of changes. We will look forward to following up with you.

Mr. Stevens, welcome.

STATEMENT OF SEAN STEVENS, EXECUTIVE DIRECTOR, OREGON WILD

Mr. STEVENS. Thank you, Chairman Wyden, for the opportunity to testify today. My name is Sean Stevens. I'm the Executive Director of Oregon Wild. We're a conservation organization representing over 13,000 members and supporters. This year in 2014, we celebrate 40 years of protecting and restoring Oregon's wild lands, wildlife, and waters.

Over the past two decades, we've worked closely with Chairman Wyden and his staff on important environmental policies for Oregon. With the chairman's leadership, we work together to protect more of Mt. Hood and the Columbia Gorge as wilderness, as the Senator mentioned, and joined with the chairman's staff and the logging industry to negotiate the compromised Oregon East Side Forest Restoration Old Growth Protection and Jobs Act of 2009.

Oregon Wild has sought to balance the protection of Oregon's special places with science-based management that benefits the environment and sustains rural communities. It is from this perspective of this appreciation for our past work together that we must oppose S. 1784. The vast majority of local and national conservation organizations are similarly opposed and have sent letters to this effect.

S. 1784 seeks to re-link funding for 18 Oregon counties to aggressive logging of publicly owned Bureau of Land Management lands in western Oregon. The bill would dramatically weaken President Clinton's historic 1994 Northwest Forest Plan and significantly un-

dermine Federal environmental laws, such as the Endangered Species Act and the National Environmental Policy Act.

In one sense, S. 1784 was drafted with the best of intentions, attempting to keep county governments in Oregon from going bankrupt. No one wants to see public services in rural Oregon disappear. However, while we face these budget challenges in real time, we must not forget how we got here. For decades, the BLM and forest service operated as if their only mission were to clear-cut public lands. It took a tremendous outpouring of public demand to reform the agencies to ensure wildlife, wild salmon, clean water, and clean air received equal priority to logging, as the law then and today requires.

Had Oregon not clear-cut nearly 90 percent of our ancient forests, pushed numerous wild salmon runs to the brink of extinction, and muddied clean drinking water through excessive logging, we may have faced a much different world today. The O&C Land Act of 2013, had it been written and passed in 1984, could have been a sane alternative to the destruction that occurred.

But this isn't 1984, and we cannot ignore the huge mistakes of the past. We must chart a path forward that repairs the damage to our forests, not a path that makes it worse.

Chairman Wyden, you were right when you worked to pass the Secure Rural Schools Act and de-linked logging on public lands from funding for county services. At the time, you said in The Oregonian, "The new relationship between the counties and the Federal Government means that the twenty-first century relationship is not just going to be about cutting trees."

That statement is as wise today as it was 14 years ago. It makes no sense to fund local county governments, counties that have some of the lowest local tax rates in the Nation, by logging public lands that belong to all Americans.

When we see our forests as national resources to steward rather than simply as piggybanks, amazing things happen. Oregon Wild has seen it on the ground. While we are often accused of being so, we are not anti-logging. For nearly two decades, we have worked alongside the forest service, timber companies, and other local stakeholders to push collaborative forest restoration. We've heard it from both the forest service and BLM earlier how they're working in collaboratives.

We worked in the Siuslaw National Forest. Because of our work there restoring forests and sending trees to the mills, we've twice been recognized with the Two Chiefs Award from the forest service and NRCS.

Still, we should be clear-eyed. In 2014, logging is no longer the driver of Oregon's economy, even its rural economy. Last year, Oregon ranked third in the Nation in job growth, thanks to a thriving high-tech industry and our tourism and outdoor recreation economy. Oregon's quality of life, our forests, rivers, and mountains, are integral to that success, bringing new people and new investment to our State.

Chairman Wyden, while the goal of your legislation is laudable, it puts Oregon's economic and environmental future at risk in an attempt to resurrect the economy of the 1980s. As you wisely point-

ed out more than a decade ago, funding budgets by aggressively logging public lands is a failed model.

We can and should find a balance between active management and preservation. We appreciate your efforts to write into this legislation protection for some of our oldest forests and wilderness gems. However, during the last century, the scales have tipped so far toward harmful logging that in the future, we must create balance by restoring lands we have mismanaged and protecting other natural resource values that will drive Oregon's future.

Will this cautious, sensible approach we recommend result in a massive bailout check for county politicians? No, it will not. Will it preserve Oregon's environmental values and pass on a natural legacy to future generations? Yes, it will. That's the balance that we need today.

Thank you for the opportunity to testify.

[The prepared statement of Mr. Stevens follows:]

PREPARED STATEMENT OF SEAN STEVENS, EXECUTIVE DIRECTOR, OREGON WILD

Thank you to Chairman Wyden and the members of the committee for the opportunity to testify today on the O&C Land Grant Act of 2013.

My name is Sean Stevens, and I am the executive director of Oregon Wild, a conservation organization representing over 13,000 members and supporters. In 2014 we celebrate 40 years of protecting and restoring Oregon's wildlands, wildlife, and waters.

Over the last two decades we have worked closely with Chairman Wyden and his staff on important environmental policy for Oregon. We worked together to protect more of Mount Hood and the Columbia Gorge as Wilderness, and joined with the Chairman's staff and the logging industry to negotiate the Oregon Eastside Forest Restoration, Old-Growth Protection and Jobs Act of 2009. Oregon Wild has sought to balance the protection of Oregon's special places with science-based management that benefits the environment and sustains rural communities.

It is from this perspective of appreciation for our past work together that we must oppose S.1784. Dozens of other conservation groups with membership numbering in the millions are similarly opposed and have sent letters to you, and to other members of Congress, to this effect. (See Appendices A and B).

This bill seeks to re-link funding for 18 Oregon counties to aggressive logging of publicly-owned Bureau of Land Management lands in western Oregon. S.1784 would dramatically weaken President Clinton's historic 1994 Northwest Forest Plan (NWFP) and significantly undermine federal environmental laws like the Clean Water Act (CWA), Endangered Species Act (ESA), and National Environmental Policy Act (NEPA).

The legislation, as introduced, represents a significant departure from the principles laid out in Chairman Wyden's document titled "Principles for an O&C Solution: A Roadmap for Federal Legislation to Navigate both the House and Senate," released in 2012. Those principles represented a good starting point for discussion to craft a workable, balanced, and realistic legislative proposal that did not sacrifice conservation values that Oregonians, and all Americans, hold dear.

ENDANGERED SPECIES

S.1784 proposes to override critical and long-standing requirements of the ESA in some sections, and weakens them in others. Harmful logging in critical habitat for listed species is allowed (see Figs 1 and 2 below).* The bill appears to create weaker ESA consultation requirements than exists under current law. The BLM can, but does not have to, ask federal wildlife agencies for a determination of whether activities will impact threatened species, and whether a project can move forward or if it requires consultation.

Furthermore, S.1784 eliminates the survey and manage program of the NWFP on Forestry Emphasis Areas. This "look-before-you-log" program is specifically designed to avoid logging impacts that could result in future ESA listings. The survey and

*All figures have been retained in committee files.

manage program was deemed a "foundational" element of the NWFP by the courts when the Bush administration tried to remove it.[1]

PUBLIC PROCESS

In regards to NEPA, the bill would severely undermine the law by eliminating environmental analysis and public review of individual timber sales, and mandating a single large-scale analysis covering 10 years of logging spread over one million acres of western Oregon.

Currently, individual timber sales go through rigorous environmental review and public vetting to ensure they are consistent with applicable law and do not irreparably harm the environment. However, S. 1784's mandate to analyze 10 years of logging in a single Environmental Impact Statement (EIS) disregards the critical need for site-specific reviews of a project's impacts. By eliminating project-level review under NEPA, the public will be largely unable to ensure that BLM makes informed decisions and carefully considers the best available science, public input, local conditions, and changed circumstances.

While members of the public may still challenge the large-scale EISs, severe timing and content restrictions are placed on those seeking to hold federal agencies accountable to federal laws. Chairman Wyden, we are disappointed to see you endorse significant and precedent-setting restrictions on the ability of citizens to participate in a federal process, particularly given your commitment to other government transparency and accountability issues.

NORTHWEST FOREST PLAN

Along with eliminating the survey and manage program, S.1784 further undermines the landmark Clinton NWFP by dismantling the 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 NWFP.

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.

DISPOSING OF PUBLIC LANDS

Provisions in S.1784 allow for land sales and exchanges. Historic consolidation and privatization proposals involving the transfer of public lands to private logging interests have resulted in losses to the environment and American taxpayers.

Rather than giving careful consideration to consolidation or land sales/exchanges, S.1784 allows the fast-tracking of privatization of public lands by reducing public oversight. These provisions do not ensure that such land trades are in the public interest, and shortchange the American public and the long-term conservation of public resources.

CLIMATE CHANGE

For the last century logging in western Oregon has contributed to climate change by emitting millions of tons of CO2 into the atmosphere. After harvest levels were reduced by the NWFP, the USFS and BLM have shifted emphasis toward conservation and a program of extensive thinning in young stands. Consequently, the flow of carbon has reversed, and at least on federal lands, there is now more carbon being absorbed and stored by growing trees, and less carbon being emitted by logging.

However, there is still a long way to go before our public forests recapture all the carbon transferred to the atmosphere during decades of old growth liquidation. S.1784 would increase logging on BLM lands in western Oregon, including reducing the area of reserves and clearcutting of carbon-rich mature forests. This represents a shift from land uses that store more carbon to land uses that store less carbon. This will increase emissions of CO_2 and curtail progress on climate change mitigation in direct conflict with current administration climate policy which is to "preserve[e] the role of forests in mitigating climate change."[2]

This is particularly troubling because the highly productive forests on BLM lands in western Oregon are very well suited for carbon storage, and conservation of carbon is highly compatible with many other important public values, such as clean water, fish and wildlife habitat, recreation, and quality of life.

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[1] Northwest Ecosystem Alliance v. Rey, 380 F. Supp. 2d 1175, 1192 (W.D. Wash. 2005).

[2] President's Climate Action Plan. http://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf

HISTORICAL CONTEXT

In one sense, this legislation was drafted with the best of intentions—attempting to keep county governments in Oregon from going bankrupt. No one wants to see public services in rural Oregon disappear. However, while we face these budget challenges in real time, we must not forget how we got here.

For decades, the BLM and the Forest Service operated as if their only mission were to clearcut public lands. It took a tremendous outpouring of public demand to reform the BLM and Forest Service to ensure wildlife, wild salmon, clean water, and clean air received equal priority to logging.

Had we not clearcut nearly 90% of our ancient forests, pushed numerous wild salmon runs to the brink of extinction, and muddied our clean drinking water through excessive logging—we may have faced a much different world today. The O&C Land Grant Act of 2013, had it been written and passed in 1974, could have been a sane alternative to the destruction.

But this isn't 1974, and we cannot ignore the huge mistakes of the past. We must chart a path forward that repairs the damage from past mismanagement of our forests, not a path that makes it worse.

Chairman Wyden, you were right when you worked to pass the Secure Rural Schools Act and de-linked logging on public lands from funding for county services.

At the time, you said in The Oregonian newspaper: "The new relationship between the counties and the federal government means that the 21st century relationship is not just going to be about cutting trees."[3]

That statement is as wise today as it was 14 years ago. It makes no sense to fund local county governments—counties that have some of the lowest local tax rates in the nation (see Fig 3)—by logging public lands that belong to all Americans.

RESTORATION BASED LOGGING

When we see our forests as natural resources to steward rather than simply as piggy banks, amazing things happen.

Oregon Wild has seen it on the ground. While we are often accused of being so, we are not anti-logging. For nearly two decades we have worked alongside the Forest Service, timber companies, watershed councils, and other local stakeholders to push collaborative forest restoration in places like the Siuslaw National Forest. Because of our work restoring forests, putting people to work in the woods, and sending trees to the mills we've twice been recognized with the Two Chiefs Award from the Forest Service and NRCS.

In the 1980s, the Siuslaw National Forest was ground zero in the timber wars. Under the visionary leadership of former Forest Supervisor Jim Furnish and his successors, the Siuslaw decided to abandon controversial clearcutting and move away from logging forests older than 80 years old. Instead, they focused on working collaboratively with the local community to develop sustainable thinning projects in younger stands. Over the last twenty years, these projects have allowed the Siuslaw to consistently meet or exceed timber production goals while improving environmental health.

The Siuslaw model was made possible by President Clinton's historic 1994 Northwest Forest Plan. Under the plan, some areas were set aside as old-growth and wildlife reserves, while others were managed for multiple values. Logging was to be a secondary goal, taking a back seat to protecting clean drinking water, recovering old-growth forests, and restoring abundant populations of endangered salmon and wildlife.

The clear playing field and ground rules the plan created was the starting point for government agencies, responsible logging companies, and conservationists to work together to develop a new model of forestry—one that did not rely on clearcutting forests and sacrificing rivers and wildlife. No place epitomizes that progress better than the Siuslaw National Forest.

On federal public lands the Siuslaw model has great potential and should become the norm all across western Oregon. However, private forest lands also hold a key to solving our county funding mess. The past five years have seen a dramatic jump in log exports from Oregon and Washington.[4] Exports off of private lands in Oregon send jobs to China while doing nothing to pay for county services. Addressing this

[3] Barnett, Jim and Hogan, Dave. "Senators Offer Plan To Rescue Forest Counties." The Oregonian 8 September 2000: A20. Print.

[4] Templeton, Amelia (Producer). (2013, November 13). "China's Building Boom Revives Northwest Log Export Debate." Portland: OPB News. http://earthfix.opb.org/land/article/chinas-construction-revives-northwest-log-export-d/

growing trend could not only alleviate pressure to log federal public lands but help to keep milling jobs in Oregon.

While exports have increased, state revenue from severance taxes on logging has gone down. In the early 1990s, the state collected about $50 million per year related to harvest in western Oregon. The tax was phased out by the late 1990s and now logging companies pay almost nothing to support the county infrastructure (roads, etc) that they use to extract logs.[5]

Reforms to local and state tax structures combined with federal subsidies that are de-linked from logging levels form a three part, shared responsibility solution that maintains forest values while putting counties on the path to financial stability.

THE ECONOMY OF THE FUTURE

Still, we should be clear-eyed—in 2014, logging is no longer the driver of Oregon's economy. And that's okay. Recent reports show Oregon ranking third in the nation in job growth last year, thanks to a thriving high tech industry, and to our tourism and outdoor recreation economy. Oregon's quality of life—our forests, rivers, and mountains—are a big part of that success, bringing new people and new investment to our state.

The Outdoor Industry Association recently reported that Oregon's annual outdoor recreation economy accounts for $12.8 billion in annual consumer spending and is responsible for 141,000 direct jobs.[6] Furthermore, a recent analysis by Georgetown University found that in Oregon, employment in recreation and related industries is expected to grow by 31 percent by 2020—far surpassing the 3 percent expected job growth in logging and related industries.[7]

Oregon State economists have observed a so-called "changing of the guards" (Fig 4) from the old economy dominated by logging to a new economy based more on attracting talented workers from across the globe who desire to live in a setting like Oregon.

CONCLUSION

Chairman Wyden, while the goal of your legislation is laudable, it puts Oregon's economic and environmental future at risk in an attempt to resurrect the economy of the 1970s. As you wisely pointed out more than a decade ago, funding county budgets by aggressive logging on public lands is a failed model.

We can and should find a balance between active management and preservation—and we are appreciative of your efforts to write into this legislation protection for some of our oldest forests and Wilderness gems.

However, during the last century, the scales have been tipped so far towards harmful logging that the future must create balance by restoring lands we have mismanaged and protecting other natural resource values that will drive Oregon's future.

Will this cautious, sensible approach result in a massive bailout check for county politicians? No.

Will it preserve Oregon's environmental values and pass on a natural legacy to future generations? Yes it will—and that is the balance that we need.

Thank you for the opportunity to testify before you here today.

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[5] Niemi, Ernie. "Timber changes reflect inequality." Eugene Register Guard 2 February 2014: Online. http://www.registerguard.com/rg/opinion/31069622-78/workers-industry-timber-inequality-percent.html.csp

[6] https://www.outdoorindustry.org/images/ore—reports/OR-oregon-outdoorrecreationeconomy-oia.pdf

[7] http://cew.georgetown.edu/recovery2020

APPENDIX A

AMERICAN BIRD CONSERVANCY * AUDUBON SOCIETY OF CORVALLIS * AUDUBON SOCIETY OF PORTLAND * BARK * BENTON FOREST COALITION * CASCADIA WILDLANDS * CENTER FOR BIOLOGICAL DIVERSITY * CONSERVATION NORTHWEST * COAST RANGE ASSOCIATION * DAKUBETEBE ENVIRONMENTAL EDUCATION PROGRAMS * EARTHJUSTICE * ENVIRONMENT AMERICA * ENVIRONMENT OREGON * FOREST WEB OF COTTAGE GROVE * GIFFORD PINCHOT TASK FORCE * KLAMATH-SISKIYOU WILDLANDS CENTER * LANE COUNTY AUDUBON SOCIETY * OREGON WILD * SIERRA CLUB * SODA MOUNTAIN WILDERNESS COUNCIL * THREATENED AND ENDANGERED LITTLE APPLEGATE VALLEY * UMPQUA VALLEY AUDUBON SOCIETY * UMPQUA WATERSHEDS * WESTERN ENVIRONMENTAL LAW CENTER * WILLAMETTE RIVERKEEPER

January 23, 2014.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR WYDEN, On behalf of our tens of thousands of members and supporters in Oregon, and millions of supporters nationally, we write to express our disappointment with the recently introduced "O&C Land Grant Act of 2013."

The legislation, as introduced, represents a significant departure from the principles laid out in your document titled "Principles for an O&C Solution: A Roadmap for Federal Legislation to Navigate both the House and Senate," released in 2012. Those principles represented a good starting point for discussion to craft a workable, balanced, and realistic legislative proposal that did not sacrifice conservation values that Oregonians, and all Americans, hold dear.

Unfortunately, S. 1784, the "O&C Land Grant Act of 2013" (O&C Act of 2013) falls far short. Some of our major concerns are listed below.

Weakens environmental laws and policies

Despite assurances that you intended to maintain all environmental laws in any O&C legislation, provisions of your proposed O&C Act of 2013 would both undermine and override federal environmental laws, including the Endangered Species Act (ESA), Clean Water Act, National Environmental Policy Act (NEPA), and Administrative Procedure Act.

In regards to the ESA, for example, the legislation attempts to override critical and long-standing requirements of the ESA in some sections, and weakens them in others. The ESA provides a safety-net for our most imperiled species, and the ESA's consultation process gives the federal fish and wildlife agencies the chance to review and balance proposed projects against harmful impacts to species and their habitat. These vital protections must not be undermined as proposed in the O&C Act of 2013.

In regards to NEPA, the bill would severely undermine the law by eliminating environmental analysis and public review of individual timber sales, and mandating a single large-scale analysis covering 10 years of logging spread over a million acres of western Oregon. Currently, individual timber sales go through rigorous environmental review and public vetting to ensure they are consistent with applicable law and do not irreparably harm the environment. However, S. 1784's mandate to analyze 10 years of logging in a single Environmental Impact Statement (EIS) disregards the critical need for site-specific reviews of a project's impacts. By eliminating project-level review under NEPA, the public will be largely unable to ensure that BLM makes informed decisions and carefully considers the best available science, public input, local conditions, and changed circumstances.

While members of the public may still challenge the large-scale EISs, severe timing and content restrictions are placed on those seeking to hold federal agencies accountable to federal laws. We are disappointed to see you endorse significant and precedent-setting restrictions on the ability of citizens to participate in a federal process, particularly given your commitment to other government transparency and accountability issues.

Dismantles the Northwest Forest Plan

The system of conservation reserves set up under the Northwest Forest Plan (NWFP) to both protect and restore fish and wildlife habitat will be effectively dismantled under the O&C Act of 2013. Streamside buffers and the strong provisions of the Aquatic Conservation Strategy are severely reduced. The "Survey & Manage" program—deemed a "foundational" element of the NWFP by the courts when the Bush administration tried to remove it—is eliminated in Forestry Emphasis Areas. And, by changing the reserve system, the bill eliminates the integrated landscape approach to conserving clean water supplies and fish and wildlife habitat across

public lands managed by both the U.S. Forest Service and Bureau of Land Management (BLM).

Does not solve county budget problems

One of your original stated aims for legislation was to provide stable funding for the 18 O&C counties facing budget shortfalls due in part to the expiration of Secure Rural Schools funding. In 2012, we were heartened that your principles for legislation pointed out that it is not reasonable for local and state elected officials to rely solely on federal funding to make up for county budget shortfalls. A lasting solution to this problem will require local, state, and federal components.

Your proposed legislation aims to double logging to generate revenue for counties, but at the same time recognizes that this revenue alone will fall far short what counties say they need to balance their budgets. And because the legislation shifts the BLM logging program from relatively less controversial thinning of young stands towards more controversial clearcutting of older forests, any logging revenue is far from certain.

We thank you for your reauthorization of the Secure Rural Schools program for FY2013 and urge you to reauthorize this vital program while we work with you on finding alternate proposals that decouple payments from resource extraction and do not jeopardize our conservation values.

Mandates aggressive logging and harms water quality

Your goal of "sustainability" of timber harvest in last year's principles has translated into the designation of zones where logging is the only prioritized resource value and other public values, such as clean water, are ignored. Management of the Forestry Areas in the O&C Land Act is overly prescriptive and blatantly disregards the need for using the best available science information and site conditions to dictate appropriate management.

Last year's principles mentioned using "ecological forestry principles" as one way of meeting timber production goals. In contrast, your legislation mandates its use. Moving this experimental concept forward with such broadscale application on nearly one million acres of public lands is dangerous. Experimental logging methods such as those from Johnson and Franklin have only been applied on a limited number of pilot projects in western Oregon. They have not been tested over long periods or large scale, and this raises questions of consistency with water quality, wildlife, carbon storage, or social acceptance.

Furthermore, your legislation undermines two critical requirements of the method proposed by Johnson and Franklin, making its application all the more concerning. According to their key publication on the subject in the National Journal of Forestry in December 2012, their new approach is heavily dependent upon monitoring and adaptive management. But your legislation explicitly eliminates monitoring and survey requirements in forest management areas and prevents adaptive management by limiting review to one generalized look every decade for the two forest types and by mandating the use of certain ecological forestry logging principles without providing any opportunity to deviate from this approach.

The O&C Act of 2013 also drastically shrinks riparian buffers—putting at risk threatened salmon populations, clean water, and sensitive soils—and reducing the forests' resilience to withstand climate change impacts such as increased heavy rain events. Buffers for streams and other bodies of water are significantly reduced in many areas, and monitoring of impacts is inadequate or nonexistent.

Falls short on old growth protection

The bill also falls short on one of your legislative principles of which we were most supportive: safeguarding old growth forests. While we support setting aside the "Legacy Old Growth Protection Network" within moist-forest Forestry Emphasis Areas and the general prohibition of cutting and removing old growth trees in both moist and dry forest types, other provisions in the bill leave hundreds of thousands of acres of mature forests and old trees available or specifically designated for logging. This is unacceptable. Under the Northwest Forest Plan, forest stands over 80 years old are recognized as being essential habitat for old-growth dependent species. This habitat is also recognized as important to the growth of future old growth forests.

In addition, exceptions and loopholes that allow cutting and removal of old-growth are found throughout the bill.

Disposes of and fragments public lands

By abandoning the Northwest Forest Plan reserves and promoting aggressive logging techniques, this legislation will result in extreme fragmentation of the O&C lands—making an even less sensible pattern out of the O&C checkerboard.

Furthermore, provisions in your O&C Act of 2013 concerning land sales and exchanges are of great concern to us. Historic consolidation and privatization proposals involving the transfer of public lands to private logging interests have resulted in losses to the environment and American taxpayers. We point to the failed Lower Umpqua Land Exchange Project as an example that would have resulted in a significant loss of older forests on public lands, in exchange for logged-over industry lands.

Rather than giving careful consideration to consolidation or land sales/exchanges, your bill allows the fast-tracking of privatization of public lands by reducing public oversight. These provisions do not ensure that such land trades are in the public interest, and shortchange the American public and the long-term conservation of public resources.

Offsets major environmental harms with small conservation gains

Our organizations were heartened by your indications leading up to the introduction of this bill that you were committed to proportional conservation designations, including Wilderness. As you know, with just 4% of its land safeguarded as Wilderness, Oregon lags far behind California (15%), Washington (11%), and Idaho (8%).

Unfortunately, the conservation measures proposed to balance increased logging and reduced stream buffers fall far short of Wilderness protection standards. While the O&C Act of 2013 would designate areas nearing 900,000 acres for conservation, recreation, backcountry, drinking water, and Wild & Scenic Rivers, much of the land in these new conservation designations is already currently protected under other laws and regulations (including the Northwest Forest Plan), and could still be subject to logging under the guise of "fire threat reduction" and other logging loopholes found in your bill.

Sets a dangerous precedent for public lands across the nation

We are deeply concerned that the advancement of this bill will encourage far-reaching federal forestland legislation that further endangers public resources and values. The allowance in the O&C Act of 2013 for private citizens and local governments to remove vegetation from public land with minimal oversight is but one small example of a precedent that could open the door to losing the environmental laws and policies that have helped protect our public lands for 40 years.

We sincerely hope you will consider making changes to your proposed legislation based on our concerns, and that we can continue to work with your office on forest management and county revenue programs that do not impair the clean water, wildlife, and public lands that Americans hold dear.

APPENDIX B

AMERICAN BIRD CONSERVANCY * AMERICAN RIVERS * DEFENDERS OF WILDLIFE EARTHJUSTICE * ENVIRONMENT AMERICA * FRIENDS OF THE EARTH LEAGUE OF CONSERVATION VOTERS * NATIONAL AUDUBON SOCIETY NATURAL RESOURCES DEFENSE COUNCIL * SIERRA CLUB

January 24, 2014.

DEAR SENATOR:

On behalf of our millions of members and activists we write to urge you to oppose the 2013 Oregon and California Land Grant Act (S. 1784) ("O&C Act") as introduced and any other national forest legislation containing similar damaging provisions that may be advanced. The O&C Act undermines federal environmental law and sets out detailed management prescriptions for newly designated "forestry emphasis areas" across 2.1 million acres of western Oregon forest land.

The O&C Act strikes at the heart of the Endangered Species Act (ESA) on its 40th anniversary. For example, it eliminates the requirement that the managing federal agency (the Bureau of Land Management) consult with expert federal biological agencies on whether individual logging projects on these public forestlands harm endangered species and their habitat. Federal agency consultation is a fundamental component of the ESA.

The O&C Act also reduces the application of the National Environmental Policy Act (NEPA) to a shell of its current self. It goes much further than "streamlining " NEPA. The bill would severely limit analysis and public disclosure of the direct environmental impacts of individual projects, as well as any cumulative effects analysis of other actions affecting these forestlands and resources. Instead, it requires only a once-a-decade cursory review with a largely predetermined outcome. In addition, it severely limits judicial review, closing the doors of the courthouse to citizens

who are unable to analyze the entire NEPA decision and file a complaint during the 30 days immediately following release of NEPA documents.

In addition, the legislation has Clean Water Act (CWA) implications. For example, the bill only allows water quality impacts under the CWA to be measured a full two years after a harvest which could mask all near term negative impacts of a timber project. The bill could also be interpreted to establish a potentially degraded water quality baseline that could affect all future determinations of impact. We support post-treatment monitoring to measure the effects on water quality, but not in the context of defining the water quality under the CWA."

Accordingly, we oppose S. 1784, along with any national forest legislation that may be modeled after the O&C Act or other proposals that curtail application of bedrock environmental statutes. Our federal environmental laws are a safety net for our forests, protecting a broad array of benefits including clean drinking water for millions of Americans, wildlife and their habitat, hunting, fishing, and hiking opportunities cherished by generations of Americans, and a multi-billion dollar outdoor industry important to rural communities and regional economies.

We are also concerned by any legislative effort to dictate timber harvest prescriptions that cannot be modified to reflect the best available science without a subsequent act of Congress. Forest managers must be able to use the best available information in making decisions about where, when, and how to proceed with logging projects. They need to be able to incorporate new information about the health of wildlife populations, potential air or water pollution, or changes in the forest from climate change. Ensuring healthy forests and healthy wildlife in a time of climate change will require greater reliance on evolving science, not less.

Just this past September, the Administration echoed these sentiments when it issued a strong veto threat against national forest legislation in the House H.R. 1526. As the Senate considers the O&C Act or national forest legislation it is worth noting that the administration made clear that it strongly opposed the House bill because it "includes numerous harmful provisions that impair Federal management of federally owned lands and undermines many important existing public land and environmental laws, rules and processes." The September 18, 2013, Statement of Administration Policy made clear that such legislation could "significantly harm sound long-term management of these Federal lands for continued productivity and economic benefit as well as for the long-term health of the wildlife and ecological values sustained by these holdings." The statement also provided that the "Administration does not support specifying timber harvest levels in statute, which does not take into account public input, environmental analyses, multiple use management or ecosystem changes."

Our nation's public forestlands, including those covered by the O&C Act, are national treasures that provide a wealth of benefits to all Americans. The O&C Act flouts environmental laws that have provided longstanding and vital safeguards to help ensure the health and resilience of these great assets. Without these protections and adequate reliance on science in management, our national forests would be threatened with declining wildlife populations, increased erosion, polluted rivers and streams, and substantial ecological and economic decline. We cannot let this happen.

We urge you to oppose S. 1784 and any other forest legislation that undermines sound forest management or undercuts our bedrock environmental laws.

Sincerely,

George H. Fenwick, President, *American Bird Conservancy*; Robert, Irvin, President and CEO, *American Rivers*; Jamie Rappaport Clark, President & CEO, *Defenders of Wildlife*; Trip Van Noppen, President, *Earthjustice*; Margie Alt, Executive Director, *Environment America*; Erich Pica, President, *Friends of the Earth*; Gene Karpinski, President, *League of Conservation Voters*; David Yarnold, President & CEO, *National Audubon Society*; Frances Beinecke, President, *Natural Resources Defense Council*; Michael Brune, Executive Director, *Sierra Club*

The CHAIRMAN. Mr. Stevens, thank you. It's always ominous when somebody quotes you in behalf of their point.

[Laughter.]

The CHAIRMAN. What's striking about it is I never said that the future was about cutting virtually no trees at all. I think that's what we're trying to do in this legislation is to strike a balance. We will certainly be interested in your input in the days ahead.

Let's go to Mr. Riddle.

STATEMENT OF DALE RIDDLE, SENIOR VICE PRESIDENT, SENECA SAWMILL COMPANY, EUGENE, OR

Mr. RIDDLE. Good morning, Mr. Chairman. My name is Dale Riddle, Senior Vice President of Seneca Sawmill Company, a family owned company located in Lane County, Oregon. I appreciate the invitation to appear before your committee to discuss S. 1784.

Although I'm here to discuss a few concerns we have with the bill, I wanted to thank you, Mr. Chair, for putting a proposal forward and starting a process from which we can work together.

The roots of Seneca Sawmill Company date back to post-World War II, when Aaron Jones, himself a war veteran, entered the lumber business. In the last 1980s, however, we became concerned about the threats to the Federal timber harvest, and we invested in our own timberlands. Seneca now manages 165,000 acres of timberlands on a sustained-yield basis.

The O&C lands grow 1.2 billion board-feet of timber annually, and for the decades prior to the listing of the spotted owl, the BLM harvested 1.2 billion board-feet without any reduction in the standing volume of timber on those lands. Environmental lawsuits today, however, have reduced the harvest to less than 200 million board-feet.

The reductions in harvest have taken a terrible toll on local governments. This was made all too real last year when dozens of prisoners were released from Lane County jails for lack of funding. One of those prisoners was awaiting trial for murder. In a neighboring county, a 911 dispatcher informed a woman that the sheriff's office no longer took calls in the evening. That woman was ultimately attacked and raped when the assailant broke into her house with a crowbar.

There are 4 key components that need to be addressed in any O&C legislation. The first component is certainty. A solution is not a solution if it can be overturned by the courts. The House legislative fix for the O&C lands provides certainty by establishing a public trust. If the Senate doesn't support the trust concept, then it will be critical to identify an alternate approach. There's more than one way to skin the cat, but in the end, the cat—and by that I mean the endless litigation—has got to be skinned.

The second leg of the stool is an adequate and sustainable supply of timber to maintain the current mill jobs and healthy forests. Most of our industry, like Seneca, is comprised of multi-generational family owned companies. Family owned companies don't plan for the next quarter's stockholder meeting; we plan for our children's future. Proposals that offer increased timber volumes in the short term, but don't sustain those volumes into the future, do not meet the needs of our communities.

It has been estimated that the proposed legislation will produce about 300 to 350 million board-feet annually. Our initial review, however, of documents recently received by the BLM indicates the legislation provides a front-loaded 20-year harvest plan that cannot be sustained in the future, and it will produce on a long-term sustained yield of no more than probably 150 million board-feet.

The third leg of the stool is adequate revenue to counties. The counties must be self-sufficient. They can't rely on continuous Federal aid. Even when Federal aid does come, it does not provide a paycheck to the residents of those counties. We do not lock up wheat fields in Kansas, nor do we ask farmers in Iowa to stop raising corn. So why do we tell Oregonians to stop farming their trees?

The last, but very important, leg of the stool is to ensure that the legislation does not harm private lands. We're extremely concerned that the proposals will increase the risk of catastrophic fire. Seneca's forest lands share 561 miles of common boundary with the O&C lands. Every day, the O&C forests are burdened with additional fuel loadings. The annual growth rate is 1.2 board-feet, and the mortality rate is 140 million board-feet.

Simply put, every year, these lands continue to build an astonishing rate of fuel. Exacerbating the fuel problem, the legislation calls for road closures. The key to effective fire suppression is an aggressive initial tack, which is dependent upon an effective road system. Any legislation that harms our road system will increase the likelihood that fires that start on Federal lands will burn onto private lands.

In closing, you should note this legislation is personal to me, as it is to many Oregonians. I grew up in a tranquil setting, in a beautiful mill town. Many of my friends lived in company homes, bought food at the company store. When the mill closed, my father and my friends lost their jobs. The town, including the homes and the store, were bulldozed.

This is personal. We all know there is a connection between poverty, drug abuse, and child abuse. My wife and I have been foster parents of children born addicted to meth and suffering from fetal alcohol syndrome. We've also adopted, and are proud parents of, a drug baby who's now 17 years old. It is not my daughter's fault that her biological mother used meth during her pregnancy, but it is my daughter who has had to suffer the consequences of that decision.

There is no reason that a sustainable compromise cannot be forged that creates jobs for Oregonians, protects the current mill infrastructure, sets counties on a sustainable economic path, protects our forests both public and private from fire, and most importantly, guarantees that the policy decisions made by this body will not be overturned by the courts.

It will take, however, people of good faith, willing to take criticism from their peers, in order to accomplish this. I am here to affirm the Jones family's willingness to reach out their hand to the other side if someone is willing in good faith to reach out their hand in return.

Chairman Wyden, I want to thank you for your commitment to resolving this challenging problem. I appreciate very much your work on the forest roads fix. We wish you the best. Thank you very much.

[The prepared statement of Mr. Riddle follows:]

PREPARED STATEMENT OF DALE RIDDLE, SENIOR VICE PRESIDENT, SENECA SAWMILL COMPANY, EUGENE, OR

Good morning, Chairman Wyden, Ranking Member Murkowski, and members of the Committee. For the record my name is Dale Riddle, Senior Vice President for Seneca Sawmill Company, a family-owned company located in Lane County, Oregon. I appreciate the opportunity to appear before the Committee to discuss Senator Wyden's S. 1784 and the need for a permanent, comprehensive solution to restore active management to the Bureau of Land Management (BLM) Oregon and California Grant Lands (O&C lands) for the benefit of Western Oregon's rural communities and the health of our forests.

While I am here today to outline concerns we have identified with the proposed legislation, I want to thank Chairman Wyden for putting his proposal forward. This legislation represents a good start and provides us another framework to work from as we mutually seek to provide certainty that harvests sufficient to sustain Oregon's forest products industry, local governments, and rural communities can be achieved.

We have been encouraged by the Senator's public statements about the need to adopt legislation that provides real certainty for significantly increased harvest levels to restore the health of these forests and battered communities. While we currently lack critical information about the potential effects of S. 1784, Oregon Governor John Kitzhaber's O&C Task Force is modeling the proposal to better detail the sustained harvest levels, the geographic distribution of those harvests, the effect on key habitats, and the likely county timber revenues. We believe this information is critically important to understanding what S. 1784 would mean back home in Oregon as our delegation continues to search for an effective plan.

In the meantime, our initial review of the legislation and materials recently released by the BLM raise significant questions about whether the legislation, as drafted, will accomplish the goals outlined by Chairman Wyden. We do want to work with Chairman Wyden to fashion a solution that does meet these important goals.

INTRODUCTION

The roots of Seneca Sawmill Company date back to the post World War II period when Aaron Jones, himself a World War II veteran, entered the lumber business based on the promises of the federal government to open some of its holdings of Pacific Northwest timberlands to harvest to provide local jobs and wood products to a growing nation. Many other entrepreneurs of this era made substantial investments in industry infrastructure based on the same promise of a steady timber supply, building the economic backbone of much of the rural Northwest as they did so. Since the establishment of Seneca Sawmill Company in 1954 the company has grown from 25 employees to 400 employees. In the late 1980's we became concerned about growing threats to federal timber harvests and invested in our own timberlands. Seneca Jones Timber Company now owns and manages approximately 165,000 acres of Oregon timberlands on a sustained yield basis. With the majority of our timberlands interspersed with the BLM's checkerboard ownership in Western Oregon our company has a strong interest in the future management of the O&C lands.

The success of Seneca Sawmill is based on the dedication of our people and Aaron's insistence on excellence which has led to technological innovations that have resulted in over 20 patents, four new sawmills, three new planers, a log merchandiser, a renewable energy electrical plant and at least a dozen technical and mechanical creations, allowing us to stay at the forefront of efficiency in sawmill manufacturing. Today the company has successfully transitioned to Aaron's three daughters, Becky, Kathy and Jody Jones, and remains committed to the health of Western Oregon's communities and forests.

BLM O&C LANDS ARE STATUTORILY UNIQUE

As you may know, the 2.6 million acres of O&C lands in Western Oregon have a unique history, statutory mandate, and connection to the industries, communities and county governments of Western Oregon. Douglas County Commissioner Doug Robertson will undoubtedly speak to the unique connection between the O&C lands and Western Oregon's O&C Counties in the form of shared timber receipts to meet the funding needs for essential county services. It is important for the Committee to understand that these unique lands do not have a multiple-use mandate like most other federal lands. Instead they have a dominant-use mandate to produce wood products for America, economic opportunity for the communities in which these forests are located, and revenues for local governments.

The Oregon and California Lands Act of 1937 (O&C Act) requires that the O&C lands be managed for "permanent forest production" with timber to be "sold, cut, and removed in conformity with the principal [sic] of sustained yield[1] 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" and mandates that "not less than the annual sustained yield capacity. . .shall be sold annually."

The primacy of the O&C Act was affirmed in Section 701(b) of the Federal Land Policy and Management Act enacted by Congress in 1976. This has been confirmed by the 9th Circuit. In Headwaters v. BLM, (9th Cir. 1990), the Court, held that timber production was the primary use of these lands and any other uses identified in the Act, including protecting watersheds and providing recreation, were advanced through sustained yield harvesting. Distinguishing between primary and secondary uses the Court stated:

> "*** Nowhere does the legislative history suggest that wildlife habitat or conservation of old growth forest is a goal on a par with timber production, or indeed that it is a goal of the O&C Act at all."

Similarly, in the case of U.S. v. Weyerhaeuser (9th Cir. 1976), the Court stated:

> "***In order to protect watersheds and maintain economic stability in the area, long-term federal timber yields were guaranteed by limiting the maximum harvest to the volume of the new timber growth."

From 1937 to 1994, the BLM and its predecessor agencies always interpreted and implemented the O&C Act to mandate timber production from suitable timberland as the primary use of the O&C timberlands. As described above, over a period of two decades and on five separate occasions, the Ninth Circuit has endorsed the BLM's dominant-use interpretation of the O&C Act. Just last year Judge Richard Leon of the D.C. District Court affirmed a key aspect of the dominant-use timber harvest mandate of the O&C Act, ruling that it clearly requires the agency to actually sell, on an annual basis, its declared annual sale quantity. As a result of the Leon decision the BLM is currently under a court order to more than double its timber sale levels in southwest Oregon's Medford and Roseburg Districts to meet the Clinton Northwest Forest Plan harvest levels. Meanwhile, there is another case pending before the D.C. District Court challenging the BLM's authority under the O&C Act to reduce the sustained yield and resulting annual timber sale volumes through the application of extensive set-asides and reserves.

RECENT HISTORY

The over 2 million acres of O&C lands managed by the BLM in Western Oregon grow over 1.2 billion board feet (bf) of timber annually. In the decades prior to the listing of the Northern Spotted Owl as "threatened" under the Endangered Species Act in the early 1990's, the BLM managed these lands under the sustained yield timber production mandate of the O&C Act, which generated annual timber harvests of approximately 1.2 billion bf without any reduction in the standing volume of timber on these lands. Environmental lawsuits, conflicting federal regulations and laws, and broken federal policies have reduced these harvest levels by over 80 percent to less than 175 million bf annually.

This severe reduction in timber harvests has had a profound impact on rural communities, our industry, and the ability of local governments to provide essential services when the federal government owns 50-70 percent of the land and doesn't pay taxes. The drastic reduction in timber receipt revenues was made all too real last year when dozens of prisoners were released early from the Lane County, Oregon jail due to a lack of criminal justice funding. One of these released prisoners was awaiting trail on murder charges. One prisoner robbed a bank within hours of being released. Other counties in Western Oregon have been even harder hit. Law enforcement in some rural Oregon counties is nearly non-existent. In one instance last year a 911 operator informed a desperate caller that the sheriff's office no longer responded to evening calls. That caller, a woman being attacked by an ex-boyfriend, was ultimately attacked and raped when the assailant broke into the house with a crowbar. Communities throughout Western Oregon continue to suffer under stifling levels of unemployment and high poverty rates, as well as the resulting social ills like crime, domestic abuse, sexual abuse, and drug addiction.

[1] "Sustained yield" forestry is a system that balances the amount of timber grown and the amount of timber harvested. Dictionary of Forestry, Helms, ed. Society of American Foresters, 2008. http://dictionaryofforestry.org/dict/term/sustained__yield

Harvesting less than 15 percent of the annual growth on the O&C lands over the past two decades has led to marked increases in disease, insect infestation, and a general, overall decline in forest health. Overstocked stands of timber are more vulnerable to the frequent droughts that occur in the region, and the increased fuel loads have very predictably brought about dramatic increases in the frequency and severity of catastrophic wildfires. As a private landowner with lands interspersed within the BLM checkerboard we have significant exposure to catastrophic wildfires, insects, and disease caused by the gross mismanagement of neighboring BLM lands. This summer's record fire season in southwest Oregon provides a glimpse of the future if action is not taken. Our friends at Roseburg Forest Products, which lost 11,000 acres in the 48,679-acre Douglas Complex Fire, know all too well the consequences of the tinderbox BLM forests threatening their lands.

I know we can all agree that Oregon deserves better.

KEY COMPONENTS OF ANY SOLUTION (THE "4-LEGGED STOOL")

Governor Kitzhaber's O&C Task Force, on which I served, spent a great deal of time modeling potential solutions for the BLM lands, including the House-passed O&C Trust, Conservation and Jobs Act. The modeling and our extensive discussions continually returned to four key components that any solution must satisfactorily address in order to solve the O&C crisis. Each component is like the leg of a 4-legged stool, and if any one component is not addressed and resolved, will cause the entire stool to fall over.

Certainty

Any proposed solution is no solution at all if it doesn't deliver real legal certainty to ensure that planned, offered, sold and awarded timber sales will actually be harvested. Without certainty, it does not matter what the projected harvest levels are or what silvicultural approaches are mandated. The O&C Act already requires sustained yield timber harvests on these lands, but a complex web of conflicting (and often broken) laws and regulations have stymied this common sense vision of sustainable forest management.

The intent of S. 1784's ten-year large scale Environmental Impact Statement (EIS) is laudable, but it does not address the complex web of conflicting laws and regulations used to block timber harvests, including the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). Based on over two decades of experience we know that these complex EIS documents will be litigated and highly vulnerable without additional statutory protections. S. 1784 would also replace the very clear mandate of the O&C Act with a complex series of new silvicultural prescriptions, legal requirements, and undefined terms, thereby creating even more new hooks for litigation. The current litigation challenging the White Castle ecological forestry timber sale reminds us that some organizations are determined to block these projects regardless of positive ecological and economic benefits. These groups routinely take advantage of the complexity of conflicting statutory mandates to accomplish their agendas. There are additional legal risks embedded in S. 1784, including the fact that even if the EIS survives legal challenges the subsequent projects will be susceptible to "consistency based" challenges. I would be more than happy to work diligently with you and your staff to address these and other legal risks.

Congressmen DeFazio, Walden, and Schrader's vision of a legislative fix for the O&C lands would deliver certainty to rural Oregon by establishing a public trust board, appointed by the Governor, to responsibly manage only the lands identified for timber harvests under their O&C Conservation, Trust, and Jobs Act. If the Senate doesn't support the trust approach, then it will be critical to identify an alternate approach to provide real certainty. There is more than one way to skin the cat, but in the end, the cat, and by that I mean the endless litigation, has to be skinned.

Certainty not only applies to sustainable timber harvests, but must include the other conservation gains in the legislation, including wilderness protection and riparian set-asides. However, we cannot have certainty for one side of the equation, but not the other. In other words, certainty for the additional conservation protections must be tied to certainty that the sustainable timber harvest objectives be met. Our rural communities and their people cannot afford to once again give up half the pie, only to discover that after giving up half of the pie, the other side wants their half of the pie also. Our people deserve better than that.

Unlike the game of horseshoes, almost doesn't count when it comes to certainty for Oregon's timber communities. All it takes is one successful lawsuit, a change in administrations, or nonsensical policies from the US Fish and Wildlife Service to bring O&C timber management to a standstill. After two decades of forest wars and

summits, well meaning forest plans, and years of broken promises, the people of Oregon want a solution that provides real certainty to all sides in this debate.

Adequate, sustainable, and geographically distributed harvest levels

A significant increase in timber harvest volumes from the O&C lands is appropriate given the unique statutory mandate of the O&C Act, the need to maintain forest health and be good neighbors to neighboring private lands, and the clear role these lands must play in restoring the economic and fiscal well-being of the communities.

Geographic distribution

Adequate timber harvest levels must be distributed throughout Western Oregon, including the drier southwest Oregon forests, if we are to maintain the health of the forests and keep the remaining industry infrastructure. We continue to lose mills in this part of the state, putting our ability to manage both public and private forests and the future of communities at risk. Unfortunately, the BLM's November 22, 2013 letter to Senator Wyden did not outline likely geographic distribution of harvests under S. 1784. Based on our initial review of information recently disclosed by the BLM and the highly experimental ecological forestry principles championed by Drs. Johnson and Franklin, it appears that S. 1784 will generate short-term harvest levels of approximately 56 million board feet (mmbf) in the drier forests of southwest Oregon. If true, this level of harvest is below the needs of local mills and communities in southwest Oregon and may well be below the levels established under Judge Leon's court order. The extensive modeling being performed by Governor Kitzhaber's O&C Task Force should provide us a confirmation of how southwest Oregon's communities would fare under the legislation.

Long-term sustainable harvests for certainty

Most of our industry remains comprised of multi-generational, family-owned companies committed to the long-term future of our communities. Our companies need long-term certainty regarding future harvest levels to plan investments and make other critical business decisions.

Family-owned companies do not plan for the next quarter stockholders' meetings—we plan for our children's and grandchildren's future. Proposals that offer short-term promises of increased timber volumes but don't sustain those into the future do not meet the needs of our industry or the communities. That is precisely why Governor Kitzhaber's Task Force modeled both the short-term and long-term sustained yields.

On November 22, 2013, shortly before the release of S. 1784, the BLM sent Chairman Wyden a letter indicating that Dr. Norm Johnson, with the help of agency analysts, estimated that the legislation would generate 300-350 million bf annually over the next two decades. It is noteworthy that the BLM did not claim that this represented the long-term sustained yield under the proposal. While we will need to wait for the O&C Task Force modeling to determine the precise sustained yield of S. 1784, documents recently disclosed by the BLM allow us to draw a number of conclusions about Dr. Johnson's estimate:

- It provided a potential 20-year harvest plan under S. 1784, not the long-term sustained yield calculation the legislation calls for.
- It relied on front-loaded harvest volumes in the first and second decades that can't be sustained under the silvicultural prescriptions, land allocations and restrictions in S. 1784.
- It relied on the ability to implement variable retention regeneration harvests in spotted owl critical habitat, near spotted owl nest sites, in marbled murrelet critical habitat, and near marled murrelet nest sites despite the fact that S. 1784 doesn't change the underlying laws and regulations that make that impossible today.
- When the ecological forestry prescriptions, land allocations, restrictions, and critical habitat acres are taken into account it results in a long-term sustained yield land base of approximately 252,000 acres, or just 12 percent of the total O&C land base.

Based on a preliminary review of the information received by the BLM it appears that the long-term sustained yield of S. 1784 would be approximately 126 mmbf. It is possible that some relatively modest level of additional thinning volume could be achieved under S. 1784. However, it is very difficult to assign any reasonable degree of certainty to achieving that volume under the legislation.

Adequate county revenues

Any O&C solution must provide an adequate, predictable source of timber receipt revenue for our counties. The fiscal challenges facing the O&C Counties due to reductions in timber revenues are very serious and no one understands them better than Douglas County Commissioner Doug Robertson, who will speak to them today. The continuation of Secure Rural School payments won't address the problem. Contrary to the claims of some, raising property tax rates in some of the poorest areas of the state isn't a viable option either, particularly when encouraging home ownership and housing affordability has been a national policy goal enjoying broad, bipartisan support for decades.

The counties must be self-sufficient. They cannot survive relying upon federal aid that is tenuous at best. Federal aid may, at times, provide monies to the counties, but it does not provide a paycheck to the residents of these communities.

Don't fall for the scare tactics about timber revenue not being dependable due to large swings in log prices and demand. Our neighbors in Washington have managed 2 million acres of state trust lands to generate consistent levels of annual revenue for their schools, counties, and other trust beneficiaries. In fact, over the past decade, which includes some of the most trying years of recession our industry has ever seen following the crash of the housing market, the Washington Department of Natural Resources (DNR) has averaged over $125 million in annual timber revenue for trust beneficiaries.

WASHINGTON DNR TIMBER SALE PROGRAM (2.2 MILLION ACRES)[2]

	Volume Sold (mmbf)	Approx Total Receipts	Approx Revenue to Beneficiaries	Approx Price/Thousand bf
2001	515	$218,850,000	$164,137,500	$425
2002	492	$169,205,000	$126,903,750	$344
2003	495	$149,000,000	$111,750,000	$301
2004	494	$144,000,000	$108,000,000	$291
2005	616	$176,000,000	$132,000,000	$286
2006	526	$195,612,047	$146,709,035	$372
2007	565	$191,664,731	$143,748,548	$339
2008	660	$162,996,940	$122,247,705	$247
2009	556	$95,239,308	$71,429,481	$171
2010	742	$183,445,581	$137,584,186	$247
2011	591	$200,396,016	$150,297,012	$330
2012	553	$163,728,138	$122,796,104	$296
2013	495	$165,411,134	$124,058,351	$334
Average	561.54	$170,426,838	$127,820,129	$306

In addition to providing timber receipt revenue, restoring balanced active management to the O&C lands would generate industry and non-industry private sector employment in these communities and the significant economic stimulus and tax revenue that results. This is the only truly sustainable solution for our rural, forested communities, not handouts from Washington, DC.

We do not lock up wheat fields in Kansas. We do not stop cattlemen in Nebraska from raising cattle. We don't tell farmers in Iowa to stop raising corn. It is no different in Oregon. So, why do we tell Oregonians to stop farming trees?

I have heard it said that the results of our O&C policy are akin to allowing our citizens to starve while standing in the middle of a supermarket. It is actually worse than that—not only are we starving unnecessarily; we are setting up a chain reaction of permanently closing down the supermarket, then the hardware store, then the gas station, and ultimately, the entire community.

[2] FY 2008 & FY 2009 saw lower stumpage due to high proportions of blowdown salvage. Volume Sold and Total Receipts do not include FIT (Forest Health Treatment) Sales

No harm to private lands

Our industry is incredibly reliant on timber harvests from Oregon's private lands since the drastic reductions in BLM and Forest Service harvests. With many mills hanging on by a thread due to incredibly tight demand for logs, it is essential that legislation not negatively impact the ability to access and harvest private forestlands. As a private landowner, we appreciate the intent of S. 1784 to honor all existing reciprocal right-of-way agreements that are common amongst the checkerboard ownership pattern.

However, the legislation does contain provisions that will make new right-of-way agreements more difficult to obtain due to various prohibitions against the construction of new roads and restrictions on the harvest of any trees within certain protected areas established in the legislation. S. 1784 also directs the Secretary to reduce the number of existing "nonessential" roads, but provides no definition of this term. These provisions will likely limit the ability of private landowners with existing reciprocal right-of-way agreements to access their lands and it will make it extremely difficult, if not impossible, to obtain a right-of-way in areas where they currently do not exist or when the owner buys a new piece of land. It also appears that smaller landowners would not be protected since they lack formal right-of-way agreements and instead rely on case-by-case permits.

Finally, and of extreme importance to private landowners such as Seneca, is the increased risk of catastrophic fire that is likely to result from S. 1784 as it is currently written. Seneca's forestlands share 561 miles of common boundary with the O&C lands. To the extent fire risk is increased on O&C lands, it increases on Seneca's lands.

Fire has spread from federal land to Seneca's land in the past and is likely to increase in the future if significant changes are not made. Every day, the O&C forests are burdened with additional fuel loadings from tree mortality. The annual growth rate is 1.2 billion bf and the mortality rate on O&C lands is approximately 140 million bf per year. Simply put, every year the O&C timberlands continue to build fuel loadings at an astonishing rate and this would not be appreciably reduced under S. 1784. The lands are turning into world class kindling and the owners of the timberland, the Federal Government, are turning into the slum lords of the Northwest—placing everyone's lands at risk of horrific fires.

Exacerbating this fuel problem, the legislation calls for road closures, obliteration and decommissioning. The key to effective fire suppression is aggressive initial attack. Initial attack is dependent upon an effective road system. Any legislation that harms that road system will increase the likelihood of catastrophic fires originating on federal lands overrunning and burning out private lands.

CONCLUSION

Chairman Wyden, I want to thank you for your commitment to resolving this challenging problem and your work on other important issues, including the recent forest roads fix. Congratulations on your pending move to chair the Finance Committee. Since I understand that this could be your last hearing chairing this important committee, I want to encourage you continue your work to resolve a problem that continues to harm our great state. The residents of our rural, forested communities just want a chance to responsibly manage this renewable resource and for their children to be able to make an honest, decent living in the rural communities they love.

The CHAIRMAN. Thank you very much, Mr. Riddle. You are very right. This is going to take an awful lot of effort to reach out. I'm telling you. Your seatmate there, Commissioner Leiken, has definitely been one of the brave here that I was talking about in terms of trying to reach out to all sides.

Commissioner Leiken, we very much appreciate your willingness to step up when it would have been plenty easy to sit this one out. I appreciate your being here.

STATEMENT OF SID LEIKEN, COMMISSIONER, LANE COUNTY, OR

Mr. LEIKEN. Thank you very much, Chairman Wyden, and I want to thank you for the invitation to testify today before S. 1784.

My name is Sid Leiken, and I have the pleasure of serving as a county commissioner for Lane County, Oregon. For the past 2 years, I served as chairman of the board. For 10 years prior to that, I was able to serve my city of Springfield, Oregon, as their mayor.

I think I know my communities. They need your help, and I mean right now.

Lane County spans two mountain ranges and the Williamette Valley and is approximately 80 percent forest. In fact, it's roughly the size of the State of Connecticut. The combination of our climate, our elevation, our soils produce some of the greatest quality timber species in the world. With all that timber, our value-added wood products industry was simply unparalleled. However, the Federal timber supply has all but disappeared, taken with it a ton of community fabric, leaving in its place a great deal of community uncertainty.

I'm here today to ask you to help restore enough of that timber supply to reestablish certainty. With certainty comes predictability. As a community leader, I can sell predictability all day long.

I know there's a lot to this bill, and I'd like to congratulate Senator Wyden for his work and endless energy for striking a balance that provides a wealth of environment, community, and economy. We have seen over-management and under-management, neither acceptable nor sustainable.

Here are the things that are especially important to the folks in my county—jobs, clean air and drinking water, and essential public services. This bill has implications for each of these values. I was born and raised in western Oregon, where my family owned and operated timber and building development companies. In fact, I'm a fifth-generation Oregonian. My great-great-grandfather was somewhat iconic in the industry, Nils Peter Hult.

You know, there was a time where life in rural Oregon truly embodied the American dream, where families and communities enjoyed modest prosperity. Natural resource jobs paid 120 percent and up of the average salary of our county. Enough time has now passed that we are seeing the unintended consequences of not managing timberlands. That is, trees do grow. Natural processes like fire do occur in the absence of management.

I know that there's no chance we're going back to the days of vast, unsustainable clear-cuts. That's just not politically a viable option, nor does it represent the most recent science embodied in Senator Wyden's plan. But the current paralysis can't continue, either—not without causing even more pain for folks who could be making a good wage working to cut trees and drive log trucks, mill lumber, and restore forests.

While it is relatively easy to maybe invest in a log truck or maybe infrastructure to harvest trees, we need to see more investment in our private mills, and our investment in our mills. Note, a sawmill today is a high-tech enterprise requiring clean technology and high-paying jobs that will help cement the advanced manufacturing that our region is now finally getting established, something that I heard very clearly during President Obama's State of the Union.

A well-managed forest produces clean water. We in the region are all smart enough to appreciate this. I don't know of a Federal

land manager anywhere that wakes up in the morning wanting to think to themselves, "How can I pollute our rivers or streams or lakes?"

The limits imposed on access to legal challenges found in S. 1784 will not lead to impure water. Indeed, the measure establishes 4 drinking water protection zones with enhanced policies to ensure this resource is protected, building on local drinking water protection overlay zones I helped pass in Springfield in 1999.

I want to talk briefly about fiscal policy. Voters in Oregon, as in other parts of the West, ultimately pass property tax caps with the assumption that Federal revenue would remain in place. Voters saw no need for additional local revenue, but, in hindsight, were unaware that in some cases that local revenue was as much as 70 percent Federal timber revenue.

The only tool I have as a county commissioner to replace Federal timber revenue is the up to 5-year local option levies. I've got to tell you, that's not a way to run a county.

In the 15 years I've been in public office, today represents the single best opportunity for a solution, a solution that will provide certainty to your land managers, and that certainty will drive investment by private industry. This investment will create jobs. Those employees will build homes in reinvigorated communities. They will pay income taxes and property taxes. Through the combination of Federal revenue sharing and giving taxpayers a job, it will be far easier to be a county commissioner in western Oregon.

Mr. Chairman, again I want to say thank you very much for the invitation, and glad to be here, and will continue to work with you as much as possible as we move down this road. Thank you very much.

[The prepared statement of Mr. Leiken follows:]

PREPARED STATEMENT OF SID LEIKEN, COMMISSIONER, LANE COUNTY, OR

Chairman Wyden and Members of the Committee, thank you for inviting me to testify on Senate Bill 1784.

My name is Sid Leiken and I have the pleasure of serving as a County Commissioner for Lane County, Oregon. For the past two years, I served as Chairman of the Board, and for the ten years prior to that I was the Mayor of Springfield, Oregon. I know my communities, and they need your help, right now.

Lane County spans two mountain ranges and the Willamette Valley and is approximately 80% forest. It contains 765,000 acres of private forest land, 1.1 million acres of forest land under management by the National Forest and 315,000 acres of Oregon & California Railroad Lands under management by the Bureau of Land Management. It is these lands we refer to as the "O&C", and in total in western Oregon there are 2.2 million acres found in 18 counties.

The lands were returned to public ownership nearly 100 years ago. While they may be described as unique in their checkerboard pattern and management by BLM, I can assure you that the residents of Lane County fully understand the foundational role these lands played in ensuring key services such as public safety in our County. And in my world, budget document after budget document shows the significant portion of Lane County's budget supported by O&C revenue.

Quite simply, the combination of our climate, our elevation, and our soils produce some of the greatest quality timber species in the world. With all that timber, our value added wood products industry was simply un-paralleled. We used to produce more plywood than any other place in the world. However, the federal timber supply has all but disappeared, taking with it a ton of community fabric and leaving in its place a great deal of community uncertainty.

I am here today to ask you to help restore enough of that timber supply to re-establish certainty. With certainty comes predictability. And as a community leader, I can sell predictability all day long.

There's a lot to this bill, but as a representative of Lane County, I want to first eliminate a misconception about forestry policy automatically driving people to polar opposites. I'd like to congratulate Senator Wyden for his work and endless energy for striking a balance that provides a wealth of environment, community, AND economy. We have seen over-management, and under-management. Neither are acceptable, nor sustainable.

Here are the things that are especially important to folks in my county: Jobs, clean air and drinking water, and essential public services. This bill has implications for each of these values.

I was born and raised in Western Oregon where my family owned and operated timber and building development companies. I'm dating myself, but over the past 3 decades I have seen how important federal forests are to creating jobs in mills, in the forests and providing an economic foundation for the rest of the community. Unfortunately, much of that knowledge was gained by seeing the impact to our economy when the supply of federal timber was severely impacted by the listing of the Northern Spotted Owl as an threatened species beginning in 1989, perhaps not un-coincidently a peak year of timber harvests and revenue sharing in Western Oregon. Until that time, life in rural Oregon truly embodied the American Dream, where families and communities enjoyed modest prosperity. Natural resource jobs paid 120% and up of the average salary in our county.

I think we all were optimistic that the NW Forest Plan of 1994, and then the initial implementation of the Secure Rural Schools Act in 2000 would buy us enough time to transition our economy to something that could replace the timber industry. That goal has proved elusive. NW Forest Plan harvest goals were not met, and the management plan formulated and practically finalized to move forward on the O&C was administratively withdrawn at the beginning of this Administration.

Interestingly, enough time has now passed that we are seeing the unintended consequences of not managing timberlands. That is, trees do grow. And natural processes like fire do occur in the absence of management. In Oregon, your national forests budget has been fully 1/3 committed to actual fire suppression costs since 1996.

Right now, in Western Oregon, which is typically known for its wet, wet, wet winters, we haven't seen appreciable rain or snow at all this winter. The fires of last summer on the O&C in my native Douglas County are on everyone's mind. While you are certainly aware of the $4 billion dollars now in the federal budget for fighting forest fires, what you may not know is that the Bureau of Land Management contracts with the State for forest fires on the O&C, and our legislature is, as we speak, grappling with $40 million in un-planned for expenses from the fires of the summer of 2013, the most expensive firefighting season ever.

I know that there's no chance we're going back to the days of vast, unsustainable clearcuts—that's just not a politically viable option, nor does it represent the most recent science embodied in Senator Wyden's plan.

But the current paralysis can't continue either, not without causing even more pain for folks who could be making a good wage working to cut trees, drive log trucks, mill lumber and restore forests.

The policy element that will provide for economic benefit is certainty. Certainty will drive private investment, and stabilize funding for public services. The O&C Act of 2013 attempts to deliver certainty for the federal agencies which manage these lands by limiting and constraining legal challenges that hamstring agency staff, eat up agency budgets, and makes private investors leery.

While it is relatively easy to invest in a log truck and a tree feller, what we are no longer seeing is investment in mills. I believe when this bill is signed by the President, private money will again look at mill infrastructure. And note, a saw mill today is a high tech enterprise requiring clean technology and high paying jobs that will help cement the advanced manufacturing that our region is now finally getting established.

That advanced manufacturing, and indeed one of the world's oldest industries, beer manufacturing, depends on pristine water. A well-managed forest produces clean water, and we in the region are all smart enough to appreciate this. There is not a federal land manager anywhere that wakes up in the morning wanting to pollute our rivers, streams, and lakes. The limits imposed on access to legal challenges found in S 1784 will not lead to un-pure water. Indeed, this measure establishes four drinking water protection zones with enhanced policies to ensure this resource is protected; building on local drinking water protection overlay zones I helped pass in Springfield in 1999.

I want to close with a brief statement about fiscal policy. Almost exactly a century ago, County Commissioners from Western Oregon sat right here in Washington DC and expressed their concern about federal ownership of vast stretches of land exempt from local property tax rolls. A solution was established that federal revenue

sharing would be placed into federal law. We coexisted under that model, and evolved fiscal policies around it. Voters in Oregon, as in other parts of the west, ultimately passed property tax caps, with the assumption that federal revenue would remain in place. In fact, our own Measure 5 was initially passed at the moment in time that represents the apex of federal revenue from the O&C. Voters saw no need for additional local revenue, but in hindsight were unaware that in some cases that local revenue was as much as 70% federal timber revenue. Under Measure 5, the only tool I have as a County Commissioner to replace federal timber revenue is the up to five year local option levy.

Voters in my county did approve, last year, a 55 cent per thousand valuation property tax that will remain in place for five years. That measure generates about $13M annually, against what in 1995 was $53M in federal timber revenue. The reality is that I cannot gain the difference of $40M from my local voter, especially when their economy suffered so much from the loss of timber related jobs, followed a decade later by the Great Recession.

In the ten years I have been in public office, today represents the single best opportunity for a solution. Since 1999, the inception of the Secure Rural Schools Act, we have not seen solution-oriented legislation actually gain passage in the House much less have another one poised for introduction in the Senate. I hope you can appreciate my interest in, and my advocacy for, your continued advancement of S 1784.

The need for a solution is immediate and I am only aware of one other proposed legislative solution to this problem, House Bill 1526. Yet, that proposal has already received a veto threat from President Obama here in Washington and is threatening to reignite the timber wars back home in Oregon. Furthermore, it appears unlikely that the Bureau of Land Management will be able to achieve an acceptable solution without additional tools and direction from Congress. For these reasons, I believe Senate Bill 1784 is the only politically viable solution for managing these lands currently on the table that could help avert the current crisis in Oregon.

You may well know, as I do, that this measure will not provide my county with $40M in revenue. I can't advise that you attempt passage of a bill that creates that kind of revenue due to the amount of harvest it would require. What I do know, is that this measure will increase harvest on these lands. It will provide certainty to your land managers, and that certainty will drive investment by private industry. That investment will create jobs. Those employees will build homes in reinvigorated communities. They will pay income taxes and property taxes, and through the combination of federal revenue sharing, and giving taxpayers a job, it will be far easier to be a county commissioner in Western Oregon.

The CHAIRMAN. Thank you very much, Commissioner. You are going to be key in this effort in terms of bringing people together.

I want to start by trying to pick up on what I imagine people listening on the live streamer are thinking. Or maybe they've had a chance to see some of the statements that have been made.

Mr. Riddle, who is sitting toward that end, doesn't think the legislation provides certainty because, in his view, it really doesn't touch the Endangered Species Act and the National Environmental Policy Act. Sitting next to him is Mr. Stevens, who says that the bill undermines the Endangered Species Act and NEPA. It's hard to see how the two of you can both be right.

So, the question, I think, is, Is it possible that you both may be a little bit wrong and that the other witnesses who have come here—Mr. Miller and Commissioner Leiken and Mr. Matz and Dr. Franklin—that they may be right in terms of the effort to strike a balance?

I want to give you, Mr. Stevens, and you, Mr. Riddle, a chance to comment on that, because the two of you are so far apart, I guess we can kind of maybe find you. But you're way, way apart. We've got to, if we're going to get this done, as Congressman DeFazio and I talked about here over the last 3 hours or so, we've got to find a way to bring people together.

Tell me a little bit about your reaction to what I said and how maybe I can bring the two of you a little bit closer so we can help pass the bill.

Either one of you? Mr. Stevens.

Mr. STEVENS. Yes. It's a good question, Chairman Wyden.

I think, you know, from our experience working with your staff on the East Side Forest Bill in 2009, we addressed the similar issue with regards to NEPA in trying to figure out ways to work within the constraints of NEPA that allow public access to decisionmaking and allow access to the courts of regress. We found a way to do that without tampering with the overarching structure of NEPA, to use some of the things that both the BLM and forest service that Chief Tidwell was talking about earlier, some of the efforts that they've been making within the agency to do the same thing. I think collaboration is another tool, also, to achieve this goal.

When we look at this bill, at S. 1784, we don't see the same approach to NEPA. We see a 10-year EIS that essentially closes the door to public access to decisionmaking, once that EIS is through. So, I think it's a very different thing. Our experience on the east side bill shows that there's a better way to do it.

The CHAIRMAN. What the challenge is, Mr. Stevens, is to try to take our principles, which is to make sure that everybody gets a chance to be heard with respect to forestry policy, and deal with the fact that the west side is very different than the east side. The west side has this patchwork of land, some public, some private. It's very, very different. So that alone is part of the thinking that's gone into it.

So what we said is, "You bet we're going to hear from the stakeholders. But we're going to do it all up front. We're not going to do it in 15 minutes." I mean, for over a year, for over a year, all the stakeholders are going to be at the table on both types of forests, so that they have a chance to be heard. But then, once we get there, we're not going to have this policy that I've characterized where every tree has its own lawsuit.

Mr. STEVENS. I think I have to disagree with the concept that every tree has its own lawsuit. I think in reality, the amount of appeals that go to court is very small, and it tends to be when sales are of the most egregious character. Oregon Wild does not take it lightly to go to court, because it takes our time and resources. Despite how we've been characterized, we are not sitting in our wealthy homes thinking of ways to ruin rural America.

I would say, though, that I think that the 10-year provision is very troubling. Even if there is a lot of planning that goes into that original EIS, once you put it in place, every timber sale from then on, you don't get to get the hard look that we get now to know what the impact is. So, we have this 10-year plan, and we don't know, I think—Dr. Franklin said it earlier. We don't know everything about forests now, and we certainly didn't 25 years ago. We're going to learn more in 2 years, 5 years. We're going to need the opportunity to be able to be flexible as we look at these individual sales.

Furthermore, we don't need that overarching ability, because there isn't a huge problem. We heard Mr. Ellis say earlier that

they're planning 230 million board-feet of timber sales this year. Hey, it's a far cry from 1.2 billion. But that's not nothing. I think the characterization that there is zero management on BLM lands is inaccurate.

Certainly, the industry would like more. I would like to only see restoration management. Somewhere in between there, we can find the——

The CHAIRMAN. I want to give Mr. Riddle a chance to get into this.

Mr. STEVENS. Sure.

The CHAIRMAN. Yes, we hope that they will get it up. But the reality is the average for the last decade has not gotten close to that, not gotten close.

Mr. Riddle.

Mr. RIDDLE. Thanks. To follow up on the comment, planning for the sale is different than implementing the sale. We all know that. The numbers are far different.

But getting back to the issue about certainty. Timing and streamlining is a different issue than whether or not there's legal certainty. If it's simply a timing issue and you're streamlining the process, but the underlying law—in other words, the legal standard remains the same and nothing's changed—you're just going to get to the lawsuit a little quicker, but you're not going to get necessarily a different result in the lawsuit. That's the concern.

It's not where you have here, you said a tyranny of the extreme. That's not where we're at or I'm at. It's whether or not it will be effective legally, which is different than an argument over, you know, what is sustainable scientifically, or how many dollars does it take, or how much is needed for mill infrastructure?

The other problem with certainty is it's not like horseshoes where close is good enough. If you increase what you think is certainty by 70 percent in a bill, that doesn't mean you're going to get 70 percent, let's say, of the harvest. If there is a hole in your legal certainty, you lose it all. 70 percent certainty, in other words, is zero harvest.

[Pause.]

The CHAIRMAN. Excuse me.

Mr. RIDDLE. That's OK.

The CHAIRMAN. We're calling some audibles for the votes. Go ahead.

Mr. RIDDLE. The point I was making about—and I think you heard the first part, but maybe not the last part—is legal certainty isn't like horseshoes where, if you're close, then you still get some points.

If you have, let's say you've drafted something, you think we're 70 percent of the way there, 70 percent of legal certainty does not equal 70 percent of the hope of volumes you thought we were going to get in the bill. It's zero percent. Because to the extent, once you have that loophole, that loophole can be used for everything. So certainty is just a tricky, very difficult, very difficult subject.

The other issue on this certainty issue regarding what you've done in the bill, the 10-year EIS and things of that nature, that is not, I would argue strongly, that is not far out. It's only the ninth circuit that requires the EIS process at the plan level, as you

suggest in your bill in the streamlining. Then you have to go through it all over again on every single timber sale. The other circuits throughout the United States don't require that. It's basically redundant.

So that certainly isn't extreme, and I don't think our position on that—and I certainly don't think I'm part of that tyranny of the extreme.

The CHAIRMAN. Let's kind of get Dr. Franklin into these numbers.

Mr. Riddle has talked, Dr. Franklin, about how it would be sustainable to harvest 1.2 billion board-feet per year. Because in his view, there is so much timber growing in the forest. Give us your take on a scientific basis with respect to that, and what the difference is between what the agency has identified as sustainable to harvest versus harvesting the full volume of what has been grown. Because I think it's important as we, again, our delegation tries to find this common ground, get a sense of what is scientifically defensible. So, can you unpack that?

Then I want to bring some of the rest of our witnesses into this. Dr. Franklin.

Mr. FRANKLIN. Thank you. The 1.2 billion figure just simply has to do with the estimated total growth on the entire property. If you were managing that property solely for optimized wood production, it might be sustainable. But of course, we have a whole array of other goods and services that we want from our Federal lands. So, obviously, there's no way in the world that you can obtain that kind of harvest level and still sustain those other values.

I think there's a principle here that goes far beyond timber. That is, you know, whenever you manage a property for essentially optimizing or maximizing a given output, whether it's timber or fuels or owls or water, then you marginalize a whole array of other values. Obviously, the rules of the game that we've laid down says, "No. We're not going to do that. We're going to manage that property for an array of values including values that are very important to the counties."

So, you know, it's totally moot. We can't sustainably grow 2.4 billion board-feet of timber on those properties, or 1.2 billion rather, and sustain the other values. Period.

The CHAIRMAN. All right. Let's go to you, Mr. Matz, and you, Mr. Miller, because I want to talk about, again, the balanced kind of effort. I know this is very hard. I think you heard me talk with Congressman DeFazio literally within 12 hours of town meetings, going to Corvallis. We were cutting, you know, too much. We were going to Eugene, and we're cutting, you know, too little. You're just kind of trying to find a way to get to common ground.

I gather that Pew, that spends a lot of time on these issues, feels that on balance, we have moved in the right direction with respect to natural resources. But you'd like us to do some fine-tuning in some areas that would certainly be important to the people who Mr. Stevens works for. Is that a fair characterization?

Mr. MATZ. That would be a fair characterization, sure. The thing about these processes is that not everybody is going to get everything that they want.

The CHAIRMAN. You think?

[Laughter.]

Mr. MATZ. I mentioned that in our oral testimony. But that, you know, you can work to try to find a reasonable balance that gets people much of what they would like to see out of this process. That's where, you know, we've worked with you on this particular issue. We've worked with Senator Tester on some of these, on legislation that he has, the Forest Jobs and Recreation Act.

It's not easy to try to balance these resource, development, and land protection issues. But I think that if people sit down, talk about it, learn about the concerns of others, you can get to that sweet spot. We do think, with a few minor improvements, you're pretty much there.

The CHAIRMAN. So, one last question for you, Mr. Miller, and then I want to bring Commissioner Leiken and also our commissioner from Douglas County, Commissioner Robertson, into this discussion as well.

You said something to me once, Mr. Miller, about how so many opportunities were missed over the last 10 to 15 years, opportunities where the industry could have found reasonable, you know, approaches, and environmental folks who might want to come together. That very much has been central to my thinking.

I think it's what Congressman DeFazio was talking about earlier when he mentioned the fact that he had Dr. Franklin to a conference, you know, decades ago.

We don't want to miss this opportunity again. Would it be fair, and perhaps you could just put it in your own words, to talk a little bit about the history of the missed opportunities and how it could have meant a lot for the industry and for rural jobs and others if we hadn't missed those, you know, chances, and could have had the talks we're having now back then?

Mr. MILLER. Sure. We could all look backward and wish maybe we had struck a bargain or done something a little different. But I think it's the nature of rural natural-resource-based communities. I mean, people make their living off the land.

When policies change, I mean, these are proud people. Many of them have been living in these communities for generations, and they've been doing the same kind of work generation by generation. When Federal policies or State policies change and pull the carpet out from under that life, the natural reaction is to dig in and try and do all you can to maintain it and protect it.

So, I think that clearly is a limiting factor in one's ability to see, how do I accept something that's less than what I have known? I mean, that's just a very, very difficult process psychologically.

I've done business in Northern California. We used to have a substantial business in the Redwood region. I'm very, very well acquainted with the legal aspects of forestry and the very clever and well-funded tactics that people use, in this case, to try and up-end private business. We had mills in Montana that were largely based on forest service timberlands. Those mills don't exist today. I've had the grim responsibility to stand in front of hundreds of men and women and tell them that, in 2 weeks time, their world as they have known it will come to an end, and watch them react as one can imagine they would react.

This is just the fabric of society, of communities, of changes. I lived in Iowa during the upheaval of the farm crisis in the late 1970s and the early 1980s. Drive down the road, you'd see those auctions, miles of cars lined up where they were selling everything, the pots, the pans, the bed sheets.

So, this is all very difficult, I think, for everybody. It's not easy to let go of what you believe in, what has been your life. You understand that. I know you do. I've talked to you about this on a number of occasions.

Life moves on whether we like it or not. That's not said with callousness. It's just it's the nature of society, and certainly a democratic and capitalistic society.

On the other side, there is this reality that these lands are governed by, and really essentially owned by, the people of the United States. They just happen to be heavily concentrated in a corner of Oregon.

The CHAIRMAN. God put the trees in our part of the world.

Mr. MILLER. Yes. So, you know, that's a particularly challenging problem to address. I think the issue is that for so long, both sides have denied the reality of change. I mean, people would talk about it. But I think what's been missing is to sit down with the folks that live in these communities and put all the cards face-up on the table.

With all due respect, you know, the folks from the environmental communities, they're entitled to their position. But frankly, most of them don't live in these communities. The people that fund them don't live in these communities. I think if they really want to pursue their goals, they should show up in places like Roseburg and Grants Pass, like you do.

The CHAIRMAN. I'm certain they're going to be there.

[Laughter.]

Mr. MILLER. No, and look these people in the eye and say, "I do not believe your job needs to continue because I think there are other values for these forests that I believe take precedent," and just have the courage to do that.

You have had the courage to go to these places and take the slings and arrows. They're trying to bring people together to a place that, you know, is the best we're going to do. Frankly, the political reality of this situation and the laws that govern these properties and the politics of how legislation passes through this body and your accompanying chamber and, hopefully, gets signed by the President.

The CHAIRMAN. I appreciate that sort of approach, because these are very difficult, you know, issues. I mean, it's a piece of cake to go into one camp over here and another camp over here and basically just put out your press releases and say, "Our way is the right way."

I do think that, had we had these conversations, particularly on the west side, as you suggested, you know, years ago when people basically were in denial, we wouldn't be faced with some of these situations. I touched on it in my opening statement. Mr. Robertson talked about it. Congressman DeFazio talked about it. We're literally in some of our rural communities, if there is a serious, vio-

lent crime being committed, people don't know where to turn. That is just unacceptable.

I want to give Commissioner Robertson and Commissioner Leiken the last word. But I hope you two commissioners, and I know you've had differing views on this issue, are walking out of here encouraged. Because what Congressman DeFazio said today, because he has led the effort on the House side, and I've had the bill here as Chairman of the Energy and Natural Resource Committee—he made it clear there's an urgency behind finding common ground. He's trying to get the yes, not trying to find ways to keep on saying, "Let's put it off for somebody else and some other day."

I think that set of comments by Congressman DeFazio ought to leave people plenty encouraged. I'm going to work very closely with him and the members of our delegation to show that sense of urgency that means, as Mr. Miller touched on, that we're not going to be talking about this years and years from now because everybody denied it in 2014.

So, Mr. Robertson, the last word, you get one. Mr. Leiken, you get one. We'll liberate you all here from the hearing.

Mr. Robertson.

Mr. ROBERTSON. Thank you, Senator Wyden.

You know, one of the issues that seems lost in these discussions is the unique nature of these lands. Again, these are not large contiguous blocks of forest lands. These are scattered bits and pieces of a checkerboard never intended to be in Federal ownership. For 40 years, these lands were in private ownership, and 3 attempts by the Federal Government to sell these lands into the private sector.

So I think it's important that we keep in the discussion the context that these lands are very unique, very different, governed by different rules and different laws.

Having said that, I am encouraged. I'm very encouraged, because I think we are closer than we—well, there's no question we're closer than we've been in 75 years in solving this problem. With your efforts, with Congressmen DeFazio, Schrader, and Walden, I think we can reach a resolution.

Congressman DeFazio pointed out that one of the things that needs to happen, and I think Dr. Franklin would agree, is that if we are going to achieve the outputs in terms of harvest levels and revenue, we're going to have to grow the job base—the land base a bit. That means public domain lands. That means perhaps some controverted lands.

That can be done. If that land base is increased, our ability to reach the balance that's going to be necessary to provide the output, I think is achievable.

I also think it's important to point out that this discussion began 2.5 years ago when the counties recognized that our myopic view of just looking at county issues had to be expanded. We had to look and take into consideration the concerns of the environmental community and the industry.

That's why we were willing to put 1 million acres of these O&C lands into a permanent reserve, never to be managed. As you pointed out, the first attempt to protect old growth, 1 million acres, add to that 50,000 acres in the Rogue Wilderness, a brand-new wilderness area, and the Devil's Staircase, another 36,000 acres, 150

miles of river to be re-designated as Wild and Scenic. I would suggest the counties have come a long ways in meeting the balance.

Again, we recognize this is not 1937 anymore. But we also recognize the values of the principles of the O&C Act—sustained yield, the purpose of the land to support the counties. I think, with your leadership and your congressional colleagues, we can get there.

The CHAIRMAN. Thank you. I very much appreciate that. You're absolutely right with respect to the counties and their central role. They were central back in 2000, when Senator Craig and I in this room wrote the Secure Rural Schools Bill. Without that, as you know, there are some counties in our State that probably would have had difficulty funding education 3 days a week. Even with that, obviously, as we've been talking about this morning, there's enormous hurt. That's why we've got to get people back to work in the woods in rural Oregon.

I think it's appropriate, because we're going to need the counties', you know, input. Your involvement with the national counties, I want in the days ahead, as we look at both parts of the equation, today is about getting people back to work in the woods. But we're going to have more work to do on the safety-net side as well. We are going to need the counties to work with us on another challenge that we've begun to think about. That is to make common ground between all the communities in this country where there is Federal land and Federal water.

Because I think if you went back and looked at how this patchwork of different programs was created, nobody would argue for doing one thing for renewable energy and Federal waters and another for some other use on land or something of that nature. We try to play to the common strengths that we've talked about in our State, which is multiple use. That is the bedrock principle when it relates to our State. So, we are going to be working with you not just on this legislation, which is to get people back to work in the woods, but also on the safety net.

Now, we pulled a rabbit out of the hat here a few months ago when we were able to sell off the helium reserve and get some of that money, which will be arriving for rural counties here shortly. But we've got to get rural counties in Oregon and across the country off this roller coaster. So we will be following up with you on that as well.

Last word for you, Commissioner Leiken.

Mr. LEIKEN. Mr. Chairman, thank you very much. I appreciate Commissioner Robertson's words on this as well and kind of giving the history of the O&C lands.

As I mentioned before, you know, I lived primarily in two places, Douglas County and Lane County. My great-great-grandfather migrated to Oregon in the 1870s. My wife and I have chose to live in Oregon, chose to live in Lane County. We've chose to raise our family there. I have such commitment to it.

So not only as an elected official, this is where I planted my roots. My business interests have been in Lane and Douglas County.

I find it interesting, you know, when I hear the piece where it suggests that Oregon is third in job growth. You know, about a year ago—actually, it was less than a year ago—there was a most

interest op ed piece called "The Tale of Two Oregons." The significant job growth is happening in the Portland metro area. Then there's the rest of the State.

For me, I sit back and I look at, well, we have the incredible species of timber that we have in our counties. I looked, we have this opportunity to continue to provide these critical jobs to our citizens here. So we don't feel like that we're constantly left out. So, I appreciate your leadership on this. I appreciate the work that Congressman DeFazio is doing on the House side. I know the two of you will get together, and our colleagues throughout Oregon and throughout the Northwest, and come up with a plan that I think will be sustainable for the future.

So I appreciate it. As you know, I'm not going to speak for Commissioner Robertson. But I assure you that the both of us will clearly be working with you very closely as we go on. I think you can expect the counties will be a player in this.

So, I thank you very much. Glad to be here this, I guess it's close to this afternoon. Still morning in Oregon. So, glad to be here, and thank you so much for this opportunity.

The CHAIRMAN. Big thanks to all of you. Suffice it to say on these kinds of tough natural resource issues, it is not a walk in the park or something that you're easily going to find common ground on. But I think in the course of the last 3 hours, we've certainly moved in the right direction.

I want to thank all of you, and we'll excuse you at this time.

[Pause.]

The CHAIRMAN. Our next panel will address the Barrasso bill S. 1966. We're glad to welcome Dr. Mike Dombeck. He has a wealth of experience in Federal land management. We have worked with him often over the past years. It is always good to see his cheerful countenance here. He's a real visionary on national forest management, and we appreciate him.

We're also joined by Clint—and I hope I'm pronouncing this right—is it Georg?

Mr. GEORG. It is Georg.

The CHAIRMAN. OK. Clint Georg.

We're going to summarize your oral remarks, and we'll include all of your written testimony into the record. I'm glad that my colleague from Wyoming has arrived so that we can have the real authority on this matter here.

Why don't we begin with you, Dr. Dombeck, and then go to you, Mr. Georg?

STATEMENT OF MIKE DOMBECK, BOARD MEMBER, TROUT UNLIMITED

Mr. DOMBECK. Thank you, Mr. Chairman. We've had many, many hearings together in this room, and I think back to county payments maybe 12 or 14 years ago. At any rate, it's good to be back.

Senator Barrasso, while we haven't had an opportunity to work together, I spend a lot of time in your State with having family members there. I hunt and fish and really enjoy Wyoming.

The dialog of this hearing for someone that's been in so many hearings in this room has been very, very instructive this morning.

Much of my testimony actually has been said by one person or another. So I'm just going to summarize very briefly in the hopes that the chairman's implication that there might be a closer place in heaven for someone with a shorter oral statement, maybe I'll gain something by that.

But a couple of points. No. 1, you know, I don't think anyone assumes that the national forests are simply a breadbasket of timber to be harvested anymore. What I'd like to lay out is just a set of 7 very brief principles that I think if we adhere to, we will make lots of progress. Obviously, there are—all of us have experienced, you know, frustrations of the debates over resource allocation, and those debates are not going to go away.

But sort of in the spirit of being constructive, not only on S. 1966, but basically the entire forest management debate across the country, I'd just like to mention the 7 principles.

No. 1 is to promote collaboration and collaborative stewardship. That's Chairman Wyden, former Chairman Bingaman. There's been a lot of progress made on that front. The collaborative Forest Landscape Restoration program I think is one of the highlights there. I've asked my home State, Senator Baldwin, to say that that should be extended east of the 100th meridian as well.

No. 2, protect roadless areas, riparian areas, and old growth forests. I just want to echo Dr. Franklin's points about his praise of the old growth protection in your bill, Senator Wyden, because we've got to get these controversies off the table to make progress, which was one of the reasons that I pushed the old growth, or rather the roadless area protection. There was a tremendous resource drain on all, basically all parties involved, particularly the forest service, and a liability for taxpayers as well. So that's, I just commend you for that.

No. 3, focus on timber harvest to restore and improve the health of forests and reduce fire risk.

No. 4, solicit ideas from a broad range of interests on ways to overcome obstacles to sustainable management activities. I think we're all seeking to do this in many, many ways, and we need to just keep on trying and appreciating the fact that every American wants to have a voice in government decisions.

No. 5, move away from the reliance on the traditional timber sale contract as the sole source of vegetation management. I'm so pleased to see the AG bill and the support for authorization of the forest service and of the Stewardship Contracting Authority. That, I think, is a tremendous step forward. The more we can move in that direction, the better off all of us will be.

No. 6, and this has been mentioned many times, a fixed fire funding issue of the forest service to really restore the capability of the agency to work more broadly on the land. This will go a long way, I think, in getting more work done on the land where it really counts—so to speak, where the rubber meets the road.

No. 7, and perhaps as important as any, the first Chief of the Forest Service, Gifford Pinchot, said that, you know, we manage forests for the greatest good for the greatest number in the long run. One of those new greatest goods, I believe, is forests managed for climate change, storehouses of carbon. Reinforcing the impor-

tance of water, that was part of the original establishment of the national forests more than a century ago. That's so important.

Keep an eye on integrated forest management that includes timber harvest, includes thinning, includes putting roads to bed where they're not needed, includes the whole array of fish habitat improvement, water quality, recreation, hiking, biking, and all those things where kids can go and enjoy public lands and not have to worry about "No Trespassing" signs.

With that, I'll conclude and will be happy to answer questions anytime.

[The prepared statement of Mr. Dombeck follows:]

PREPARED STATEMENT OF MIKE DOMBECK, BOARD MEMBER, TROUT UNLIMITED

Thank you for inviting me to testify today on S. 1966, the National Forest Jobs and Management Act of 2014. I greatly appreciate this Committee's important role in the oversight and protection of our nation's precious natural resources and public lands. I'm very familiar with this hearing room, having testified here many times as Chief of the Forest Service and as the acting-Director of the Bureau of Land Management. I am here today on my own behalf, and also as a Board member of Trout Unlimited—an organization with a strong knowledge of, and mission interest in, management of our National Forests.

The public ownership of land is rooted in the founding of the United States. The original 13 colonies—the eastern states—ceded their ownership of western lands to the federal government. In exchange for extensive land grants within their territories, western territories relinquished claims to the unappropriated lands inside their boundaries. Congress required that these agreements be reflected in each new state's constitution as "ordinances irrevocable." The Public Lands belong to all citizens of the United States.

Disposition, allocation and management of public lands have always been very important and controversial work. As this nation matures, the population increases, and more land is urbanized and developed, how we manage our public land becomes even more important. Recall the old Will Rogers' cliché, "buy land, they ain't making it anymore."

For nearly the past half century the public lands managed by the Forest Service and Bureau of Land Management, have been managed for multiple uses as mandated by law. However, translating multiple-use on the ground is no easy task. Every constituency—forest products, grazing, mining, recreation, wilderness, and so on—pushes to maximize its interest. Couple this with constantly changing economic needs and social values, and the challenge gets even messier.

The most important recommendation I have for this Committee, the Congress and the Executive Branch is focus on is how to maintain the long term health and productivity of the land. The challenge as defined by Gifford Pinchot is to manage for the "greatest good for the greatest number for the longest time." Water was a basic value, and watershed protection and restoration a basic concern that led to the establishment of the National Forests in both the eastern and western United States. The critical role forests play in the carbon cycle and moderating climate change is perhaps the most recent value we must take seriously. The severe drought in California and parts of the West and other extreme weather patterns are reminders that maintaining and protecting forests and their sound management is of the utmost importance.

I appreciate Senator Barrasso's interest in the need for properly managing multiple-use on our public forests. From World War II to the 1980's, an era of different values, the Forest Service focused primarily on timber harvest. The all-time high was reached in the 1980's with harvests approaching 12 billion board feet per year. Since 1990, the agency has struggled to cut two billion board feet per year. Nearly everyone agrees that 12 billion was unsustainable—way too high—and most agree that we can do better than the 2.5 billion board feet being harvested today.

No longer do we look at National Forests as bread-baskets of timber to be brought to market. They are managed for forest health, water supplies, hunting and angling, and yes, timber production, among many other multiple use values. But the truth is that the Forest Service is in its 24th year of transition, and we need to model new approaches to help the agency meet its multiple-use objectives including, but not limited to, cutting more timber from public lands.

The guiding principle of my testimony is the need to manage for the long-term health and sustainable productivity of the land. And therein lays my primary concern with S. 1966. Rather than making the long-term health of the land, or even improving multiple-use management of the land its objective, this bill would make timber production from a portion of our publicly-owned forests the primary objective. Keep in mind the many long, protracted controversies of the past. Let's not repeat them by pushing the pendulum back so far and making one use dominant.

In the spirit of offering solutions, I offer the Committee seven principles to consider as it debates how to help the Forest Service manage our public lands for land health while also achieving its multiple-use mandate.

ONE, COLLABORATION AND COLLABORATIVE STEWARDSHIP WORK

This committee has discussed several bills that model new approaches to help the Forest Service achieve its mandates. The Forest Jobs and Recreation Act introduced by Senator Tester is a good example of bringing conservation interests and timber interests together to protect wilderness quality lands; promote hazardous fuels treatments; and ensure more stability in timber management from certain forests in Montana.

I encourage this committee to increase its support of science and local community-based collaborative groups, such as has been done by Chairman Wyden in Oregon and Senator Crapo in Idaho, and was led by former Chairman Bingaman and his support to for the Collaborative Forest Landscape Restoration Program. We also need to support Forest Service efforts to implement the new forest planning rule, allowing for greater collaborative participation by all communities with forest interests.

In my home state of Wisconsin there is a grassroots effort beginning to take shape called the North East Wisconsin Collaborative. It brings together a diverse group of stakeholders from conservation, loggers, Tribal members, and forest industry representatives to find ways to accelerate the sustainable management of the Chequamegon-Nicolet National Forest. This effort is being modeled from the many Collaborative Forest Landscape Restoration Program projects (CFLRP) that have been establish across the country, predominately around National Forests impacted by large scale wildfire. While wildfire typically isn't a the threat in the Great Lakes States as it is in the West, the effort in Wisconsin is aiming to promote the health of watersheds that drain into the Great Lakes while producing timber and jobs. Established CFLRP projects have shown that when diverse stakeholders come together significant progress can be made and should be extended to the National Forests east of the 100th Meridian.

TWO, PROTECT ROADLESS AREAS, RIPARIAN AREAS, AND OLD GROWTH FORESTS

Any new National Forest policy should recognize the exceptional value of roadless areas and old growth forests. These aren't simply "more green lands" on the map. In a very real way, they are the crucible on which the character of this nation was forged, and they should be protected and held in trust for the benefit and use of present and future generations. Old growth forests are essentially absent from private lands; the last place you can find them in this country is on public forests. Who would deprive a child of experiencing that wonder, a scientist of learning from them?

Roadless areas remained roadless for a reason. These remaining wild places are typically difficult and expensive to get into for resource extraction, and in the past often resulted in below cost timber sales. Should we really consider putting roads into roadless areas when the Forest Service is running a multibillion dollar backlog on maintenance of its existing road system?

Although roadless areas represent less than two percent of the American landscape, more than 25 percent of all endangered species are dependent on roadless areas. The table below, from a Trout Unlimited report, shows the value of roadless areas in Idaho to trout and salmon.

SPECIES	LOST HISTORIC HABITAT IN IDAHO	CURRENT DISTRIBUTION IN ROADLESS AREAS
Bt. Trout	48% of historic range	69% of current habitat is in roadless areas
Chinook Salmon	65% of historic range	74% of current habitat is in roadless areas
Steelhead	61% of historic range	74% of current habitat is in roadless areas
Westslope Cutthroat Trout	16% of historic range	68% of current habitat is in roadless areas

Nearly a quarter of Americans drink water that flows across roadless areas. To not recognize their social and ecological values in legislation would be a tremendous lost opportunity. I have attached a section of the preamble to the 2001 Roadless Rule which details the full range of social, economic and ecological values of these lands. More recently science pointed out the role of forests and old growth in the carbon cycle and mitigating the effects of climate change.

When it comes to riparian areas, the Forest Service itself has pioneered methods such as the Aquatic Conservation Strategy, Pacfish, and Infish that protect streamside areas in the forests on the westside of the Cascades, other anadromous fish habitats in the National Forest System, and important inland trout habitat, respectively. Riparian areas in the West, in particular, have an outsized conservation value. Although they represent only two percent of the western landscape, more than 75 percent of all wildlife species are dependent on them.

THREE, FOCUS TIMBER HARVEST AND FOREST MANAGEMENT TO RESTORE AND IMPROVE FOREST HEALTH AND REDUCE FIRE RISK

Focus on the interface of forests and human communities. The fact is that our greatest forest management needs are not in backcountry areas, or areas with the biggest and oldest trees, they are in places where public forests run up against private lands and communities. Wildfires can be a huge problem in such areas, especially in wildfire-dependent landscapes that have had fire suppressed for decades. We should follow the models of collaborative stewardship that allow for the protection of backcountry areas while also allowing communities to create defensible spaces in areas adjacent to their forest-bordering homes.

I note, for example, that the first person to litigate the 2001 Roadless Area Conservation Rule was then Lieutenant-Governor James Risch of Idaho. But he didn't stop there. As Governor, he brought all of the people who had an interest in roadless management—the state, counties, environmental and commodity interests—together, and forged a made-in-Idaho agreement that allows for urban-wildland communities to take proactive actions to protect communities from wildfires while still also protecting roadless areas. Importantly, groups such as Trout Unlimited who participated in its development, argue that the Idaho Roadless Rule's conservation measures as strong or stronger than the 2001 national roadless rule. Colorado followed a similar process.

I commend Senator Risch for his work, and the Idaho example in seeking ways to protect roadless areas and their values while also protecting wildland-urban communities from the effects of wildfire.

FOUR, SOLICIT IDEAS FROM A BROAD RANGE OF INTERESTS ON WAYS TO OVERCOME OBSTACLES TO SUSTAINABLE MANAGEMENT ACTIVITIES

History teaches us that real progress is made when communities of place and interest come together to find solutions on the land. As Congress and the Forest Service look at ways to plan and implement projects more efficiently, they would be well served to solicit the ideas of a broad range of stakeholders. The issues that S. 1966 seeks to address have been around for a while, and a lot of thinking has gone into solutions—one example being the Healthy Forest Restoration Act. By bringing a broad spectrum of interests together to think about ways to make Forest Service processes more efficient, members of this Committee could come up with approaches that better accomplish balanced multiple use management. Senator Barrasso is to be commended for offering ideas to fix a problem of concern to many. We should be as diligent in protecting the interests of people who have invested in collaborative stewardship as we are at ensuring that all interests have a voice in the management of National Forests.

FIVE, MOVE AWAY FROM RELIANCE ON THE TRADITIONAL TIMBER SALE CONTRACT

I realize that my recommendation runs contrary to this bill, but it is time to move away from sole reliance the timber sale contract as the prime vehicle for national forest management. This bill would require the use of timber sale contracts for all timber management. (Note that 25 percent of all timber receipts are returned to states and counties for schools and roads.)

It is time that we move away from fundamental need to educate our children with revenues from timber harvest of public forests. No other country in the world bases the quality of their children's education on how much timber they cut. It is not sustainable over the long haul for either the forest or local schools.

The Forest Service should rapidly accelerate the use of stewardship contracting. Stewardship contracting allows the Forest Service to apply the revenues generated from timber sales to other priorities such as road and culvert maintenance, forest health, stream improvement projects, and other hard-to-fund work that can help to make forests more resilient to the effects of climate change. I am delighted the current Farm Bill Conference Report recognized this and provides the Forest Service with permanent authority for Stewardship contracting.

SIX, TREAT THE FOREST SERVICE LIKE EVERY OTHER FEDERAL AGENCY THAT HAS TO DEAL WITH NATURAL DISASTERS

In FY 1991, fire spending accounted for roughly 13 percent of the total Forest Service budget, while in FY13 fire spending ate up more than 40% of the budget. The agency has lost $500 million dollars from programs that help to improve forest health, keep drinking water clean, suppress invasive species, promote hunting and fishing, get kids outdoors, improve access to forests, and so on by diverting resources for fire-fighting.

Truly, this is an inefficient way to run an agency, and it is time Congress fixed the problem. Simply stated, Congress should treat the Forest Service the same as any other federal agency with funding responsibilities for natural disasters. No other single agency within the entire federal government must fund disaster response—which is what fighting fires can amount to—from discretionary budgets. This is one issue that all currently retired Forest Service Chiefs are in complete agreement on and we have written the Congress about on numerous occasions

I commend Senators Wyden, Crapo and their colleagues, including my own home State Senator Baldwin, for their efforts and bipartisan approach to fix this funding issue which has literally hamstrung the Forest Service's capacity in all forest management activities. Additionally, it will take constant vigilance to see that investments are made up-front that will reduce fire danger and costs in the long run. This will produce timber and jobs in the process.

SEVEN, AND PERHAPS MOST IMPORTANT, NATIONAL FOREST POLICY SHOULD MAKE MAKING FORESTS MORE RESILIENT TO THE EFFECTS OF CLIMATE CHANGE AND THEIR CAPACITY TO PRODUCE CLEAN WATER

The Forest Service is a leader among federal agencies in preparing for climate change. Managing public lands so they are better able to withstand the effects of climate change benefits human communities and fish and wildlife, too. For example, protecting roadless areas minimizes downstream drinking water filtration costs. Reconnecting rivers to floodplains helps to reduce the energy of devastating floods. Restoring fire dependent forests can provide tens of thousands of well-paying, family wage jobs.

One note of caution: while thinning trees is an important aspect of forest restoration, it does not and should not define restoration. The February, 2012 Forest Service report, "Increasing the Pace of Restoration and Job Creation on Our National Forests" does a good job of describing how to accelerate thinning. But cutting trees alone will not restore our forests. Unsustainable timber harvest and development of other resources in the past have left many Forest Service lands in need of a wide range of restoration actions. Restoration must be approached by looking at how best to recover ecological processes that keep the land healthy. Closing or relocating roads; fixing culverts; removing unneeded small dams and fixing obsolete water diversions; ensuring adequate flows of water; and thinning are all part of an integrated forest restoration strategy. The temptation for the Forest Service and Congress will be to try and cut our way to healthy forests.

One example of a strong restoration effort comes from Montana's Middle Clark Fork basin where historic placer mining and other resource extraction badly damaged tributary streams that provide important spawning and rearing habitat for bull trout and cutthroat trout. One of these tributaries is Ninemile Creek, where

the Forest Service and its partners improved 12 miles of instream habitat, reclaimed 100 miles of unused logging roads, planted 10,000 trees and shrubs, upgraded or removed 70 culverts and incorporated 3,000 volunteer hours into watershed restoration planning and implementation. After the completion of these projects, cutthroat trout were able to migrate up Ninemile Creek for the first time in 70 years. The outpouring of volunteer hours and matching funding contributions to the restoration of the Middle Clark Fork is a testament to the public's desire to improve and restore our national forests. This example is a useful reminder that cutting certain trees may be an important aspect of restoration, but it is only one small part of an integrated restoration strategy.

These integrated approaches to forest restoration, combined with fixing the fire funding issues, provide the best opportunity I've seen to move beyond the current frustration and make a real difference on the land. I applaud the Forest Service for developing a categorical exclusion for certain restoration projects to enable them to move forward more efficiently. And I encourage Congress to maximize these opportunities by providing the Forest Service with adequate appropriations to plan and implement restoration projects, and by improving the agency's fire funding system. These steps will result in real progress while stakeholders consider ways to efficiently implement ecologically based forest management activities on the land.

Integrated National Forest restoration can bring benefits to many communities with great value, including water, tourism, timber, and jobs as well as the remarkable legacy of having public places without "no trespassing" signs where kids growing up can connect with nature. Our national forests are places to recreate, hunt, fish, hike, experience solitude and wild places, the places to restore human health and spirit while enjoying the great outdoors

Thank you for the opportunity to testify today. I would be pleased to answer any questions.

APPENDIX: PREAMBLE TO 2001 ROADLESS AREA CONSERVATION RULE

Roadless Area Values and Characteristics

Inventoried roadless areas considered in this rule constitute roughly one-third of all National Forest System lands, or approximately 58.5 million acres. Although the inventoried roadless areas comprise only 2% of the land base in the continental United States, they are found within 661 of the over 2,000 major watersheds in the nation (FEIS Vol. 1, 3-50) and provide many social and ecological benefits.

As urban areas grow, undeveloped private lands continue to be converted to urban and developed areas, and rural infrastructure (such as roads, airports, and railways). An average of 3.2 million acres per year of forest, wetland, farmland, and open space were converted to more urban uses between 1992 and 1997. In comparison, 1.4 million acres per year were developed between 1982 and 1992. The rate of land development and urbanization between 1992 and 1997 was more than twice that of the previous decade, while the population growth rate remained fairly constant (FEIS Vol. 1, 3-12). In an increasingly developed landscape, large unfragmented tracts of land become more important. For example, from 1978 to 1994, the proportion of private forest ownerships of less than 50 acres nearly doubled (Birch, T.W. 1996. Private forest-land owners of the United States, 1994. Resource Bulletin NE-134. Radnor, PA: USDA Forest Service, Northeastern Experiment Station. 183 p). Subdivision and other diminishment of tract size of these lands can discourage long-term stewardship and conservation.

Inventoried roadless areas provide clean drinking water and function as biological strongholds for populations of threatened and endangered species. They provide large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at risk species. Inventoried roadless areas provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research (FEIS Vol. 1, 1-1 to 1-4).

The following values or features often characterize inventoried roadless areas (FEIS Vol. 1, 3-3 to 3-7):

High quality or undisturbed soil, water, and air. These three key resources are the foundation upon which other resource values and outputs depend. Healthy watersheds catch, store, and safely release water over time, protecting downstream communities from flooding; providing clean water for domestic, agricultural, and industrial uses; helping maintain abundant and healthy fish and wildlife populations; and are the basis for many forms of outdoor recreation.

Sources of public drinking water. National Forest System lands contain watersheds that are important sources of public drinking water. Roadless areas within

the National Forest System contain all or portions of 354 municipal watersheds contributing drinking water to millions of citizens. Maintaining these areas in a relatively undisturbed condition saves downstream communities millions of dollars in water filtration costs. Careful management of these watersheds is crucial in maintaining the flow and affordability of clean water to a growing population.

Diversity of plant and animal communities. Roadless areas are more likely than roaded areas to support greater ecosystem health, including the diversity of native and desired nonnative plant and animal communities due to the absence of disturbances caused by roads and accompanying activities. Inventoried roadless areas also conserve native biodiversity by serving as a bulwark against the spread of nonnative invasive species.

Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land. Roadless areas function as biological strongholds and refuges for many species. Of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act, approximately 25% of animal species and 13% of plant species are likely to have habitat within inventoried roadless areas on National Forest System lands. Roadless areas support a diversity of aquatic habitats and communities, providing or affecting habitat for more than 280 threatened, endangered, proposed, and sensitive species. More than 65% of all Forest Service sensitive species are directly or indirectly affected by inventoried roadless areas. This percentage is composed of birds (82%), amphibians (84%), mammals (81%), plants (72%), fish (56%), reptiles (49%), and invertebrates (36%).

Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized classes of dispersed recreation. Roadless areas often provide outstanding dispersed recreation opportunities such as hiking, camping, picnicking, wildlife viewing, hunting, fishing, cross-country skiing, and canoeing. While they may have many Wilderness-like attributes, unlike Wilderness the use of mountain bikes, and other mechanized means of travel is often allowed. These areas can also take pressure off heavily used wilderness areas by providing solitude and quiet, and dispersed recreation opportunities.

Reference landscapes. The body of knowledge about the effects of management activities over long periods of time and on large landscapes is very limited. Reference landscapes of relatively undisturbed areas serve as a barometer to measure the effects of development on other parts of the landscape.

Natural appearing landscapes with high scenic quality. High quality scenery, especially scenery with natural-appearing landscapes, is a primary reason that people choose to recreate. In addition, quality scenery contributes directly to real estate values in nearby communities and residential areas. Traditional cultural properties and sacred sites.

Traditional cultural properties are places, sites, structures, art, or objects that have played an important role in the cultural history of a group. Sacred sites are places that have special religious significance to a group. Traditional cultural properties and sacred sites may be eligible for protection under the National Historic Preservation Act. However, many of them have not yet been inventoried, especially those that occur in inventoried roadless areas.

Other locally identified unique characteristics. Inventoried roadless areas may offer other locally identified unique characteristics and values. Examples include uncommon geological formations, which are valued for their scientific and scenic qualities, or unique wetland complexes. Unique social, cultural, or historical characteristics may also depend on the roadless character of the landscape. Examples include ceremonial sites, places for local events, areas prized for collection of non-timber forest products, or exceptional hunting and fishing opportunities.

Fiscal Considerations

The Department is also concerned about building new roads in inventoried roadless areas, when there presently exists a backlog of about $8.4 billion in deferred maintenance and reconstruction on the more than 386,000 miles of roads in the Forest Transportation System. The agency [[Page 3246]] estimates that at least 60,000 miles of additional unauthorized roads exist across National Forest System lands.

The agency receives less than 20% of the funds needed annually to maintain the existing road infrastructure. As funding needs remain unmet, the cost of fixing deteriorating roads increases exponentially every year. Failure to maintain existing roads can also lead to erosion and water quality degradation and other environmental problems and potential threats to human safety. It makes little fiscal or environmental sense to build additional roads in inventoried roadless areas that have irretrievable values at risk when the agency is struggling to maintain its existing

extensive road system (FEIS Vol. 1, 1-5 and 3-22). The National Forest System was founded more than 100 years ago to protect drinking water supplies and furnish a sustainable supply of timber. Neither objective is fully achievable given the present condition of the existing road system. The risks inherent in building new roads in presently roadless areas threaten environmental, social, and economic values.

Development activities in inventoried roadless areas often cost more to plan and implement than on other National Forest System lands. Some planned timber sales in inventoried roadless areas are likely to cost more to prepare and sell than they realize in revenues received. Because of the level of public controversy and analytical complexity, projects in roadless areas often require development of costly environmental impact statements for most resource development activities, including timber harvesting, in inventoried roadless areas.

In some cases, road construction costs are higher due to rugged terrain or sensitive ecological factors. Many development projects in inventoried roadless areas are appealed or litigated. These factors contribute to generally higher costs for the agency to plan and implement development activities in inventoried roadless areas.

National Direction vs. Local Decisionmaking

At the national level, Forest Service officials have the responsibility to consider the "whole picture" regarding the management of the National Forest System, including inventoried roadless areas. Local land management planning efforts may not always recognize the national significance of inventoried roadless areas and the values they represent in an increasingly developed landscape. If management decisions for these areas were made on a case-by-case basis at a forest or regional level, inventoried roadless areas and their ecological characteristics and social values could be incrementally reduced through road construction and certain forms of timber harvest. Added together, the nation-wide results of these reductions could be a substantial loss of quality and quantity of roadless area values and characteristics over time.

In 1972, the Forest Service initiated a review of National Forest System roadless areas generally larger than 5,000 acres to determine their suitability for inclusion in the National Wilderness Preservation System. A second review process completed in 1979, known as Roadless Area Review and Evaluation II (RARE II), resulted in another nationwide inventory of roadless areas. In the more than 20 years since the completion of RARE II, Congress has designated some of these areas as Wilderness. Additional reviews have been conducted through the land management planning process and other large-scale assessments. The 58.5 million acres of inventoried roadless areas used as the basis for this analysis were identified from the most recent analysis for each national forest or grassland, including RARE II, land and resource management planning, or other large-scale assessments such as the Southern Appalachian Assessment.

Of the 58.5 million acres of inventoried roadless areas considered in the FEIS, approximately 34.3 million acres have prescriptions that allow road construction and reconstruction. The remaining 24.2 million acres are currently allocated to management prescriptions that prohibit road construction; however, protections in these existing plans may change after future forest plan amendments or revisions.

Over the past 20 years, roads have been constructed in an estimated 2.8 million of those 34.3 million acres of inventoried roadless areas. The agency anticipates that the trend of building roads in inventoried roadless areas will gradually decrease in the future even without this rule due to economic and ecological factors already discussed, changes in agency policy, increasing controversy and litigation, and potential listings under the Endangered Species Act. While these anticipated changes may reduce some of the impact to inventoried roadless areas, they would not eliminate the future threat to roadless area values (FEIS Vol. 1, 1-14 to 1-15).

On many national forests and grasslands, roadless area management has been a major point of conflict in land management planning. The controversy continues today, particularly on most proposals to harvest timber, build roads, or otherwise develop inventoried roadless areas. The large number of appeals and lawsuits, and the extensive amount of congressional debate over the last 20 years, illustrates the need for national direction and resolution and the importance many Americans attach to the remaining inventoried roadless areas on National Forest System lands (FEIS Vol. 1, 1-16). These disputes are costly in terms of both fiscal resources and agency relationships with communities of place and communities of interest. Based on these factors, the agency decided that the best means to reduce this conflict is through a national level rule.

Importance of Watershed Protection

Watershed protection is one of the primary reasons Congress reserved or authorized the purchase of National Forest System lands. Watershed health and restoration is also one of four emphasis areas in the agency's Natural Resource Agenda. Protecting the remaining healthy components of a watershed provides multiple benefits and a strong base to anchor future restoration in unprotected portions of these watersheds. Rivers, streams, lakes, and wetlands within a watershed are the circulatory system of ecosystems, and water is the vital fluid for inhabitants of these ecosystems, including people (FEIS Vol. 1, 1-1).

Inventoried roadless areas comprise a small fraction of the national landscape, representing less than 2% of the land base of the continental United States. They are, however, disproportionately important to the small percentage of the land base they occupy. Overall, National Forest System watersheds provide about 14% of the total water flow of the nation, about 33% of water in the West (FEIS Vol. 1, 3-46). Of the watersheds on National Forest System land, 661 contain inventoried roadless areas and 354 of those watersheds serve as source areas of drinking water used by millions of people across the nation. Therefore, the health of these watersheds is important to people's health throughout the United States.

Roads have long been recognized as one of the primary human-caused sources of soil and water disturbances in forested environments (FEIS Vol. 1, 3-44). For example, while landslides are a natural process, extensive research and other investigations in the West have closely associated land management activities, particularly roading and timber harvest, with accelerated incidence of landslides by several orders of magnitude (FEIS Vol. [[Page 3247]] 1, 3-58). A joint study by the Forest Service and Bureau of Land Management in Oregon and Washington found that of 1,290 landslides reviewed in 41 sub-watersheds, 52% were related to roads, 31% to timber harvest, and 17% occurred in undisturbed forest (FEIS Vol. 1, 3-59). Another evaluation of landslides initiated by the Siuslaw National Forest found that roads were the source of 41% of landslides, harvest units less than 20 years old were the source of 36%, while natural forest processes accounted for the remaining 23%. Without the disturbance caused by roads and associated activities, stream channels are more likely to function naturally (FEIS Vol. 1, 3-54). Current road construction and timber harvest practices reduce the potential for damage associated with the use of earlier and less sophisticated techniques. However, even with today's improved design standards for road construction and timber harvest, these activities can still result in adverse effects to watersheds. These effects include pollution, changes to water temperatures and nutrient cycles, and increased sediment from storm or runoff events that exceed road design standards (FEIS Vol. 1, 3-45 to 3-50).

Improving Ecosystem Health

Inventoried roadless areas provide large, relatively undisturbed blocks of important habitat for a variety of terrestrial and aquatic wildlife and plants, including hundreds of threatened, endangered, and sensitive species. In addition to their ecological contributions to healthy watersheds, many inventoried roadless areas function as biological strongholds and refuges for a number of species and play a key role in maintaining native plant and animal communities and biological diversity (FEIS Vol. 1, 3-123 to 3-124). For example, about 60% of unroaded or very low road density sub watersheds within the Interior Columbia Basin Ecosystem Management Project (ICBEMP) assessment area are aquatic strongholds for salmonid populations (FEIS Vol. 1, 3-161). Inventoried roadless areas are key to recovery of salmon and steelhead stocks in decline, providing habitat to protect species until longer-term solutions can be developed for migration, passage, hatchery, and harvest problems associated with the decline of anadromous fish.

Species richness and native biodiversity are more likely to be effectively conserved in larger undisturbed landscapes, such as inventoried roadless areas (FEIS Vol. 1, 3-142). For example, inventoried roadless areas cover approximately 21% of the centers of biodiversity for animals and 10% for plants identified in ICBEMP (FEIS Vol. 1, 3-144 and 3-173). Inventoried roadless areas also provide reference landscapes that managers can use to gauge the health and condition of other land areas.

Road construction, reconstruction, and timber harvesting activities can result in fragmentation of ecosystems, the introduction of non-native invasive species, and other adverse consequences to the health and integrity of inventoried roadless areas (FEIS Vol. 1, 3-128 to 3-136). As human-caused fragmentation increases, the amount of core wildlife habitat decreases. This fragmentation results in decreased connectivity of wildlife habitat and wildlife movement, isolating some species and increasing the risk of local extirpations or extinctions (FEIS Vol. 1, 3-133). The value of inventoried roadless areas as habitat for threatened, endangered, and sen-

sitive species and as biological strongholds can also be diminished due to these activities. For example, 220 species that are listed as threatened, endangered, or proposed for listing under the Endangered Species Act and 1,930 agency-identified sensitive species rely on habitat within inventoried roadless areas (FEIS Vol. 1, 3-180). The Department of Agriculture believes that the risks associated with certain development activities in inventoried roadless areas should be minimized and that these areas should be conserved for present and future generations.

Need for Action

Promulgating this rule is necessary to protect the social and ecological values and characteristics of inventoried roadless areas from road construction and reconstruction and certain timber harvesting activities. Without immediate action, these development activities may adversely affect watershed values and ecosystem health in the short and long term, expand the road maintenance backlog which would increase the financial burden associated with road maintenance, and perpetuate public controversy and debate over the management of these areas. The new planning rules provide for review of other activities and allow for additional protection of roadless areas, if warranted. Adoption of this final rule ensures that inventoried roadless areas will be managed in a manner that sustains their values now and for future generations.

The CHAIRMAN. I will have some in a moment.

Let's go with you, Mr. Georg, and then Senator Barrasso will begin the questions, and I will be back momentarily.

STATEMENT OF CLINT GEORG, PARTNER, SARATOGA FOREST MANAGEMENT

Mr. GEORG. OK. Thank you, Mr. Chairman.

My name is Clint Georg, and I'm one of the owners of a sawmill located in Saratoga, Wyoming. I appreciate the opportunity to comment on the legislation before this committee today. I will direct my remarks to the bill and share with you the insights I have gained as my partners and I have worked to restart the mill in Saratoga.

I am also here as a member of the Federal Forest Resource Coalition. FFRC represents purchasers of forest service and BLM timber in 32 States.

Let me start by describing our company. Our sawmill is located in Saratoga, Wyoming, a beautiful small town of 1,700 people located in the southern part of the State. Saratoga is fortunate. In addition to having a gold medal trout river running through town, it also has a sawmill.

In January of last year, we were able to reopen that sawmill after it had sat idle for more than 10 years. Our company now has more than 150 people working for it. We are the largest employer in this town. We have hired people who have previously had no work or seasonal work, and we've given them full-time jobs. We have employees and their families who have moved into town and expanded the communities. We have noticed existing businesses growing and new businesses opening up in the town.

I believe this success demonstrates the impact that an active timber industry can have on a rural economy. The mill now provides much-needed forest management in the adjacent national forest.

This need is heightened by the crisis affecting those forests and many other of our forests nationwide. Disease and insects are killing millions of acres of trees. The forest in our area is experiencing nearly 100 percent mortality. This leads to massive fires, impacts

our watersheds, affects our air quality, and ruins the ecology that supports our wildlife.

It is particularly galling that this situation was in large part created by policy, not by nature. Yes, drought and climate change play a role in this crisis. But the now-discounted past forest management policies are the root cause. Suppressing fires in these forests, a policy in place since 1908, combined with the dramatically reduced timber harvests starting in the 1990s, created a situation in our area of too many trees, all the same approximate age, packed too closely together, and fighting for too few nutrients—a situation perfectly suited for massive outbreaks of insects, disease, and fire.

Active forest management is needed to help restore our forests. But in a cruel irony, in the midst of an unprecedented catastrophe affecting our forests, the very companies that can use this timber to help pay to restore the woodlands are suffering from a lack of access to timber.

As an example, in Wyoming, Colorado, and South Dakota, we have a small industry comprised of private and family owned timber businesses that must rely on Federal forests for their supply of logs. However, in this area, with 7 million acres of infected forest needing critical management, the forest service is unable to treat even 0.7 percent of these annually. That's the amount needed for us as an industry to survive.

Let me be clear: The forest service wants active forest management. They want to see our timber businesses survive and help restore the forests. But they do not have the fiscal resources to do what is needed. One reason for this is the financial drain to the forest service of administering NEPA under the current constraints of possible litigation.

Senator Barrasso's bill provides an opportunity to try a new approach on a limited scale. It proposes to take less than 4 percent of the national forest system and allow the forest service to use a streamlined approach to NEPA and ESA. This proposed bill will preserve the ability of interested parties to file objections, but streamlines the process, using binding arbitration to reduce costs, which puts more resources into the management of land rather than litigation.

Senator Barrasso's bill also directs the forest service to implement timber harvest on 7.5 million acres over a 15-year timeframe. Timber harvests put money back to the forest service and help pay for other resource management.

The impact of Senator Barrasso's bill is a win/win on many levels. Funds freed up from litigation will allow the U.S. Forest Service to devote more funds to increasing the pace and scale of forest restoration, which in turn improve our wildlife habitats, air quality, and protect our watersheds. Of course, restoring our forests while increasing timber sales will lead to revitalizing rural economies, much like we have seen in Saratoga.

Thank you for this opportunity to share my thoughts and experiences. When considering action on this proposed legislation, please consider that the current system is driving the decline of our national forests and is unsustainable both ecologically and economically. We can't change the fact that a great deal more of our forests will die from insects and disease in the coming year. We can't

change the near-term need to spend more money and time suppressing wildfire.

But what we can change is this lack of active forest management. Senator Barrasso's bill offers a meaningful step forward in restoring our national forests. Therefore, I strongly urge and request, on behalf of my company and the FFRC, that we support this bill and move it toward passage. Thank you.

[The prepared statement of Mr. Georg follows:]

PREPARED STATEMENT OF CLINT GEORG, PARTNER, SARATOGA FOREST MANAGEMENT

Mr. Chairman, Ranking Member Murkowski, my name is Clint Georg and I am one of the owners of a sawmill located in Saratoga, Wyoming. This sawmill had been idled for 10 years before my partners and I restarted the mill last year. We opened this mill in large part due to the need and opportunity for active forest management in the adjacent national forests and, in recognition of this, our company is named Saratoga Forest Management.

I appreciate the opportunity to comment on the legislation before the committee today. I will direct my remarks to Sen. Barrasso's bill, the National Forest Jobs and Management Act of 2014. As part of my remarks, I would like to share with you the insights I have gained as my partners and I have worked to restart the mill in Saratoga.

Saratoga, a small town of 1,700 people, sits in Carbon County, and the adjacent county is Albany County, Wyoming. These two counties have poverty rates above the State average (11.4% in Carbon County, Albany County has 26.2%; one in four of its residents live below the poverty line[1]) and many jobs in the region are seasonal. The process of reopening the sawmill took two years and millions of dollars in refurbishments, but in January of last year we starting producing lumber once more in Saratoga. Currently we have more than 100 full time employees and more than 50 contract loggers and truck drivers working for us. We are the largest employer in the town and since opening we have seen the impact to the community. We have had employees and their families move into the community, buy houses and support the community. We also have noticed existing businesses expanding and new businesses opening in the town. We are very pleased that our mill has provided a new impetus to this rural community, and we're happy to have restored a business in the area that helps provide jobs while stimulating the local economy.

I am also here as a member of the Federal Forest Resource Coalition. FFRC represents purchasers of Forest Service and BLM timber in 32 states. FFRC has previously testified that what is needed for our National Forests is a comprehensive, national bill that provides clarity about how the Forest Service is to comply with NEPA, as well as some relief from the frequently abused administrative reviews and litigation that plague Forest Service decision making.

By now, as members of this committee, you are very familiar with the crisis affecting our forests. The numbers defining this disaster are staggering——

- 81 million acres of our forests have severe health problems, the largest portion of which is in the Western United States.[2]
- 9.3 million acres burned in 2012, and over the past several years, dozens of people have been injured or killed by wildfires and hundreds of homes lost.[3]
- The ecological and economic damage from these fires has also grown as the average wildfires have grown to double what they were 40 years ago.[4]
- As a consequence of all this, the USFS now spends 47% of its budget fighting fires, up from 13% back in 1991.[5]

Although the present danger of massive and destructive fires is undoubtedly the forest health issue that gets the most widespread attention, there are other critical

[1] US Dept. of Commerce, US Census Bureau. Retrieved from http://quickfacts.census.gov/qfd/states/56/56001.html & 56007.html

[2] Frank J. Krist Jr., James R. Ellenwood, Meghan E. Woods, et. al., "2013-2027 National Insect and Disease Forest Risk Assessment" (USDA, US Forest Service, January, 2014) pg ii.

[3] US House of Representatives, Committee on Natural Resources, "Forest Health and Wildfires", Retrieved from http://naturalresources.house.gov/issues/issue/?IssueID=5924

[4] USDA, US Forest Service, "Forest Service Chief testifies on wildfire response capabilities, challenges", June 4, 2013, Retrieved from http://www.fs.fed.us/news/2013/releases/06/chief-testifies-on-wildfire.shtml

[5] Ibid.

issues related to forest management that must be addressed. The danger from fires, already heightened, unfortunately increases again in approximately 15 to 20 years when the trees killed by the pine bark beetle rot and fall down, adding woody material to the young trees and other fine fuels growing on the forest floor. A fire in this arrangement is difficult to suppress and will pose additional safety hazards to firefighters. Severe wildfires of this type burn at higher intensities and for longer durations which can be very detrimental to plant communities, soils, and watersheds.[6]

In addition, essential water supplies are at risk due to the impact dead forests have on watersheds. Research completed just last year focused on the impact of beetle kill forests on our watershed and found healthy watersheds ultimately depend on healthy forests.[7] Changes in tree canopies affect snowpack development and snowmelt. For example, a lack of needles on branches lets more snow fall through the canopy—snow that would otherwise be caught on branches. A tree without needles also has less shade beneath it. The result is a shallower snowpack, earlier snowmelt and less water in spring. The impact is felt on a far greater scale than the immediate forest; within the heart of the beetle outbreak in Colorado and Wyoming are the headwaters for rivers supplying water to 13 Western states.

The mountain pine beetle outbreak also is affecting our climate. Our forests consume carbon dioxide and generate oxygen in a process that helps refresh our atmosphere. During outbreaks, the resulting widespread tree mortality reduces forest carbon uptake and increases future emissions from the decay of killed trees. This impact converts the forest from a net carbon sink to a large net carbon source.[8]

Of course, the ecological disaster in our forest is impacting the animals that live there. Elk research at the USFS Starkey Experimental Forest and Range in NE Oregon documents overgrown and overdense "dry", forests as the key contributor to declining elk herds in many western states. Low nutrition on summer ranges strongly linked to fire-prone forest habitat is seen as a key limiting factor for elk[9].

Some species of birds rely on habitats that are now created almost solely through commercial forest management. As a result of the reduction in timber harvests on National Forests over the past few decades, there have been significant population declines for bird species including the Ruffed Grouse, Eastern Towhee, Field Sparrow, Brown Thrasher and Golden-Winged Warbler to name a few[10].

These statistics are very meaningful however, they don't fully define the tragedy. If you live in the area impacted, as I do, you get a much clearer understanding of the crisis:

- The three most destructive fires in Colorado happened in the past 20 months and Wyoming's worst fire season was 2012.[11] If you live in this area, you will see the billboards and banners thanking the firefighters for putting out the previous big fires, but you will also get a sense that there are likely to be even bigger fires, and more tragedies in the future.
- When you speak to professional foresters in the area, you may be surprised to learn that many of these professionals, whose careers are spent in the forests, now have grave reservations about going into the woods because of the increasing danger of falling branches and trees in the mostly dead forests.
- Elk hunters in the area talk about the change in patterns of the elk herds because of the dead forests and the State of Wyoming is now studying that issue.[12]
- National Forest campsites all throughout Colorado and Wyoming are closed or cleared of their trees to prevent these dead and dying trees from falling on

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[6] Colorado State Forest Service. "2005 Report on the Health of Colorado's Forests," (January 2006) pg 6. Retrieved from http://www.law.du.edu/thomson/AdminWiki/AgricultureForest_Service/Health_of_Colorado_Forests.pdf

[7] National Science Foundation "Ghosts of Forests Past: Bark Beetles Kill Lodgepole Pines, Affecting Entire Watersheds" (June, 2013). Retrieved from: http://www.nsf.gov/mobile/discoveries/disc_summ.jsp?cntn_id=128398&org=NSF

[8] W. A. Kurz, C. C. Dymond, G. Stinson, et. al., "Mountain pine beetle and forest carbon feedback to climate change", (Nature, April, 2008). Retrieved from http://www.nature.com/nature/journal/v452/n7190/full/nature06777.html

[9] Wisdom, Mike and Vavra, Marty, "New Paradigms for Evaluating and Managing Elk Habitats: a Glimpse of the Future for Elk on Public Lands", (Fair Chase, Summer 2011), pg 21.

[10] Dessecker, Dan, Ruffed Grouse Society, Letter to U.S. Senate Committee on Energy and Natural Resources, January, 29 2014

[11] Billings Gazette, "Wyoming's 2014 Fire Season is Anyone's Guess", January 06, 2014. Retrieved from http://billingsgazette.com/news/state-and-regional/wyoming/wyoming-s-fire-season-is-anyone-s-guess/article_c700c130-6d5d-570a-a90f-c358fa74f811.html.

[12] Wyoming Game and Fish Department, "Elk Collared to Monitor Movements in Beetle Killed Forests", (April, 2012) http://wgfd.wyo.gov/web2011/news-1000698.aspx

campers. For the past two seasons, camp fires have been banned in these forests because of the threat of fire.

- The signs of forest devastation are obvious to anyone living or visiting the area and are very personal. Now, and for the past few years, when I drive my 10 and 11 year old children from Denver to our favorite ski resorts we no longer see the miles of beautiful green forests that originally drew my family to the region. And my favorite drive in Wyoming, the spectacular Snowy Range Road, now provides a vista of, not purple mountain majesties, but horizon to horizon of largely dead spruce and Lodgepole pine.

In all, there are more than 7 million acres of forests like this in WY and CO that are desperately in need of restoration. This is the legacy of forest management that we are leaving our children and our grandchildren.

It is particularly galling to anyone who loves the outdoors that this crisis was in large part created by policy, not by nature. Drought and higher temperatures play a role in this crisis, but the unhealthy structure of the forest is the root cause.

The functioning of the forests in my region are well understood and have been for years.

- The various forest types in the Rockies all evolved with fire, whether it was lower intensity fires in the ponderosa pines or higher intensity but rarer fires in spruce and Lodgepole stands. None of these stands live forever, and all relied on fire to regenerate or maintain stand structure. However, since 1908, the Federal government worked with the States to actively suppress fire—something that now, with the expanding population and development in our forested states is even more important.
- The result of suppressing fires is increased fuel loading in our forests—more trees, packed closed together, weaker because of fighting for nutrients and more prone to natural disasters such as insects, disease or uncontrollable fires.
- This suppression of fire was actually not as harmful prior to about 1990. This is because timber harvests replaced fire as the means of thinning the forests. In the 1960s, 1970s and even in the early 1980s, timber harvests while still not removing enough timber to completely eliminate the fuel loading, were doing enough to keep the forests in balance—an admirable state of affairs.
- Revisions to forest plans in the 1990's and the decision to stop managing roadless areas moved us away from this balanced approach to managing our forests. This was the policy change that helped create the crisis. As a result, harvests dropped precipitously to unsustainable levels of less than 2 billion board feet. Since then, growth has greatly exceeded removals, and now bugs and fire are harvesting the excess. An industry that had been the envy of the world was devastated and the National Forest System, a national treasure that was instrumental in creating this country and spurring it on to greatness, was set on the path to the catastrophe we are now living.

Many of the policies that contributed to this crisis are unfortunately still with us and limit the amount of timber being harvested from our forests. And yet, active forest management, which produces valuable timber also has a direct benefit in restoring forests to a healthy state.

- In a Lodgepole forest for instance, dead stands of trees limit the sunlight from reaching the forest floor which inhibits seed regeneration. Falling trees further block regrowth and can take 100 years to decompose. Well before then, the seeds have lost their viability and the forest has little chance to regenerate.
- Harvesting the dead stands of Lodgepole pine, on the other hand, mimics the effects of a wildfire and opens the forest floor to sunlight which leads to rapid regrowth.
- Once the dead trees are removed, regeneration starts immediately and within a few short years, the forest has renewed vitality.

In a cruel irony, in the midst of one of the worst catastrophes to hit our forest, the very companies that could be used to restore these forests are suffering from a lack of access to timber.

As an example, in Wyoming, Colorado and South Dakota, we have a small industry comprised of private and family owned timber businesses. These businesses must rely on federal forests for their supply of logs and even though the area includes 7 million acres of infected forests needing critical management, the amount of timber acreage the USFS is able to provide falls far short of the 52,000 acres that we, as an industry, need annually to survive. In the midst of the worst ecological crisis facing our forests, where active forest management is desperately needed, our industry is facing a very real potential for failures and shutdowns.

One reason for this is the financial drain to the USFS of administering NEPA under the current constraints. Under the present NEPA process, extremist groups can continue to use litigation to impede the active forest management that can help restore portions of our ravaged forests.

To be clear, we are not speaking about mainstream conservation groups. Environmentalists, US and State Forest Services and the timber industry alike recognize the need to increase the pace and scale of restoration.[13] Extreme groups, though, often do not collaborate, have no investment in the outcome of the timber sale, and instead have used appeals and litigation to kill collaborative efforts and badly needed forest management projects. As an example, in 2012, NEPA related litigation regarding a sale on the Rio Grande National Forest in Southern Colorado took 2.5 years to get through the courts.[14] In the end, the sale was stopped and that same area is now heavily infected by Spruce beetle with severe mortality.

The fact that forest health and restoration efforts face the possible gauntlet of prolonged NEPA analysis, followed by the possibility of administrative reviews and litigation as obstructionist tactics, causes the USFS to incur stifling high costs and unreasonable delays on each timber sale just to be prepared for the worst.

The Forest Service is already pursuing a number of policies and initiatives to increase the pace of forest restoration and management on the national forests with the aim of healthier forests and watersheds, safer communities and more vibrant local economies. One way to help that agency is to release the Forest Service from the threat that routine forest management projects will go to court.

For the past 25 years, environmental extremists have taken advantage of the Forest Service's appeals process and filed administrative appeals as a means of obstructing projects and increasing Forest Service costs. In the FY 12 Appropriations Bill, Congress directed the Forest Service to apply the HFRA objections process in lieu of the appeals process for project decisions. The Forest Service just completed the transition from appeals to objections last September (2013). We applaud Congress' intent and we are very optimistic about the objections process. However, the current process still allows for the possibility of costly and delaying litigation.

Senator Barrasso's bill provides an opportunity to try a new approach on a limited scale. It proposes to take less than 4% of the National Forest System and allow the Forest Service to use a streamlined approach to NEPA and ESA. Projects on these acres would go through a process of binding arbitration, rather than protracted and expensive litigation. In order to participate in the arbitration process, individuals would be required to participate in project development. And a demand for arbitration must be accompanied by a recommendation on what the Forest Service should do, not merely a demand that they not do anything. This proposed bill will preserve the ability to object, but streamlines the process, reduces costs, and puts more resources into management of the land rather than litigation.

Reforming the NEPA process along the lines of Senator Barrasso's bill is a win-win on many levels.

- One winner is the USFS which is faced with the massive task of providing an increased pace and scale of forest restoration efforts—a tasks for which it lacks the funds required. Revising the NEPA process and clarifying the direction for management should help free up some of those funds—putting them to more productive use.
- Of course, the biggest winner will be the National Forests. Reducing the burdens of analysis, reducing the number of frivolous lawsuits, and encouraging alternative methods of dispute resolution will allow the USFS to devote more funds to increasing the pace and scale of forest restoration.
- The impact on the forest is a clear win for the wildlife that depends on the forest. After harvesting, forests can regenerate at a rapid rate and within just few years provide healthy habitat and a food source for elk, deer and a variety of other animals. As an example, in Wyoming, we can see green stands of trees in the midst of the otherwise largely dead forests; these areas are where timber was harvested a few years past. The new growth resisted the beetle and provides sanctuaries for animals in the area.
- Active forest management captures carbon dioxide that would other be emitted by decaying logs, returns the forest to an active carbon sink status and protects our watersheds as well.

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[13] US Department of Agriculture, Forest Service, "Increasing the Pace of Restoration and Job Creation on Our National Forests", (February 2012), pg. 3.

[14] Draper, Heather, "DU law students block SW Colorado logging permit", (Denver Business Journal, February 10, 2012)

- The workers in America's sawmills, papermills, and logging crews that depend on the National Forests for all or some of their wood fiber also win. The timber industry—loggers, truckers, sawmills, engineered wood plants, biomass power plants, and pulp and paper facilities—is the most economically efficient means of treating landscape size forest acreages. Revising the NEPA process, if it saves the time and money needed to prepare timber sales, will help close the gap.

Senator Barrasso's bill also directs the Forest service to implement timber harvests on 7.5 million acres over a 15 year time period. Timber harvests put money back to the Forest Service and help pay for other resource management. In fact, as late as the 1970, the USFS was a net generator of revenues for the Government. The consistency of a 15 year agenda also better allows the timber industry to plan and make those long-term investments that are necessary to further support forest restoration.

Thank you for this opportunity to share my thoughts and experiences. When considering action on this proposed legislation, please consider that the current system is driving the decline of national forests and is unsustainable both ecologically and economically. Senator Barrasso's bill offers a meaningful step forward in restoring our national forests. Therefore I strongly urge and request, on behalf of my company and the FFRC, that you support this bill and move it toward passage.

The CHAIRMAN. Thank you both for your testimony and for your patience in waiting through a lengthy hearing process today.

I'd like to start with you, Mr. Georg. I want to thank you for coming to testify, and I also thank you for bringing jobs back to Saratoga. Your experience reopening the closed mill, because you say closed 10 years, I think it makes your testimony and your point of view especially useful to this committee.

So, could you talk a little bit about why it's important to have the timber industry involved in forest management?

Mr. GEORG. So, the timber industry is necessary because we need to manage the backcountry areas of our forests. These are the areas where the massive wildfires start. These are the areas that our watersheds are in. These are the areas that have the habitat for our wildlife.

The forest service does not have the resources to manage these backcountries. But by providing timber harvests, we can go in and we can treat those areas on large scale, landscape scales. That's why industry—and we can do it in a commercially viable way.

Senator BARRASSO. In your testimony, you pointed out that there are 7 million acres of national forestland, and you said in Wyoming and Colorado and South Dakota, that need treatment. Yet the forest service is unable to provide the needed 52,000 acres annually just to support the small industry in these 3 States. So, 7 million acres needing treatment, the forest service can't come up with 52,000 acres. So timber and need is clearly there.

What's your view in terms of the limiting factors that are preventing the forest service from being able to get more work done?

Mr. GEORG. Thank you, Senator. You know, it's interesting. I listened to the testimony before us, and I listened to all the areas where sawmills continue to shut down. We're probably unique in the United States in that our region is an area that we've got a resurgence in sawmills. This resurgence of industry, however, the forest service does not have the infrastructure to support this resurgence in industry.

So, right at the same time we need all this management, they don't have the infrastructure. That's a situation where they don't have the funds.

So, when we look at NEPA, that consumes so much of the forest service's resource. I mean, I've seen estimates that it's well over 50 percent of what it costs to put a timber sale together. So, your bill, by streamlining NEPA, frees up some of those funds that can be used to timber sales.

Senator BARRASSO. In your testimony, you explained how timber production actually improves forest health. I wonder, as a mill owner, how do you respond to critics who claim that the business is actually bad for the environment?

Mr. GEORG. Thank you for that. I guess, Senator, what I would tell them is I am an environmentalist. If you don't believe me, come see my sawmill. If you come out and see what we're doing, I will be able to show you acres that I have harvested of dead lodgepole pine that are now rejuvenating. They're rejuvenating at a very rigorous rate, more than 2,500 trees per acre in some instances.

I can also show you where we've got forests that from prior timber harvests that are now protecting our watersheds, our forests that are providing wildlife habitat from previous timber sales. So, I probably have a better environmental impact than many of the environmental groups out there. We've very proud of that.

Senator BARRASSO. In Mr. Dombeck's testimony, he believes timber contracts are a tool that the forest service should avoid and instead focus only on stewardship contracts. Do you believe the forest service should replace timber contracts with stewardship contracts?

Mr. GEORG. The stewardship contracts are a good tool for the forest service. I think that's one of the tools they can use. I worry about replacing them in total and not allowing the timber service to have the tool also of the traditional timber contract.

I think that, while the stewardship contracts are a good tool, the timber contracts allow a lot of versatility, particularly for small producers, guys that probably don't have the resources to do everything required under a stewardship contract. But a small producer can handle a timber contract.

Senator BARRASSO. Thank you, Mr. Georg.

Mr. Dombeck, your testimony sort of gives the impression that there are not 4.5 million acres available that are suitable for timber production without also including backcountry, old growth, and riparian areas.

As you know, my bill gives the Secretary the discretion to determine what lands will be included in those acres in that target.

Do you believe Chief Tidwell could not look across the national forest system and identify the needed targeted acreage without including sensitive areas? Or are you concerned that he would intentionally select sensitive areas?

Mr. DOMBECK. While I'm not familiar with the details, you know, the priority areas for restoration, from the standpoint of fire and human safety, are really those areas that butt up against private lands, communities. As we take a look at the amount of funding and the funding stress on the forest service, to move to the areas of highest risk seems to make sense to me.

It also seems to make sense to me, and as one that's, like Senator Wyden, for a lot of years together took a lot of slings and arrows not only in this hearing room, but all across the country, that we stay out of the areas that are highly controversial. For example,

roadless areas, they're roadless for a reason. They weren't high-value timbers to begin with. We harvested the easy stuff. The forest service found itself caught up in the low-cost timber sale issue.

In many cases, the work that really needs to be done, from the standpoint of human safety, fire risk, the focus should start in and around communities at risk versus the backcountry.

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN. Dr. Dombeck, let me just ask you one question. Senator Barrasso knows I'm always, always interested in working with him. I just want to kind of get one kind of question sort of fixed in my mind as we sort of walk out and reflect on this.

I've always thought the bedrock principle in all of these areas is multiple use. That's kind of the West at its best, so to speak. How does S. 1966 in its current form affect multiple use? I mean, you've been at this for a lot of years. Just give me your take on that, and I think I'm probably going to spare both of you any, you know, additional questions. Just so I have a sense, as we're talking about all these bills and this committee, what your take is with respect to the bill and multiple use.

Mr. DOMBECK. My sense is it makes harvesting timber the dominant use. It's interesting in sitting through the hearing. I really think if we were focused on true multiple use, there would be equal dialog on hunting, fishing, hiking, biking, forest health, the application of prescribed fire in xeric forests, and the whole array.

We seem to dial back to, how much can we take off the land? I think that's, you know, what leads us into some of the frustration that has been around for a lot of years.

I would like to see the dialog focused on the whole array of values that come off the forest. I for one grew up on a national forest in the Midwest that has gone through a lot of the transitions that many of the other national forests across the country have gone into. With respect to the stewardship contracting point that was made, I'm certainly not opposed to timber sale contracts. I hope my testimony didn't reflect that. The fact is we need this tool of stewardship contracting.

I also think the timber industry needs to move further, as was implicated here, to be more of a general contractor, to do all of the job on the land, from culvert replacement, putting roads to bed, dealing with low-value, no-value fuels that need to be removed, and move a little bit further away from just the dialog about how many trees we take off the land. It always seems to lead us into controversies when we're kind of stuck there.

The CHAIRMAN. Senator Barrasso and I seem to be pretty much out of questions. I just want you both to know that we Westerners always work together on all of these issues. Suffice it to say, they are not for the fainthearted, as we heard some of the passions earlier. But they come up in any meeting whether you're in Oregon or you're in Wyoming.

Some of the other Senators may have questions for the two of you, in writing. I assume that that will be acceptable.

Senator Barrasso, thank you so much for sitting through so much of the Oregon discussion today. You and I, as neighbors and Westerners, talk a lot about these issues.

I thought Senator Risch made some good points today, as well as Senator Murkowski and Senator Udall and Senator Heinrich. So we've got a lot to do.

Senator BARRASSO. Mr. Chairman, and I'm sure I speak for the entire committee when we thank you for your incredible chairmanship of this committee, working together in a bipartisan way. You know, when I first got into the Senate, somebody said, "You're going to be on the Energy Committee. That's a committee where you can actually do business, where you can work with others in a bipartisan way."

I think you have shown through your leadership that we were able to accomplish that at a time when maybe those sorts of things aren't happening in other committees. But your leadership and your stewardship on this committee, I believe, have been exemplary, and it's been a privilege to serve with you on this committee under your chairmanship. I know you won't be leaving the committee. But you will no longer be chair, and you've been a terrific chairman.

Thank you, Mr. Chairman.

The CHAIRMAN. It's very kind. Suffice it to say I thank you, and I share the view that if we sort of lower the decibel level and try to find some common ground—and you certainly did that in the Good Neighbor legislation that was part of the Farm Bill. We've got more of that to do, as we heard this morning. So we'll look forward to working together.

Gentlemen, you'll both be excused.

The Committee on Energy and Natural Resources is adjourned.

[Whereupon, at 12:52 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF THOMAS TIDWELL TO QUESTIONS FROM SENATOR WYDEN

Question 1. S. 1966 contains numerous similarities to Title I of H.R. 1526. Am I correct that the Administration recommended a veto of H.R. 1526 when it was being considered in the House in September 2013?

Answer. With our many partners, Secretary Vilsack and the USDA Forest Service share your commitment to increase the pace and scale of forest restoration and management in our National Forests. Restored acres and timber volume is up on the National Forests and we must continue to invest in current management regimes and not lose focus on legislative changes that may only polarize and create more conflict. However, USDA cannot support the bill as it is currently written.

Question 2. Chief, I want to talk about Board Feet of timber sold under this Administration. Some on this panel would have you believe that the Administration is doing nothing in this arena. However, if you look closely at the numbers, I see that The G.W. Bush Administration between 2001-2008 averaged 2,150 Million Board Feet of timber sold, and so far in the Obama Administration has a higher average of 2,521 Million Board Feet of timber sold. Please tell us what the Forest Service has done under your leadership to bolster the timber sale program.

Answer. From 2008-2013 the Forest Service has utilized many efforts to increase the pace of restoration, which increased timber volume as one by-product. We have been able to use tools like the Collaborative Forest Landscape Restoration (CFLR) Program and Stewardship contracting to execute programs. We have also worked to be more efficient in our National Environmental Policy Act (NEPA) efforts by expanding the use of categorical exclusions (CE) to restore lands, and identify methods to expedite our large scale environmental studies. These efforts have allowed us to see additional gains in our outputs and outcomes on the ground.

Question 3. Chief Tidwell, my concern with S. 1966 is that the purposes of the bill are different from the purposes for which the national forests have been created and administered for over a century. As you know, the Organic Act established the national forests for the protection of water and timber, and later the Multiple Use Sustained Yield Act affirmed that the national forests have multiple uses including recreation, water, wildlife, timber, and wilderness. However, S. 1966's stated primary purpose is promoting timber harvest for economic purposes. As a land manager, what dangers to you see in putting one use above the other multiple uses of the National Forest System?

Answer. By putting one use above other multiple uses, the bill rolls back key environmental safeguards, diminishes public participation, sets artificial management targets in statute, and leads to potentially more conflict, not less, in regards to management of the national forests. To accomplish the objectives of S. 1966, it would modify the process for NEPA compliance in carrying out covered projects, and could be read to modify the consultation process under the Endangered Species Act (ESA) by directing that the Forest Service make the determinations required under section 7 of the ESA, which rightfully should remain the duty of the Fish and Wildlife Service and the National Marine Fisheries Service . In lieu of seeking judicial review after completion of the objection process, S. 1966 would establish a fifteen year pilot program that requires the use of arbitration instead of judicial review as the sole means to challenge for a covered project in a Forest Management Emphasis Area (FMEA).

Question 4. I mentioned in my opening statement that I believe that the current situation with wildfire funding is the single greatest problem facing management of the National Forest System today. Would you concur?

Answer. Yes. The Forest Service once spent 10-15 percent of its budget on fire—today we spend over 40 percent. As a result, over the long term, the Forest Service has had to shift resources away from forest management and other activities. We support efforts by Chairman Wyden, Senator Crapo and others to address this issue in a way that both ends the disruptive practice of fire transfers and provides resources to manage and restore our forests so they are more resilient to wildfire.

Question 5. Given the constraints your Agency is under from wildfire funding, do you anticipate that the Forest Service would have the means to carry out the requirements of S. 1966?

Answer. It will be difficult to carry out the requirements of S. 1966. The mandate represents roughly a three-fold increase in workload beyond our current restoration efforts and is beyond our existing capacity. A significant amount of new funding would be needed to accomplish the targets set forth in S. 1966 without having to redirect funds from other essential programs and initiatives within the agency.

RESPONSE OF THOMAS TIDWELL TO QUESTION FROM SENATOR TIM JOHNSON

Question 1. The 2014 Farm Bill contains several provisions designed to improve the ability of the Forest Service and private forest land owners to respond to changing conditions and streamline treatment and restoration. These include the Good Neighbor authority, designated insect and disease treatment areas that was piloted in the Black Hills, and the permanent reauthorization of stewardship contracting. Several of these tools have not yet been implemented on a broad scale, so their full effect cannot be completely known. Recognizing that, please respond to the following questions:

- How would the Forest Service plan to utilize these tools?
- When are the tools likely to be made available to local forest managers?
- How does the Forest Service anticipate that the tools can be used improve the timing and flow of forest products to users of those products?

Answer. The Forest Service is currently assessing the opportunities that the Farm Bill provides for continuing existing programs and implementing new programs and authorities. The agency will be working on developing and refining national policy direction related to the pieces of the Farm Bill under our purview.

RESPONSE OF THOMAS TIDWELL TO QUESTION FROM SENATOR STABENOW

Question 1. Chief Tidwell, as you know the National Forest Jobs and Management Act (S. 1966) mandates legislatively prescribed logging levels for National Forest across most of the western United States. While I understand the importance of maintaining a robust timber industry I am concerned with setting specific targeted levels. Can you describe what challenges the Forest Service will have in carrying out the mandated levels ascribed in S. 1966? In your experience, how do you see the mandated timber harvest levels within this bill conflicting with the multiple use mandate of the Forest Service? What affect will this have on continued forest health and management?

Answer. The mandate represents roughly a three-fold increase in workload beyond our current restoration efforts and is beyond our existing capacity. A significant amount of new funding would be needed to accomplish the targets set forth in S. 1966 without having to redirect funds from other essential programs and initiatives within the agency. In addition, S. 1966 prohibits the Forest Service from reducing the acreage deemed suitable for timber production in any subsequent forest plan revision which would, among other things, reduce the agency's ability to engage in adaptive management of the area based on the best available science, particularly in combination with the target harvest requirements. In addition, legislating treatment levels does not take into account appeals and lawsuits that may prevent the Forest Service from achieving the targets. Legislative mandates also remove the opportunity and flexibility to address important needs resulting from catastrophic or economic events, or for changes across the system over time that may arise during the budget cycle. Thus, mandated timber harvest levels could have negative impacts on multiple use mandate of the Forest Service because it will redirect funds from other multiple uses, including forest restoration and forest health.

RESPONSES OF THOMAS TIDWELL TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. It is my understanding that the national forest system currently includes: 36 million acres of wilderness areas and 58.5 million acres classified as inventoried roadless under the Roadless Area Conservation Rule. Thus, nearly half of the national forest has been set aside and restricted from timber management.

You testified that the agency has a multiple use mission and that you are concerned about setting aside lands specifically for timber harvest. Clearly given the above facts about land classifications, there are lands within the system already that have already been set aside for a particular purpose.

- Are you saying that these sorts of land classifications are okay, but that it is not okay for Congress to act to set a priority for timber management that would apply on just 3.8 percent of the National Forest System?
- Based on these land classifications and other set asides, it is my understanding that nearly half of the national forest system is off limits to most timber management. Please explain how any bill that only prescribes timber management on 3.8 percent of the national forest system can possibly be described as "dominant use?"

Answer. As noted, the administration's testimony did not comment regarding setting up timber management as a dominate use. The Forest Service strongly agrees that more forest management and restoration work needs to occur, but cannot support the bill as it is currently written as it rolls back key environmental safeguards, diminishes public participation, sets artificial management targets in statute, and leads to potentially more conflict (including potentially more objections and challenges), not less, in regards to management of the national forests. The mandate to identify, prioritize, and carry out projects on 7.5 million acres lands identified as suitable for timber production represents roughly a three-fold increase in workload beyond our current restoration efforts and is beyond our existing capacity. A significant amount of new funding would be needed to accomplish the targets set forth in S. 1966 without having to redirect funds from other essential programs and initiatives within the agency.

Question 2. Chief Tidwell, you testified that treating 7.5 million acres over 15 years would represent a tripling of your work load. You also agreed that you have 65 to 82 million acres on the national forest system that need restoration. At the current pace and scale, how long will it take you to treat 7.5 million acres? Is that pace fast enough to meaningfully reduce current forest health risks, fire threats, and restore watershed health?

Answer. Before responding to your question, a point of clarification: The 65 to 82 million acres figure are acres in need of restoration by all means on lands outside of congressionally designated wilderness. These include non-forested acres and lands not suitable for timber production.

In fiscal year (FY) 2013, the Forest Service mechanically treated 209,000 acres across suitable and other lands. The Forest Service does not track acres by suitable and other lands separately but the amount of acres on lands suitable for timber production is less than 209,000 acres. Due to variation in budgets and priorities and many other factors that affect the number of acres that can be treated in one year, it is not possible to state exactly how long it would take to treat 7.5 million acres beyond saying that it would take more than 15 years.

No, the pace is not fast enough to reduce current forest health risks, fire threats, and restore watershed health.

Question 3. Mr. Tidwell, you stated during your testimony that timber outputs have been increasing. Please provide a breakdown of timber outputs since 2009. In particular, I want to know the output of sawlogs, pulpwood, biomass, and personal use firewood for each year. Further, please provide the Committee with a summary of the proportion of personal use firewood in the timber sale program since 2000.

Answer. Following is a table showing volumes harvested for certain products for FY 2009 thru FY 2013.

	FY2009	FY2010	FY2011	FY2012	FY2013	
Saw	1,061.6	1,207.9	1,365.6	1,466.8	1,423.7	All volumes in MMBF
Pulp	370.9	369.6	422.0	402.1	443.7	

	FY2009	FY2010	FY2011	FY2012	FY2013	
Biomass	23.8	44.9	67.0	71.6	67.3	
Firewood	315.8	312.8	323.9	328.0	288.4	
Other Products[1]	182	202.7	261.9	231.8	185	
Total Vol.	1,954.1	2,137.9	2,440.4	2,500.3	2,408.1	

[1] Other products includes products such as posts, poles, cull logs, etc.

PART 2: PORTION OF HARVEST PROGRAM THAT WAS FIREWOOD IN FY2000 THRU FY2013

Fiscal Year	Percent of Total Program
2000	7.8
2001	10.7
2002	11.4
2003	11.1
2004	9.4
2005	7.6
2006	9.2
2007	11.4
2008	7.9
2009	16.2
2010	14.6
2011	13.3
2012	13.1
2013	12.0

Question 4. Chief Tidwell, you cite CFLR projects as one example of an area where the agency is attempting to achieve efficiencies. Please provide us with an estimate of the cost efficiencies being produced by the CFLR projects, including before and after unit costs for both acres treated and units of wood, biomass, or other products produced. What projects, if any, has there been a reduction in costs?

Answer. The cost per acre varies substantially among ecosystems, treatment types and economies. One example of a project finding efficiency through collaboration and large landscape restoration is the Four Forest Restoration Initiative (4FRI) in Arizona. In FY 2012 this project awarded a 10 year, 300,000 acre stewardship contract designed to restore forest structure, pattern and composition through the harvesting of trees. Ultimately, this contract will have a positive impact on watershed function and resilience and hazardous fuels reduction while creating economic activity in local communities. To date, there have been 10 task orders issued under this contract with an average per acre payment to the government of $47.65 per acre. Other contracts for this type of work have had a cost to the Forest Service from $500 to $1200 per acre.

Question 5. Chief Tidwell, how many acres, if any, are currently identified as suitable for timber harvest on the national forest system in inventoried roadless areas? If there are acres, please identify where those acres are located by unit of the national forest system.

Answer. During the development of the Roadless Rule the Forest Service determined that of the 93 million acres of commercial forestlands on NFS lands, an estimated 47 million acres were considered suitable for timber production. Each national forest and grassland determined the location and amount of suitable areas through the land management planning process. Of these suitable acres, approximately 9 million acres are located in inventoried roadless areas (see Table below). The Roadless Rule estimate of suitable land was based on 1994 data and does not reflect information from plans that have been revised since that date. However, this is the most current information available. As national forests revise their land management plans they are updating their suitable land base calculations by removing roadless lands that were suitable in the original forest plans. Thus, the currently available suitable land base in roadless areas is expected to be less than 9 million acres.

ESTIMATED ACRES (IN THOUSANDS) OF FORESTLAND SUITABLE FOR TIMBER PRODUCTION IN INVENTORIED ROADLESS AREAS, BY FOREST SERVICE REGION

Region	Acres suitable for timber production
Northern (1)	2,274
Rocky Mountain (2)	1,317
Southwestern (3)	63
Intermountain (4)	1,598
Pacific Southwest (5)	394
Pacific Northwest (6)	1,701
Southern (8)	332
Eastern (9)	85
Alaska (10)	1,274
Total	9,038

Question 6. Chief Tidwell, how many acres, if any, are currently identified as suitable for timber harvest in Forest Service National Monuments? If there are acres, please identify where those acres are by National Monument name.

Answer. The Forest Service does administer five national monuments: two in Alaska (Misty Fiords and Admiralty Island), two in California (Giant Sequoia, Santa Rosa/San Jacinto) and South Dakota (Jewel Cave). Some of the lands in the National Monuments (notably Giant Sequoia) may be suitable for timber harvest for purposes of protecting other multiple use values, not for timber production, but that information is not required in forest planning. However, there are no acres suitable for timber production in national monuments administered by the Forest Service. Forest Service monuments in Alaska are not suitable for production per the revised plan; the Giant Sequoia plan was recently amended with no land suitable and no land is suitable in Southern California Forests.

RESPONSES OF THOMAS TIDWELL TO QUESTIONS FROM SENATOR BARRASSO

Question 1. In your written testimony, the Administration argued that S 1966 "rolls back key environmental safeguards, diminishes public participation, sets artificial management targets in statute, and leads to potentially more conflict, not less, in regards to management of the National Forests." Is it the Administration's position that a meaningful increase in "pace and scale" can take place without legislative changes to the way the Forest Service complies with the following statutes: National Environmental Policy Act ? National Forest Management Act? Endangered Species Act?

Answer. Yes. Given consistent funding, allowing for a 'ramping-up' period, and relief from 'fire borrowing', the Forest Service will be able to increase the number of acres treated under the current statutes.

Question 2. What evidence do you have that current efforts to increase the pace and scale of restoration are not potentially subject to litigation, injunctions, and resulting delays?

Answer. The agency believes that its upfront involvement and collaboration with others will reduce litigation on public lands. Collaborative approaches help the agency make decisions involving issues important to communities and individuals by gaining broader support and resolution of concerns during the early stages of project development. Created in 2009 to promote job stability, reliable wood supply, forest health, and reduced emergency wildfire costs and risks, our on-the-ground accomplishments in the Collaborative Forest Landscape Restoration (CFLR) program

demonstrate that parties with conflicting interests can work together to successfully develop restoration projects. Between 2010 and 2013, CFLR-funded projects that involve collaborative groups, including three projects funded as high priority restoration projects in 2012 which then became CFLR projects in 2013, have reduced fuel loading on over 1,000,000 acres subject to catastrophic wildfires, sold 838 MMBF of timber, produced 1.9 million green tons of biomass, restored 502 miles of fish habitat, decommissioned over 407 miles of roads and contributed to over 5,300 jobs. Many of these projects were in areas where conflict and litigation stalled management programs for many years, and many projects report reduced litigation on NEPA decisions since implementing a collaborative approach. It will be key to track the impact on litigation as the projects mature and further NEPA decisions are made that are supported by collaborative groups.

In a similar manner, use of a pre-decisional objection process over a post-decisional appeal process will likely reduce future litigation. The objection process is more consistent with the concept of collaboration and encourages interested publics to bring specific concerns forward early in the planning process.

Since March 2012, the agency was required to provide notice, comment and appeal of categorical exclusions based upon the court's interpretation of the Appeals Reform Act (ARA) in Sequoia Forestkeeper v. Tidwell. With the recent repeal of the Appeals Reform Act in the 2014 Farm Bill, the agency is once again able to save considerable time from project development to implementation for hundreds of restoration projects that rely on categorical exclusions.

Most Americans generally agree on the need to protect our natural resources and restore the health of our forests. However, some organizations hold values that do not conform to the agency's mission and, despite agency effort to work collaboratively and seek resolution for public concerns; those organizations will continue to file litigation that typically delays project implementation. Although litigation in some form will always be present, we anticipate the percentage of project decisions being litigated to decrease. Currently, an average of six percent of all Forest Service project decisions result in appeals and two percent are litigated.

Question 3. During your verbal statement, you implied that acres treated are increasing. Please provide us with a summary of acres treated since 2009, broken down by:

Answer. Prescribed burn acres—6,874,303 acres

- Mechanical treatments, including:

  —Non-commercial thinning
  —Hand thinning/pruning
  —Commercial thinning

Fiscal Year	Non-commercial thinning (ac)	Release & Weeding—(assumes this is what is meant by hand thinning) (ac)	Pruning (ac)	Commercial Thinning (ac)
2009	186,916	78,364	12,894	96,465
2010	237,460	88,466	20,474	96,831
2011	145,928	79,833	9,122	114,735
2012	129,088	96,456	7,470	113,720
2013	147,860	79,133	8,441	107,140

- Acres of noxious weed treatments*

FY2009	FY2010	FY2011	FY2012	FY2013
304,106	309,228	281,751	271,469	252,269

*Acres treated on National Forest System include accomplishments against invasive plants and regulated noxious weeds.

- Lake acres restored.

FY2009	FY2010	FY2011	FY2012	FY2013
23,570	27,779	26,832	32,369	32,658

Question 4. You mention a number of steps the agency is taking to find NEPA efficiencies that can be implemented administratively. After three years of effort, do you know when these will be complete? Will they be issued as rules, handbook provisions? In past responses to Congress the agency has indicated that as much as 50-70% of project costs go towards NEPA compliance. By what amount is your NEPA efficiency effort expected to reduce these costs? What does this translate into in actual dollars?

Answer. The agency has administratively implemented NEPA efficiencies by updating regulations, directives, document templates, and training. In 2013, three new regulatory soil and water restoration categorical exclusions for Forest Service NEPA procedures were approved along with corresponding agency directives. The provisions for a directive we are currently working on will provide guidance on a new restoration categorical exclusion from the Farm Bill. Moreover, we continue to add efficiency through taking a landscape scale approach and using adaptive management to have more acres analyzed and decided and ready for taking action on the ground. In addition, we are focused on the end result vs. cost savings from each effort. Our NEPA efficiency efforts are a continuous improvement process to increase the number of acres (or other appropriate output) for our analysis investment. As a result, we estimate that we save approximately $17 million dollars each year[2] because of these investments.

Question 5. Last summer the Committee heard about the Colt Summit project, which was a collaboratively developed and widely supported CFLR project with a stewardship contract. As you know, this sale was litigated and enjoined, and subsequently most of the timber value has been lost. Even if you agree with former Chief Dombeck that we should not be concerned about timber outputs, this injunction is causing sustained damage to the local economy. Is it the position of the Administration that for the balance of your term, you will simply try these new approaches and see whether or not they can pass muster with the courts? Are there legislative changes to the CFLR program that you would support to prevent the projects you and your "partners" are working so hard on from getting to the ground?

Answer. We are actively pursuing ways to enhance our effectiveness and efficiency in planning for large landscape restoration. First, we are expanding the use of categorical exclusions in landscapes under stress. There are three new categorical exclusions for activities that restore lands negatively impacted by water control structures, disturbance events, and roads and trails. In addition, CFLR projects are now eligible for categorical exclusions in landscapes experiencing insect and disease epidemics. These categorical exclusions will allow collaborative projects to get work done on the ground quickly in high priority areas.

The second avenue for achieving successful on the ground restoration is increasing the size of the planning units we move through NEPA. Many of our projects are successfully building trust with their collaborative groups and the larger community. This trust is allowing them to plan for larger landscapes and to accelerate the pace of restoration on their landscapes. We will continue to explore additional ways to enhance our efficiency and allow us to treat large landscapes in a timely manner.

Question 6. You say that you would consider "non-binding, reviewable arbitration" on a trial basis. Ignoring, for the moment, that the bill precisely is a "trial basis" (3.8% of the NFS over 15 years), please explain why the Administration is opposed to binding arbitration? By opposing binding arbitration, you are implicitly endorsing the idea that litigation is a normal and natural part of the forest management process, exactly the assumption that has led to poor forest health conditions, large fires, and endless analysis and litigation over the last two decades.

Answer. As a general matter, binding arbitration has the potential to constrain decision-making, adversely affecting our ongoing efforts in collaboration and adding additional costs and complexity to implementing a project. More specifically, arbitration places a project decision in the hands of a third party arbitrator which is not consistent with the Forest Service's obligation to involve all parties and its predecisional resolution of public concerns. Arbitration also sets a more adversarial framework since compromise is dictated by the arbitrator and eliminates potential

[2] We have these figures because we estimate returns on investments prior to contracting electronic investments.

negotiations (i.e. settlement negotiations) between parties. Parties would also be more likely to request arbitration with greater frequency than they currently litigate, potentially resulting in greater delays in project implementation than the agency now experiences. Lastly, arbitration adds an additional layer of complexity to agency decision making especially as it pertains to projects involving multi-agency decisions and compliance with relevant laws, regulations, and policies. Notwithstanding these concerns, the agency remains willing to explore the use of non-binding, reviewable arbitration (through a collaborative approach) on a trial basis.

RESPONSES OF THOMAS TIDWELL TO QUESTIONS FROM SENATOR HOEVEN

Question 1. When I meet with ranchers and grazers back in the state, they always share with me their concerns regarding North Dakota grasslands being managed with a "forest" viewpoint. Could you please provide an update on the science you are using for the determination of management practices for the grasslands.

Answer. The Dakota Prairie Grasslands Land and Resource Management Plan was developed as part of the Northern Great Plains plan revision process. Although the steps in the planning process for grasslands and forests are basically the same, this planning effort was focused on grassland issues. The analysis, assessments and the decisions made are specific to the Dakota Prairie Grasslands. The planning process is the same as for other units of the Forest Service because with the passage of the Forest and Rangeland Renewable Resources Planning Act of 1974, Congress specifically included the national grasslands as a unit of the NFS and made these lands subject to the same requirements as other NFS lands. In the case of the Dakota Prairie Grasslands, a Scientific Review Team was also established to look at the science regarding grazing and range management aspects of the plan.

The Dakota Prairie Grasslands has a skilled staff of resource specialists that provide input and leadership on management practices on the grasslands. Many of them were trained in rangeland management at universities in North and South Dakota. Some have received advanced degrees. They coordinate closely with the users of the land, including ranchers and grazing associations, and keep abreast of the latest research and management techniques in making these recommendations. The Dakota Prairie Grasslands has formed partnerships with universities, State and Federal agencies and interest groups focused on research and monitoring projects that help them to better understand and improve the management and administration of the grasslands. Included are projects with at least 10 universities and colleges; many are with North Dakota State University and the University of North Dakota. The information gained is used in determining the best management practices to be applied to the grasslands.

Question 2. As you know, ranching families in North Dakota have been good stewards of the grassland for decades. They depend on them and want to see them healthy and productive for the next generation. One of the primary concerns that I hear from our ranchers and grazers is that they are concerned that sound science using North Dakota expertise is not reflected in the North Billings County Allotment Management Plan Revisions Final Environmental Impact Statement (FEIS). As such, I would like to invite you to come out to North Dakota to receive firsthand feedback from our ranchers and grazers on the Record of Decision, before it is finalized.

Answer. The Dakota Prairie Grasslands has tried to make sure that the best scientific knowledge available has been obtained so that management of the grasslands has a sound basis of management. North Dakota State University (NDSU) collected baseline data upon which management objectives are based.

Carrying capacity for each allotment was calculated based on current rangeland science, which was then reviewed and supported by the Natural Resources Conservation Service, North Dakota State University and the Agricultural Research Station.

A point where the Forest Service and the Grazing Association are not in full alignment is on the biological capability of the grasslands to support the taller grass structure, a habitat component that is necessary for several species of wildlife including some proposed for listing through the ESA. However, the data collected by NDSU demonstrate that the desired tall structure exists within most allotments; North Billings allotment objectives would simply increase the representation of that taller structure. A goal of the Dakota Prairie Grasslands Plan is to provide the appropriate habitat for the variety of wildlife species native to the prairie, and specifically for species that are proposed for ESA listing.

The proposed action for North Billings was developed in collaboration with the affected permittees through a series of three meetings beginning in 2005. Implementation plans reflecting a final decision are proposed to be developed in collaboration

with the Grazing Association and their permittees. The Record of Decision will approve a full suite of management techniques that may be utilized to move toward the objectives outlined for each allotment. This collaboration is designed to draw on both the experience of the rancher and the science that our range specialists learned from North Dakota universities.

RESPONSES OF THOMAS TIDWELL TO QUESTIONS FROM SENATOR FLAKE

Question 1. As we discussed during the hearing, the White Mountain stewardship contract expires this year. That contract has largely been considered a success and has revitalized the timber industry in Arizona's eastern forests, such as the Apache-Sitgreaves. According to some estimates, the contract and associated timber work spawned approximately $130 million of investment in the area. While the Four Forest Restoration Initiative (4FRI) is intended to promote forest work on those eastside forests, the second EIS for that portion of the 4FRI project appears to be several years out. As such, we face a dire situation, where the incredible success and investment in the timber industry in that area is called into question, because there are not enough acres to keep timber operations economically viable. What can the Forest Service do to make sure that investment in the White Mountains is not stranded and that we do not undermine the successes of the last 10 years of the White Mountain stewardship contract?

Answer. The Apache-Sitgreaves has been offering timber sales outside of White Mountain Stewardship for several years with varied amounts of success (some have sold and some have not). The Forest Service is looking at options to continue to offer additional sales in the White Mountains until the Phase 2 EIS is completed.

Question 2. How do we turn the success of the White Mountain stewardship contract and the infrastructure created through that investment by the Forest Service into a continued success on the Apache-Sitgreaves National Forest and a total success for the 4FRI?

Answer. Building on the success of the White Mountain stewardship contract, the 4FRI project has issued a large scale (300,000 acres), 10-year Stewardship Contract (Phase 1 4FRI contract), with the first acres treated this fiscal year in the Ranch Task Order. Under this contract, just over 15,000 acres of task orders were awarded by the end of FY 2013. We expect an additional 22,000 acres of Task Orders in FY 2014 and over 30,000 acres of task Orders in FY 2015 and beyond.

Question 3. More specifically, what will it take to assure that a minimum of 20,000 to 25,000 acres per year in the eastern Arizona forests (east of Heber) are harvested during the time between the end of the White Mountain stewardship contract and the 4FRI stewardship contract that would authorize work on those forests?

Answer. The Forest Service is exploring options for offering timber in the White Mountains between now and when the Phase 2 EIS is completed.

Question 4. To what extent does the Forest Service's plan for that gap between stewardship contracts, include the use of timber sale contracts?

Answer. The Forest Service is exploring options for offering timber in the White Mountains between now and when the Phase 2 EIS is completed.

Question 5. How can the recently enacted Farm Bill rules regarding streamlining of NEPA within the Collaborative Forest Landscape Restoration Initiative be used to facilitate additional forest restoration work in Arizona that costs less and proceeds more quickly?

Answer. The recently enacted Farm Bill streamlines NEPA within the Collaborative Forest Landscape Restoration program because it provides relief from notice and appeal requirements when the agency makes decisions that are categorically excluded from documentation in an environmental assessment or environmental impact statement. This saves up to 105 days per decision based on a categorical exclusion. The Farm Bill also provides for a categorical exclusion for up to 3,000 acres of activity to treat insect and disease problems. This can be used to facilitate additional forest restoration work in Arizona that costs less and proceeds more quickly. Also, this provides one more option for the agency when considering NEPA documentation needs. It is too early to say how much this provision will make a difference, but we know the new categorical exclusion does open new efficiency options.

Question 6. The 4FRI (which includes the Apache-Sitgreaves) receives $4 million annually. However, as I understand it, virtually all of those funds are used to advance projects on the westside forests. Is there a way to more equitably balance the distribution of those funds, to mitigate the potential shortfall of acreage projected on the eastside forests?

Answer. The funding is distributed across all four of the forests depending on the work needed in any given year. This includes work to prepare timber sales for offer on the east side of the project area.

Question 7. Could the new Farm Bill designation by prescription and designation by description, which was previously used on the White Mountain stewardship contract, be extended to more acres and therefore reduced ongoing Forest Service costs for these projects? For example, could this be accomplished through a revision to the White Mountain Stewardship Contract?

Answer. The language in Sec 8303 of the Farm Bill did not affect on-going or new stewardship contracts.

Question 8. Arizona has suffered from a long-term drought extending more than a decade. The Bureau of Reclamation projects that those drought conditions could be further exacerbated by imbalances along the Colorado River in Arizona that could reach more than 3 million acre feet by 2060. We need to find solutions to these imbalances, including augmentation of our water supplies. One possibility is better forest management, which can promote watershed health and increase water supplies. Can you explain what tools the Forest Service has or needs, including opportunities for public/private partnerships, to get this type of critical water-management work done?

Answer. The Watershed Condition Framework (WCF) is a comprehensive approach for proactively implementing integrated and collaborative restoration on watersheds on national forests and grasslands. The WCF proposes to improve the way the Forest Service approaches watershed restoration by targeting the implementation of integrated suites of activities in those watersheds that have been identified by the Forest Service, local communities, and partners as priorities for restoration. The WCF also establishes a nationally consistent reconnaissance-level approach for classifying watershed condition, using a comprehensive set of 12 indicators that are surrogate variables representing the underlying ecological, hydrological, and geomorphic functions and processes that affect watershed condition. The approach is designed to foster collaborative integrated ecosystem-based watershed assessments; target programs of work in watersheds that have been identified for restoration; enhance communication and coordination with external agencies and partners; and improve national-scale reporting and monitoring of program accomplishments. The WCF provides the Forest Service with an outcome-based performance measure for documenting improvement to watershed condition at forest, regional, and national scales.

Question 9. In your testimony, you expressed concern about the National Forest Jobs and Management Act, because "A significant amount of new funding would be needed to accomplish the targets set forth in S.1966 without having to redirect funds from other essential programs and initiatives within the Agency." You also expressed support for the Wildfire Disaster Funding Act introduced by Senators Wyden and Crapo, noting that it would provide "resources to manage and restore our forests.." Can you elaborate on how the bill from Senators Wyden and Crapo could help pave the way for Senator Barrasso's National Forest bill, at least with regard to your concern about resource availability?

Answer. This bill provides increased certainty in addressing growing fire suppression needs, better safeguards non-suppression programs from transfers that have diminished their effectiveness, and allows us to stabilize and invest in programs that will more effectively restore forested landscapes, treat forests for the increasing effects of climate change, and prepare communities in the Wildland Urban Interface (WUI) for future wildfires.

Question 10. I was pleased to see Stewardship Contracting reauthorized in the Farm Bill, including improvements regarding the liability provisions in stewardship contracts. It did not, however, include some technical corrections that I had worked on with the Forest Service and BLM or important improvements to the cancellation ceiling regulations that would extend the same type of flexibility exercised by the Department of Defense and Department of Energy to the Forest Service. Can you commit to working with me on trying to make these improvements a reality?

Answer. As we implement stewardship contracting, we will monitor to see the effectiveness of the provisions in the current Act, and we will commit to updating you.

RESPONSES OF STEVEN A. ELLIS TO QUESTIONS FROM SENATOR MURKOWSKI

Mr. Ellis, The dominant-use mandate in the O&C Act clearly provides that timberlands are to be managed for "permanent forest production" under the principle of sustained yield. I understand that the BLM is under court order to comply

with the O&C Act and sell more timber in the Medford and Roseburg Districts of Southern Oregon.

Question 1a. What is the agency doing to comply with that court order?

Answer. The BLM is considering ways in which it can offer for sale timber volume in the Medford and Roseburg Districts in compliance with the court order. Because this matter is still in litigation, however, the BLM is unable to comment on specifics.

Question 1b. How do the timber harvest volumes required under the court order for the Medford and Roseburg Districts compare to those expected under S. 1784 according to analysis performed by Dr. Johnson?

Answer. The court order requires the BLM Medford and Roseburg Districts to offer for sale a volume of timber that is at least 80% of the respective District's declared Annual Sale Quantity, an amount that is based on the 1995 RMP harvest land base within district administrative boundaries. .

Dr. Johnson's approach provided harvest volume calculations for moist and dry forest types across all the O&C lands in western Oregon. The moist and dry forest types do not coincide with Medford and Roseburg district boundaries. The analyses performed by Dr. Johnson to date do allocate the expected volume under S.1784 on a BLM district—by-district basis.

Question 2a. Mr. Ellis, in November of last year, the BLM provided timber harvest volume estimates for S. 1784, in a letter to Senator Wyden. This letter states, "(B)ased on the parameters in the proposed legislation, Professor Johnson, with assistance from BLM analysts, estimates the average annual timber harvest volume would range from 300 and 350 million board feet over the next two decades."

Did the BLM do any analysis that would indicate this level of harvest is sustainable beyond 20 years? If so, what level of harvest would be sustainable over the long term (beyond 20 years) under the approach outlined in S. 1784?

Answer. In working with Dr. Johnson, we were tasked with analyzing only the first two decades. The BLM has not developed a sustained yield harvest calculation beyond 20 years.

Question 2b. The BLM's letter notes that the harvest volume estimates were Dr. Johnson's with assistance from BLM analysts. How much confidence does BLM have in these estimates?

Answer. If timber harvest could be implemented according to the assumptions used to develop the harvest calculations, the BLM has high confidence that 300-350 mmbf of timber would be available for 20 years.

However, in written testimony, the BLM identified a number of concerns regarding implementation of the bill, including concerns which make it difficult to predict the feasibility of BLM achieving the predicted volume estimates under S. 1784. In some cases, it appears the legislative language may not be consistent with the assumptions used for the harvest calculations. For example, it is uncertain to what extent spotted owl sites, designated critical habitat (for spotted owls and marbled murrelets), and drinking water protection areas would affect the harvest volume estimates.

Question 3b. In Section 117 of the bill titled "Land Ownership Consolidation" the BLM is directed to consolidate the checkerboard pattern of O&C land using sales or land exchanges. Before exchanging any land, however, the Secretary must determine it is in the public interest to do so.

The bill, as drafted, does not specify the process or provide criteria to the BLM to determine whether the land exchanges are in the public interest. What process and/or what set of criteria does the BLM intend to use to determine whether land exchanges authorized under this legislation are in the public interest?

Answer. As required by the Federal Land Policy and Management Act (FLPMA, Sec. 206), the BLM considers many values and objectives when determining whether a particular land exchange action is "in the public interest." These values and objectives include giving full consideration to the opportunity to achieve better management of Federal lands, to meet the needs of State and local residents and their economies, and to secure important objectives, including but not limited to: protection of fish and wildlife habitats, cultural resources, watersheds, wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands, such as mineral and timber interests, for more logical and efficient management and development; consolidation of split estates; expansion of communities; accommodation of land use authorizations; promotion of multiple use values; and fulfillment of public needs. The BLM would also evaluate proposed land exchanges under the National Environmental Policy Act (NEPA), including public scoping and developing an Environmental Assessment or Environmental Impact Statement prior to a decision. Consistent with FLPMA, prior to making a decision on a proposed land exchange, the BLM also must consider

whether the exchange is consistent with the governing land use plan(s), determine the value of the properties to be exchanged, and determine whether there are any title restrictions or valid existing rights that could impact the exchange. Through the NEPA process, the BLM further examines any resource impacts of activities (such as grazing, minerals, recreation, and constructed assets) associated with the exchange; and in compliance with the National Historic Preservation Act and its tribal consultation obligations, the BLM analyzes cultural resource and Native American tribal and religious concerns.

Question 3b. Under your public interest determination process does the BLM envision instances where land exchanges would be found to be in the public interest that would convey timberlands out of federal ownership for development by private or state interests? Why or why not?

Answer. As part of the public interest determination process, the BLM would evaluate a wide range of issues. Whether a land exchange conveying timberlands out of federal ownership for development would be in the public interest would depend upon issues identified during scoping and the values and objectives, previously mentioned in response to Question 3a, considered during the determination process.

Question 4. It has been stated that S. 1784 will double harvest volumes on BLM lands over the next 20 years to approximately 300-350 million board feet by employing ecological forestry principles.

Please provide an estimate of the amount of funding that would be required under S. 1784 to reach those harvest level volumes.

Answer. S. 1784 directs many procedural requirements and analyses to occur within 18 months of enactment. In the short term, the BLM would expect to incur increased costs, including additional staff and/or contracts, to meet these front-loaded requirements. Because S. 1784 includes new processes that have not been completely analyzed for implementation, the BLM is unable to predict an amount, if any, of unit cost savings, or other associated direct and indirect costs.

RESPONSES OF STEVEN A. ELLIS TO QUESTIONS FROM SENATOR BARRASSO

Question 1a. In materials released by the BLM, Carolina Hooper, the BLM analyst who worked with Dr. Johnson on his harvest volume estimates, noted that their calculations only excluded the "highest quality spotted owl critical habitat" from harvest projections.

How was this "highest quality" habitat selected?

Answer. In response to a request made by Senator Wyden, the BLM provided extensive technical assistance to his staff as they worked to develop the bill and the associated maps. The steps described below were taken by BLM analysts in response to requests made by Senator Wyden's staff during the technical assistance process.

Initially, the highest quality habitat was selected using a map of Relative Habitat Suitability (RHS) scores for spotted owl habitat within designated critical habitat. RHS scores give an indication of the likelihood that owls occur or would occur in a given area. The higher the score, the higher the likelihood that owls will occupy the area. The highest quality habitat was defined by the area comprising the top 30% of RHS scores within designated owl critical habitat.

At that point in the process the following steps were taken, based on guidance from Senator Wyden's staff, to determine how Northern Spotted Owl Critical Habitat would be evaluated in the formulation of the O&C Land Grant Act of 2013:

- Two sets of geospatial data, one representing Northern Spotted Owl Critical Habitat units and another representing the Best 30 percent (Highest Quality) Northern Spotted Owl Habitat, was obtained from U.S. Fish & Wildlife Service.
- The Bureau of Land Management's Oregon and California Railroad and Coos Bay Wagon Road lands were evaluated together as (O&C lands).
- The Highest Quality owl habitat was not evaluated independently. The Highest Quality Northern Spotted Owl Habitat was combined with areas of existing Wilderness, designated Wild and Scenic River corridors, moist forest stands of greater than or equal to 120 years of age, and additional BLM national designations such as national monuments.
- These combined areas were evaluated by each public land survey, township, range, and section division.
- Where 30 percent or more of O&C lands for a section were within the combined area, the lands were categorized as "Conservation Emphasis." These Conservation Emphasis areas were excluded from timber harvest calculations.
- Based on guidance from Senator Wyden's staff, a range of additional areas were added to the "Conservation Emphasis" category. None of these additions were

based on Northern Spotted Owl Critical Habitat, but some overlap the habitat areas.

Question 1b. How much spotted owl critical habitat is located on the O&C lands and how much of this is considered "highest quality"?

Answer. The Critical Habitat and High Quality Critical Habitat acreage information is summarized below:

Total Critical Habitat on O&C Lands	1,195,580
Total High Quality Critical Habitat on O&C Lands	615,767 (52%)
Total Critical Habitat on O&C Lands	1,195,580
Total Critical Habitat in Conservation Emphasis Areas	663,237 (55%)
Total Critical Habitat in Forestry Emphasis Areas	532,343 (45%)
Total High Quality Critical Habitat on O&C Lands	615,767
Total High Quality Critical Habitat in Conservation Emphasis Area	547,472 (89%)
Total High Quality Critical Habitat in Forestry Emphasis Area	68,295 (11%)

RESPONSES OF SEAN STEVENS TO QUESTIONS FROM SENATOR BARRASSO

Question 1. Your organization seems to believe that tourism and recreation are the keys to the future of these rural communities. Why haven't these sectors created the kind of broad based employment needed in these communities? If Oregon Wild believes tourism is so important to these rural, forested communities then why did it put up billboards and take out advertising painting Oregon in a negative light as "Welcome to Oregon..home of the clearcut?"

Answer. Tourism and recreation are a large and growing part of Oregon's economy. The Outdoor Industry Association recently reported that in 2012 outdoor recreation alone accounted for $12.8 billion in spending and 141,000 direct jobs in Oregon.[1] These jobs and economic output are spread across Oregon's rural and urban areas and have continued to grow even during the recession.

While outdoor recreation is an important part of the Oregon economy, it is not the only economic benefit that protected and well managed public lands produce. Over 1.8 million Oregonians receive their clean drinking water from sources that originate all or in part on O&C lands. Forests naturally filter water and save municipalities millions of dollars every year in avoided filtration and facilities costs. Additionally, economists continually point to overall quality of life as a major driver in businesses deciding where to locate new headquarters, offices, and facilities. Our protected lands, scenic vistas, and opportunities for diverse forms of recreation all contribute to bolstering the recruiting capability of businesses in all industries. Put simply, people want to live and work in Oregon because it is a special place to live.

These natural amenities that make Oregon a great place to live and draw tourists to our borders are at risk and require our constant vigilance to protect. Our advertising campaign was aimed at sparking a public conversation about the dissonance between our reputation as a place where natural resources are protected and the reality of our current and proposed forest management. Current and proposed clearcutting harms our clean water, quality of life, and the recreation economy. Thankfully, due the efforts of Oregon Wild and many other concerned groups and citizens, we have managed to protect many areas that provide an economic underpinning for our state. But, this recreation economy will not continue to grow if we double logging on O&C lands and harm the natural foundation of this economic sector.

It is also important to note the history of employment in O&C counties before, during, and after reductions in federal lands logging. In 1982, the northern spotted owl was not yet on the Endangered Species list and logging still remained the top priority for BLM managers. In Douglas County and Lane County, the two largest recipients of federal timber dollars in Oregon, unemployment was at 17.3% and 12.5% respectively. In 1994, the year the Northwest Forest Plan was adopted and four years after Judge Dwyer ruled that the timber sale program in the Northwest

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[1] http://www.outdoorindustry.org/images/ore__reports/OR-oregon-outdoorrecreationeconomy-oia.pdf

was violating federal law, Douglas and Lan Counties stood at 7.8% and 5.0% respectively. Today, Douglas County sits at 10.0% and Lane County at 6.9%.

The lesson is that national recession drive unemployment in Oregon far more predictively than the size of the logging industry. In short, we don't need to increase logging to improve the health of rural Oregon's economy.

Question 2. Your organization just filed suit over the White Castle variable retention ecological restoration pilot project. Is it safe to say that Oregon Wild is likely to challenge future variable retention timber harvests? Why or why not?

Answer. The White Castle timber sale is the second pilot project proposed by the BLM at the direction of then Interior Secretary Ken Salazar. The first pilot project, Buck Rising, was not challenged in court. Oregon Wild was not in favor of many aspects of the Buck Rising project but felt that lessons could be learned from testing out certain forestry methods on a limited scale. Buck Rising was also planned in a younger forest stand where the effects of variable retention regeneration harvest (aka sloppy clearcutting) would have lesser negative ecological effects.

After Buck Rising, BLM moved forward with the White Castle timber sale in a naturally regrown forest stand over 100 years old. This site had far more ecological importance for at-risk species. Additionally, it became clear that BLM was not interested in learning from the Buck Rising pilot and rather intended to continue planning variable retention regeneration harvests on bigger chunks of the landscape. Add to this fact that S.1784 proposed to enshrine this style of management across one million acres of O&C lands and it became crystal clear that these projects were more than "pilots."

We believe there is a far better path forward to produce wood products from federal forest lands while improving ecological health. You can find a full report on the restoration-based thinning acres and board feet available across the Northwest Forest Plan landscape here: http://www.oregonwild.org/oregon_forests/old_growth_protection/westside-forests /Kerr%20Andy.%202012.%20Ecologically %20Appropriate%20Restoration%20Thinning%20in%20the%20Northwest%20Forest %20Plan%20 Area.pdf

In the near future, Oregon Wild is likely to challenge variable retention regeneration timber sales in native, mature forests. These timber sales put critical habitat, clean water, and viewsheds at risk.

RESPONSES OF JERRY F. FRANKLIN TO QUESTIONS FROM SENATOR WYDEN

Question 1. If the BLM had continued harvesting upwards of 1.2 billion board feet per year, as they were in the 1980s, right up until now, what would be the state of the O&C lands today?

Answer. If the BLM had continued harvesting ~1.2 billion board feet per year essentially all of the currently existing mature and old-growth forests would have been converted to plantations. This would be true on both Moist and Dry Forest sites. The BLM managed forests would be largely indistinguishable from the private forest lands.

Question 2. Now you were one of the scientists that worked on drafting the original Northwest Forest Plan. Can you speak to how this legislation fits into that plan?

Answer. The legislation can be viewed, in many ways, as representing a continued evolution of the Northwest Forest Plan (NWFP). The NWFP was never fully implemented and has undergone significant changes since it was adopted in 1994. Most of the changes were the result of internal agency decisions and not formal processes, as exemplified by the FS and BLM decisions to end efforts to do regeneration harvests during the last decade because of continued litigation. A major formalized change occurred with the adoption of a new recovery plan (in 2012) and critical habitat designation (in 2013) for the Northern Spotted Owl by the US Fish & Wildlife Service. The policy changes that have occurred, formal and informal, have generally resulted in increased protection of environmental values and in reductions in lands available for timber harvest.

The legislation builds on the original goals of the Northwest Forest Plan, incorporating new science and social concerns, and it can therefore be viewed as a part of the continued evolution that all land-use plans have to experience, if they are to remain functional.

Question 3. Can you explain how Dr. Johnson and the BLM reached the estimates for the amount of volume that would be produced under my bill? How can we be assured this bill and this ecological forestry approach will produce volume, now and in the future?

Answer. The estimated harvest levels involve two elements—the lands available for harvest and the expected timber yields per unit area. Dr. Johnson's estimates

utilized the land base allocations provided by Senator Wyden's staff. Dr. Johnson then collaborated with BLM staff in estimating the timber yields per unit area that would occur under the prescriptions in the legislation. These per-unit-area yields were then multiplied by the land base. Working with the BLM, he developed estimates of harvest for the next 20 years.

The ecological forestry approach has been endorsed by USFWS and, hence, should be acceptable on portions of Northern Spotted Owl critical habitat. Also, management approaches that provide demonstrable ecological benefits generally have been socially acceptable. We have no doubt about the ability of the ecological forestry approach to produce volume, now and in the future, on lands on which it is utilized.
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RESPONSES OF JERRY F. FRANKLIN TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. Dr. Franklin, as I understand it, ecological forestry is a set of principles to guide forest management. Can you explain whether it is necessary to be so prescriptive in the legislation, as it is drafted, to actually practice ecological forestry on the ground? Why or why not?

Answer. Ecological forestry is an approach to managing forests that utilizes principles and models derived from natural forest ecosystems. We view it as being highly adaptive, rather than prescriptive, such as in the case of variable retention harvesting where a broad variety of prescriptions can be developed by local stakeholders and managers to achieve the goal or principle of providing for continuity in structure, function, and composition between forest generations. Most of what might appear to be prescriptive elements, such as the designation of ages of trees and forests that can be harvested, are actually socially-driven decisions, that define boundaries or limits to activities, rather than constraining prescriptions where activities are allowed. Well-defined boundary conditions are critical elements in defining the social contract. In that sense, they both direct and enable management activities.

We view the more prescriptive elements of prescriptions (e.g., about 1/3 retention in the variable retention regeneration harvests) as representing starting points, which need to undergo periodic review. We strongly believe that all management direction in the legislation, including generalized prescriptions, needs to undergo periodic scientific and managerial review for their adequacy, as part of a continuing adaptive process. That review process should also include consideration of basic objectives of the legislation.

We strongly believe that there should be a continuing adaptive program on the effectiveness of the silvicultural approaches, including significant investments in monitoring research. We also believe that it is important to have periodic review by an independent (third party) group that includes scientists, respected citizens, and managers. Also, it would be helpful if the legislation allows the Secretary of Interior to make changes based on the recommendations of this review team.

Question 2. Do you believe the bill, as drafted, provides sufficient flexibility to the BLM to practice adaptive management (learn by doing) on the O&C lands with respect to implementation of ecological forestry principles and management of these lands? If so, why do you believe this? If not, what would you recommend be changed in the bill to provide that flexibility?

Answer. We have indicated that we think that additional flexibility would be useful in our answer to the previous question. Most importantly, the legislation should allow for changes in management practices without requiring an act of Congress.

Question 3. Dr. Franklin, I understand the O&C lands for management purposes are divided into moist and dry forests. Looking at the drier forest districts in southern Oregon, can you tell me what level of timber harvest was estimated for those districts?

Answer. We estimate that about 20% of the harvest would come from Dry Forest, most of which are in the southern districts. However, those southern districts also have areas of Moist Forest, which will contribute significant volume to the harvest.

Question 4. Dr. Franklin, can you explain in non-scientific terms what is ecological forestry and how, in your opinion, it can work to increase the timber harvest and provide certainty of supply for the timber industry?

Answer. Ecological forestry simply refers to managing forests for multiple values based on principles derived from natural forest ecosystems. It is contrasted with production forestry in which forests are managed to maximize wood production following agronomic principles, generally with an economic constraint.

We believe that ecological forestry can contribute to increased timber harvests by provide management approaches that sustain or increase other forest benefits, in addition to wood. By sustaining ecological values it should ultimately have greater social acceptability than production forestry, allowing for active management on a

broader federal land base than otherwise would be possible. Further, since ecological forestry can sustain a broad array of ecological values it should have greater legal defensibility; for example, the US Fish and Wildlife Service has endorsed the use of ecological forestry approaches within Northern Spotted Owl critical habitat. There is broad evidence that federal management agencies are more successful at providing economic benefits where they can also demonstrate that significant ecological benefits will simultaneously occur..

RESPONSE OF JERRY F. FRANKLIN TO QUESTION FROM SENATOR BARRASSO

Question 1. Dr. Franklin, given the controversy surrounding ecological forestry and your variable retention regeneration harvests do you believe legal certainty will be needed to ensure the timber projects can be implemented?

Answer. We believe that certainty for implementation of harvests will be improved though the use of more acceptable practices—i.e., practices that provide both ecological and economic benefits simultaneously, as indicated in our answer to the previous question.

RESPONSES OF MIKE DOMBECK TO QUESTIONS FROM SENATOR WYDEN

Question 1. In your view, would S. 1966 alter the fundamental purposes of the National Forest System by putting one use—timber production—above all of the other multiple uses the national forests are managed for, such as water, recreation, and wilderness?

Answer. S. 1966 would make timber production the dominant use of a portion of national forest lands. It is possible to produce timber and create multiple benefits for uses like water and recreation, but S. 1966 does not provide the tools or direction to do so. The sole focus on timber production would simply take us back to the controversies of the past. I would hope that we have learned from the past and not repeat the same mistakes again.

Question 2. You talk in your testimony about the importance of protecting roadless areas, riparian areas, and old growth forests. In your experience, what are the dangers of developing legislation that does not take these sensitive areas off of the table?

Answer. Roadless areas, riparian areas, and old growth forests are valued by the public because they provide for water quality, fish and wildlife habitat, and recreational opportunities. Failing to provide protections for these areas invites predictable controversy that distracts from the type of collaboration we need to support multiple use on our national forests.

Question 3. Thank you for your mention of the Collaborative Forest Landscape Restoration Program and the benefits of strong, on-the-ground collaboration. Can you elaborate on some examples of where you have seen collaboration work effectively to help the Forest Service achieve its mandates?

Answer. Montana's Middle Clark Fork basin provides a strong example of public support helping the Forest Service carry out its mission. In the Middle Clark Fork, historic placer mining and other resource extraction badly damaged tributary streams that provide important spawning and rearing habitat for bull trout and cutthroat trout. One of these tributaries is Ninemile Creek, where the Forest Service and its partners improved 12 miles of instream habitat, reclaimed 100 miles of unused logging roads, planted 10,000 trees and shrubs, upgraded or removed 70 culverts and incorporated 3,000 volunteer hours into watershed restoration planning and implementation. After the completion of these projects, cutthroat trout were able to migrate up a tributary of Ninemile Creek for the first time in 70 years. The outpouring of volunteer hours and matching funding contributions to the restoration of the Middle Clark Fork is a testament to the public's desire to improve and restore our national forests.

I would like to reaffirm what I stated at the Hearing; in my home state of Wisconsin there is a grassroots effort beginning to take shape called the North East Wisconsin Collaborative. It brings together a diverse group of stakeholders from conservation, loggers, Tribal members, and forest industry representatives to find ways to accelerate the sustainable management of the Chequamegon-Nicolet National Forest. This effort is being modeled from the many Collaborative Forest Landscape Restoration Program projects (CFLRP) that have been establish across the country, predominately around National Forests impacted by large scale wildfire. While wildfire typically isn't a the threat in the Great Lakes States as it is in the West, the effort in Wisconsin is aiming to promote the health of watersheds that drain into the Great Lakes while producing timber and jobs. Established CFLRP projects have

shown that when diverse stakeholders come together significant progress can be made and should be extended to the National Forests east of the 100th Meridian.

RESPONSE OF MIKE DOMBECK TO QUESTION FROM SENATOR TIM JOHNSON

Question 1. Forests provide important ecological and economic benefits to both rural and urban communities across the country, from fiber and forage to clean water and recreation. Many of those forests face serious threats from insect and disease, wildfire, drought, and other stresses. It appears that there now may be an opportunity to accelerate treatment and restoration of our forests while enhancing the long-term sustainability of the benefits that come from those forests. From your experience as a public land manager and scientist, what specific tangible recommendations do you have to overcome the current obstacles to sustainable forest management?

Answer. Chief Tidwell described in his testimony some positive steps being taken by the Forest Service to overcome obstacles to sustainable forest management. The Chief needs the support of Congress to achieve success. The current situation with the Forest Service's fire budget sets the agency up to fail. Fixing this problem, as has been proposed by Senators Wyden and Crapo, would go a long way toward restoring the agency's management capacity. Furthermore, the agency has been hindered by sequestration and needs adequate appropriations. Simply put, the agency needs the resources to do the work. The authorities provided through the Farm Bill for stewardship contracting give the agency a very useful tool, and I applaud Congress for including that provision.

If I were still Chief, I would push the agency to expand its good work with local collaboratives. By offering a strong multiple-use vision shaped by the input of communities of place and interest, the Forest Service can create an environment in which the public becomes a contributor to the agency's mission. We have seen this happen with habitat restoration work in the Middle Clark Fork basin of Montana, where every dollar the Forest Service spends on restoration is multiplied by partner contributions. I have seen this in the forests in Wisconsin, where retirees are volunteering to provide the Forest Service with additional expertise. These types of inclusive approaches help the agency to tap additional resources and engenders goodwill in local communities to help carry out the Forest Service's multiple use mandate.

RESPONSE OF GEORG CLINT TO QUESTION FROM SENATOR TIM JOHNSON

Question 1. Forest management and the wood products industry are very important to the economic and ecological sustainability of western South Dakota. The Mountain Pine Beetle Response Project in the Black Hills National Forest has shown that the Forest Service is capable of undertaking landscape-scale planning and adapting its management to changing conditions. This approach has now been authorized across the National Forest System to help streamline treatment of national forest lands facing insect or disease infestations. Though this new authority has not yet been implemented nationwide, what is your perspective on how it will help your company and other similar small businesses obtain the wood supplies critical to your operation, both in the near term and into the foreseeable future?

Answer. There has been a lot of discussion and interest in the Black Hills National Forest project and what projects like it could do for the supply of timber. The advantage of landscape size planning is that it is more efficient both in terms of cost and timing.

These cost efficiencies, to the extent that they free up funds for the Forest Service to use on forest restoration through timber harvests, will directly impact the amount of wood that small businesses will have access to.

In addition, the amount of timber available from the USFS on a year-to-year basis can be impacted by the amount of forest planning done in the prior year. Since the forest planning is done on a scale that provides multi-year planning, the stability of the wood supply should be improved.

RESPONSES OF GEORG CLINT TO QUESTIONS FROM SENATOR BARRASSO

Question 1. Opponents of timber production often claim timber harvest is detrimental to watersheds which serve local communities and wildlife. What is your experience with the interaction between timber harvest and watershed health?

Answer. The forests regulate the watershed in complex, multifaceted ways. The canopy provides shade for the snowpack and allows the snow to melt at a regulated speed.

Live trees also absorb ground water and expel it into the air, further regulating how much water flows to streams and watersheds. Of course, all of this is out of balance in the Western forests today.

First, where the forests have died in mass either from beetle kill or other event, the canopy is destroyed. This means more snow evaporates in the winter and the snow that is left melts and runs off more rapidly than previously. There is overall less water, and the early spring runoff is more intense. More rapid runoff leads to landslides and loads of sediment and debris choking streams, reservoirs and other water infrastructure on which downstream communities depend.

The situation worsens after one of the massive fires that we are now experiencing in greater frequency. After a fire of this type, the forest floor is no longer protected from erosion. As an example, after the Hayman fire, For example, Front Range city water providers (Denver and Aurora) spent $25 million in two years to remove sediment dumped into a reservoir that serves as a source of drinking water. More recently, we've seen the impact in the unprecedented flooding in Manitou Springs, CO after a wild fire and in the severity of the widespread flooding in Colorado last spring which was, at least in part, blamed on the massive fires in prior months.

Where the western forests are experiencing beetle kill or other devastation, timber harvests improve the watershed by restoring the forests to a healthy state, restoring the canopy in just a few short years.

There should be very little debate about whether timber harvests improve our watershed in the area of damaged forests. However, even in green forests, the impact is positive. Overgrown forests will use more water than a well-managed forest. We have seen where thinning through timber harvests frees up water to the extent that previously dry streams run again. Healthy watersheds are dependent on healthy forest and timber harvests or thinning that keep the forests healthy also keep the watersheds healthy.

Finally, the argument often advanced concerning the potential damage that timber harvests poise to watershed had to do with the potential that harvesting equipment compacts the soils which leads to silting up of the streams. However, a comprehensive study on the Medicine Bow-Routt forest showed that when state-of-the-art techniques are used for logging, road building and road maintenance, increased stream sedimentation was not measurable. I am not aware of any study that disputes these findings.

In short, for our forests today, the question is not whether timber harvesting will negative impact our watersheds, but how can timber harvests be used to restore our watershed health.

Question 2. In your testimony you talk about the present danger of massive and destructive wildland fires. How do acres which have been harvested for timber help prevent the risk of future wildland fire, or slow the growth of fires once started? When considering the risk of future wildland fire, do backcountry areas or the Wildland Urban Interface pose a greater threat?

Answer. The massive forest fires that we have been experiencing are driven by massive fuel loading in our largely mature forests. Mature forests are naturally susceptible to these type of fires and the risk is heighted by the density of the trees, drought and insect infestations.

On the other hand, these fires are less likely to occur in young stands of trees. These stands are resilient to these fires. When a massive fire reaches a large stand of immature trees, the fire peters out.

Harvesting trees removes mature trees and allows the forest to regenerate. This process creates a mosaic of tree stands of different ages—similar to what would happen naturally if fires were not routinely suppressed.In a forest with a mosaic of differing aged trees, fires in the mature stands are limited. In this manner, timber harvests by generating young stands of trees, essentially provide natural fire breaks in the forest.

In answer to the second part of the question, the most expensive fires to fight are in the backcountry areas. These are the fires that have doubled in size in the past 40 years and have led the Forest Service to spend nearly 50% of its budget on fighting fires. The backcountry areas protect our watersheds as well as the habitat for our wildlife. While we are seeing the most property destruction in WUI areas, these fires often start in the backcountry area, grow to be uncontrollable, and spread to the WUI.

Question 3. Individuals, families, small businesses, and governments must make budgets and choices based on priorities. When considering the Forest Service budget, what budget activities should Congress prioritize to improve forest health and public safety?

Answer. Public safety requires continued funding of fire suppression and new ways to support that effort. But this situation will continue to deteriorate and the

cost of providing this fire suppression will continue to escalate unless we increase the pace and scale of forest restoration to return our forests to a healthy state.

Forest health and public safety (including watershed protection), are dependent on treating large, landscape size areas. Forest health on anything less than landscape size is largely meaningless.

Both immediate and long-term forest management on a landscape scale requires a healthy forest products industry. This industry comprised of sawmills, OSB mills, pellet mills and others, is the only commercially viable means of treating forest on landscape scales.Yet, over the past few years, the forest products industry has been devastated by a lack of timber supply and still faces a shortage of timber supply.

It is incumbent that, to protect the industry that provides our needed forest management, Congress needs to prioritize funds for increased timber harvests. It should also be noted that the initial investment in these programs can get paid back through increase timber sales. This is good both for the long-term health of the forest and for increasing revenues to the government.

Question 4. What are the positive externalities of timber production for society and American taxpayers?

Answer. Timber production is a very good investment for the Americans on many levels.

On an environmental level, timber production leads directly to restoring healthy forests. The leads in turn to healthy watersheds and wildlife habitat, but it also leads to healthier climates. Our forest provide a carbon sink, removing harmful carbon dioxide from the environment, while generating fresh oxygen. When the forests are harvested, the trapped carbon remains trapped in the structures built with the wood (as opposed to be released back in to the atmosphere as the trees rot). Healthy forests, generated through timber production, literally impact the water we drink and the air we breathe.

On an economic basis, timber production is one of the best generator of revenue possible. Timber harvesting is an extraction industry, meaning that it begins with a raw material. Because it is an extraction industry, many jobs are dependent on this industry as the raw material is converted to a finished product. As an example, harvesting timber creates jobs from the logger who cuts the tree all the way to the real estate agent that sells the recently built home. Along the way, it is estimated that there are 12 jobs created for every million board feet of lumber produced.

Many of these jobs are in rural areas, where the mills are and where there are few other good jobs.

Timber production is a domestic industry that is a national treasure. In our timber, America has a renewable resource that it exports around the world. China is one of the largest buyers of timber and India is expected to become a major user as well. As these two economies lead the world in growth, America is positioned to benefit greatly, as long as it has the industry and timber contracts to do so.

Finally, timber sales can be used to fund the work require for other forest health and fire prevention efforts. As an example, as late as the 1970, the USFS through its timber sale program was a net generator of revenues for the US Government. Revenues generated in this manner are using the resources of the forests to maintain the health of the forests.

APPENDIX II

Additional Material Submitted for the Record

STATEMENT OF OWEN GRAHAM, EXECUTIVE DIRECTOR, ALASKA FOREST ASSOCIATION, ON S. 1966

Mr. Chairman, Ranking Member Murkowski, and members of the Committee:

My name is Owen Graham. I am the Executive Director of the Alaska Forest Association (AFA). Thank you for holding this hearing and for allowing AFA to submit testimony for the hearing record. My testimony today will be on the need for additional provisions to be added to either S. 1784, the Oregon and California Land Grant Act of 2013 and/or S. 1966, the National Forest Jobs and Management Act of 2014. Each of these bills deals with the serious, pending timber supply crisis in the Oregon and California Lands and the National Forest System.

The Alaska Forest Association desperately need this Committee to address this timber supply crisis in Alaska's and the nation's largest National Forest in Southeast Alaska. While both bills attempt to address the lack of acceptable harvest levels in Southwest Oregon on lands managed by the Bureau of Land Management and the National Forest System, neither bill deals with the unique and deplorable situation in Alaska. This is why AFA urges and pleads with this Committee to add a specific title or sections to either bill when reported by this Committee to fix the Alaska crisis.

Mr. Chairman, AFA applauds your statements at many hearings that your goal is to "get the cut up" in the National Forest System and on the O&C lands. We applaud and support this goal, but we ask that you recognize that the last 23 years of management by the US Forest Service has depressed the timber sale program and timber employment in the region by 90%. Fully 98% of the national forest has been placed off limits to timber production; 40% by Congress and another 52% by agency administrative actions. It is time for a new approach in Alaska, but before I describe that approach, let me explain the history of federally managed timber harvest in Southeast Alaska since.

BACKGROUND AND BRIEF HISTORY

While Alaska was still federal territory, the federal government determined that a sustainable, year around economy was needed in Southeast Alaska and this goal could be achieved by managing the forest for timber production and inducing private investment in manufacturing by letting long-term timber sales. Then Chief of the Forest Service, Frank Heintzlemen, had the vision and the management fortitude to see this idea to fruition. While only 3 of the 5 sales were ultimately finalized, these sales led to multi-million dollar investments in Ketchikan, Sitka, and Wrangell Alaska. These contracts led to a vibrant timber sale program which harvested 520 million board feet annually and sustained over 4,000 full time jobs.

BROKEN PROMISES

In 1980 and again in 1990, Congress established roughly six million acres of wilderness and monument set-asides but also promised Alaska that sufficient timber sales would continue in order to sustain the existing manufacturing industry. However, the Forest Service was unable to honor that commitment and immediately after 1990 the timber supply began to plummet. In 1997 the agency adopted a new land management plan that reduced the available timberland base by two-thirds. In 2001 the agency further reduced the land base by applying their administrative roadless rule to Alaska. The State of Alaska was able to negotiate a settlement that exempted Alaska from that rule, but now the agency refuses to honor that exemption.

Worse yet, the Forest Service announced in 2010 that it intends to reduce the timberland base again and manage only some of the "young growth" timberlands,

most of which will not mature for several decades. The limited young growth acreage that is mature is insufficient to fully supply even a single manufacturing facility and as a result the young growth timber will likely be exported. This will sustain only a few logging and road building jobs.

The agency has stated it will provide a limited supply of mature timber during a nebulous "transition period", but the agency has been unable to consistently supply enough timber for even our single remaining mid-size sawmill. The most recent timber sale, Big Thorne, has been delayed for nearly six months because of an administrative appeal and our last sawmill may be forced to shut down as a result. Once the appeal is resolved, there will be a risk of further delay from environmental lawsuits and, despite years of massive federal funding, the agency has no other timber sale projects close to completion.

Stated simply, the Forest Service can no longer manage a successful timber program in Southeast Alaska. No matter how much time, effort and dollars it spends, it fails. This Committee has overseen this pathetic performance for the last 20 plus years; the system has failed.

While it is not the sole fault of the Forest Service with court, administrative, and politics intervening continuously, one thing is clear: The US Forest Service timber program in S. E. Alaska is irretrievably broken and cannot be fixed by the agency. It is time for this Committee and the Congress to recognize this and take action to honor the past commitments made to the State, the local communities and the timber industry.

ANOTHER AND BETTER WAY IS AT HAND/STATE MANAGED FOREST

As this committee will undoubtedly hear today, state and local governments have done a vital and important job in providing some timber to local industry throughout the West. That is why the House passed bill proposes that the Governors of states be allowed to appoint State or local advisory committees which can be given the opportunity to manage some areas of the National Forest System. While this is a step in the right direction, the federal government has monopoly power over the timberlands in Southeast Alaska and the draft legislation will not resolve the Alaska crisis unless sufficient timberland is made available.

The Governor of Alaska has issued an Alaska Timber Task Force report confirming all that I have testified to above. AFA calls on the Congress to authorize the establishment of a two million acre State Forest in Southeast Alaska. This will leave fifteen million acres for the Forest Service to manage and it will not impact any of the six million acres Congress has set aside as wilderness, national monuments and other set-asides. A copy of the Alaska Timber Task Force report was submitted to this Committee in an earlier hearing by Alaska State Forester Chris Maisch. I ask that a copy of the report be made part of this hearing record also. That report was submitted with this testimony.

There is great support for this State Forest in Alaska: The Southeast Conference, a regional municipal and local business group, supports this as do many of the local communities, the State Chamber of Commerce and many other groups as well.

AFA firmly believes that implementing the State Timber Task Report is the only way to restore the lost jobs and reinvigorate the economy of Southeast Alaska. The State of Alaska already manages an efficient timber program under its Alaska State Forest Practices which delivers a reliable timber supply on the small amount of timberland that the State owns in the region. This State program is well managed just as similar programs are in other lower 48 states such as Washington and Oregon.

CONTROVERSY

Mr. Chairman and Sen. Murkowski. There will be opposition to this approach just as there will be opposition to S.1784 and S. 1966. There are groups which oppose any sustainable timber industry anywhere in Southeast Alaska. These opposition groups will mightily and loudly oppose a State owned/managed forest, just like they have opposed nearly every significant timber sale over the last 20+ years. However, we are asking for a balance. The two million acres the State proposes will provide the timber supply we need, plus access for mining, power development projects and local communities. This is only 12% of the national forest and management of this land by the state will not harm the fisheries, the wildlife or access to recreation; in fact it will enhance those resources. Further, the federal government will be able to reduce the funding for the Forest Service in Alaska; currently about a quarter of the roughly $50 million annual Region 10 budget is for the timber sale program.

CONCLUSION

Thank you for the opportunity to submit this testimony. This hearing is a valuable contribution to this Committee's understanding of why the federal timber sale program has failed in Alaska. The National Forests were established for two reasons at the turn of the 20th Century; watershed protection and timber production. That policy has never been changed by the Congress but the agency seems to have ignored or forgotten this. To quote the Organic Act of 1897:

> No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States"

It is time for Congress to enforce this policy and promise by making the necessary management changes in Alaska—the establishment of a state owned forest to be managed under the Alaska State Forest Practices Act. This is the only way to overcome the obstacles to the goal of the Organic Act.

STATEMENT OF DOUG HEIKEN, OREGON WILD, EUGENE OR, ON S. 1784

Honorable U.S. Senators:

Please accept the following testimony from Oregon Wild concerning S. 1784, Senator Wyden's O&C Lands bill. Please make these comments part of the official record of the hearing on S. 1784 held February 6, 2014. These comments start with a brief outline of our concerns with the Wyden O&C logging bill, and then we attach several supplemental resources that reinforce our points.

Oregon Wild has worked for 40 years to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. Oregon Wild represents over 10,000 members and supporters who share our mission. Our goal is to protect areas that remain ecologically intact while striving to restore areas that have been ecologically degraded. The Wyden bill threatens our mission because it undermines the Northwest Forest Plan and mandates clearcutting of approximately 100,000 acres of never-before-logged native forests that are critical to Oregon's water quality, fish & wildlife habitat, recreation, climate stability, and quality of life. The bill also undermines the Endangered Species Act and inappropriately limits public participation in public land management.

Far more than half of the productive capacity of Oregon's forests are controlled by private interests and most of those forests are aggressively managed for timber production. These lands serve private interests by producing wood products, jobs, and profits, but the clearcuts and tree farms on private lands do a poor job providing important public values such as clean water and quality of life. Due to short-sighted tax policies at the state and local level in Oregon, logging on private lands contributes very little to local government revenue. There is no shortage of clearcuts in Oregon, but there is a shortage of natural forests and protected watersheds that can provide clean water, habitat for fish & wildlife, recreation, scenic vistas, or carbon storage to mitigate climate change. Public lands are essential to provide these public values.

Prior to 2000, most of the logging on federal forests was from clearcutting mature & old-growth forests. Subsequent to 2000 most of the logging on federal lands in the northwest has focused on small trees thinned for restoration purposes. Conservation groups are working with the agencies to refine and improve approaches to forest management that improve forest habitat, produce jobs, and provide substantial timber volume as a by-product of restoration.

Oregon Wild has been advancing a workable vision for management of forests in Oregon. Wood products and commodity extraction should be focused on non-federal lands, while federal forests are devoted to providing public values like clean water, habitat for fish & wildlife, recreation, carbon storage, and quality of life. To help forests recover from past abuses, federal forests require a meaningful investment in restoration. Restoration can include thinning dense young forests and removing small trees from forests suffering from fire exclusion. This common sense strategy will produce an optimal mix of ecological and economic benefits. For more than 10 years, the success of this strategy has been demonstrated by the Siuslaw National Forest and to some degree by other forests and BLM Districts.

The Wyden bill shifts the management emphasis of public forests from public values like clean drinking water, recovery of endangered species, storing carbon, and maintaining quality of life toward an outdated and destructive emphasis on clearcutting for profit.

The Wyden O&C logging bill is deeply flawed in many respects. The Wyden bill will not achieve the primary objectives it seeks, and it will have significant indirect effects that harm many other important policy objectives. The Wyden bill will NOT fix the counties' financial problems; it will NOT meaningfully reduce unemployment; it will NOT protect all the old growth; and it will NOT resolve public conflict over forests. The Wyden bill WILL increase clearcutting; it WILL increase carbon emissions; it WILL degrade water quality, it WILL set back efforts to recover listed fish and wildlife; it WILL degrade Oregon's quality of life and undermine efforts to diversify the economy; and it WILL inflame conflict and controversy.

- BLM lands already play a significant economic role. The agencies' are implementing a successful thinning program that offers jobs and wood products. Conservation groups and the public are supporting and encouraging careful thinning of young stands which produces jobs and wood products. The economic benefits do not stop at thinning. One of Oregon's most valuable economic assets is its quality of life (provided in part by beautiful forests) which helps diversify our economy and expand the tax base by attracting skilled workers and prospective employers. The ecosystem services from well-conserved public lands help provide clean water for agriculture, industry, and communities. Carbon storage in the forest helps stabilize the climate that the global economy depends on. Increased logging on BLM lands will undermine these economic contributions.
- The Wyden bill does not really protect all the old growth. The Northwest Forest Plan called for restoration of an old-growth ecosystem which requires not just protecting existing old growth but also increasing the amount of old forest on the landscape by letting young forests grow. The Wyden bill shrinks the reserves system and reduces the area where old forest will be allowed to grow. Also, the Wyden bill purports to protect existing old forest but actually leaves many old forests unprotected—first by leaving approximately 100,000 acres of native unlogged forests 80-125 years old subject to clearcutting in the Forestry Emphasis Areas, and second, by relying on BLM's flawed age classification system which mislabels some functional old growth as "young" forest. BLM's method essentially says that some forests are not old, when in reality they contain numerous old trees and the stand as a whole functions as old growth. In both cases, these stands provide old forest values yet they are not protected under the Wyden bill.
- The Wyden bill endorses a form of sloppy clearcutting called "variable retention harvest" that would be an improvement if such practices were adopted on private industrial forest lands, but this kind of clearcutting is a huge ecological step backwards for federal forests which in recent years have successfully focused on variable density thinning of dense young stands.
- The Wyden bill is driven by arbitrary timber targets rather than science. The bill seems more intent on achieving a timber volume of 300 mmbf/year, instead of following the advice of the scientists who are ostensibly behind the bill. Case in point: Norm Johnson and Jerry Franklin's article in the Journal of Forestry explicitly recommends that variable retention harvest treatments are appropriate in previously clearcut stands (which are virtually all younger than 80 years), but the Wyden bill ignores this recommendation, and requires logging in mature native forests up to 125 years old that have never been logged before. Clearcutting mature forests does not contribute to ecological restoration. The highest and best use of mature forests is to allow them to grow and fill the severe deficit of older forests.
- Clearcutting BLM lands under the Wyden bill will make fire hazard worse instead of better. This is a significant concern because BLM lands are located close to homes and private property. The dense young forests that dominate a managed forest landscape represent a high fire hazard because they have dense interlocking branches close to the ground. There is also more slash and more roads and fire ignition sources in a managed landscape. Mature forests, on the other hand, pose less of a fire hazard because large trees have thick fire-resistant bark; they hold most of their fuel high above the ground where surface fires tend to spread; their dense canopies help create a cool-moist microclimate that is unfavorable to fire and the canopy also helps suppress the growth of ladder fuels. The science of fire behaviour has been confirmed by recent observations of large wildfires in SW Oregon. The agencies have repeatedly noted that wildfire spreads rapidly in dense young tree farms, while fire behaves more moderately in mature natural forest;
- Thinning dry forests may also increase fire hazard. Thinning has a tendency to increase fire hazard by moving fine fuels from the canopy to the ground, making the microclimate hotter, dryer and windier, and stimulating the growth of lad-

der fuels. Some of the dry forest prescriptions in the Wyden bill might tend to reduce fire hazard, but Norm Johnson and Jerry Franklin note that certain forest types in SW Oregon have a unique tendency to grow flammable shrubs after thinning. Johnson & Franklin (2009) said: "Some dry mixed-conifer plant associations have the potential to develop dense shrubby understories when light and moisture are made available by tree thinning; . . . . Such understories can provide significant ground fuels for wildfires, thereby negating some of the positive effects of thinning on fire behavior. . . ." Johnson & Franklin 2009. Restoration of Federal Forests in the Pacific Northwest: Strategies and Management Implications. http://www.cof.orst.edu/cof/fs/PDFs/JohnsonRestoration_aug15_2009.pdf

- The Wyden bill undermines key elements of the Northwest Forest Plan, including:

—The Wyden bill shrinks and disrupts the carefully designed network of connected forest reserves established by the Northwest Forest Plan. BLM lands were specifically identified as critical to provide connective links between the Coast Range, the Cascades, and the Klamath Mountains, and between the larger blocks of habitat on the National Forests in western Oregon. The Wyden bill severs east-west habitat connectivity between the Coast Range and the Cascades (see map and analysis attached);*

—The Wyden bill will dramatically increase clearcutting in the Oregon Coast Range which is already severely degraded by past clearcutting on federal land and ongoing clearcutting on non-federal land. The Coast Range habitat simply cannot be sacrificed because it is identified as critical for recovery of threatened spotted owls, marbled murrelets, and Pacific salmon. Coastal watersheds are highly productive and less impacted by dams and therefore have great potential for salmon recovery.

—The Wyden bill halves protection for riparian reserves. The rationale used to justify reduced stream protection is misleading and deeply flawed. The stream buffers established in the Northwest Forest Plan were supposed to protect both aquatic and terrestrial wildlife, including a wide variety of listed and sensitive species; the buffers were intended to protect microclimate and wood recruitment not just within the stream but also within important habitat areas away from the stream; the buffers were intended to give salmon a reasonable chance for recovery rather than a bare minimum level of protection; they were intended to help mitigate for past stream damage caused by clearcutting and roads; and they were intended to slow the pace of logging and mitigate cumulative effects. Gordy Reeves' "new science" focuses on instream conditions and does not address all the explicit purposes of the riparian reserves;

—The Wyden bill will have disproportionate adverse impacts on lower slopes above streams which are critical for endangered species recovery and other values. Both spotted owls and marbled murrelets disproportionally rely on lower slopes which were protected under the Northwest Forest Plan, but will lose protection under the Wyden bill;

—The Wyden bill decimates designated critical habitat for spotted owls and marbled murrelets. The bill creates an entirely novel approach to implementing the Endangered Species Act which will encourage logging where it is now disfavored. Private lands are doing next to nothing for endangered species. Federal lands have to carry the burden of species conservation and recovery. Both spotted owls and marbled murrelet need large unfragmented blocks of habitat. The Wyden bill will cause significant habitat fragmentation by requiring clearcutting around the border of old forest stands with Forestry Emphasis Areas;

—The Wyden bill eliminates the core requirements of the "survey and manage" program which was identified as an important mitigation for logging. The purpose of survey and manage program is to "look before you log" by identifying rare and uncommon wildlife before logging and then protecting small buffers around identified sites. The Wyden bill eliminates survey and manage where it is needed most, in the Forestry Emphasis Areas where most of the logging will occur. In 2001, the Clinton Administration made adjustments to the survey and manage program which streamlined procedures and focused the program on species associated with older forests. The Bush Administration twice tried to completely eliminate the survey and manage program, but the courts rejected both attempts because the program was found to be

*All attachments have been retained in committee files.

"foundational" to the Northwest Forest Plan. Congress should not step in to eliminate this important science-based conservation program.

—The environmental safeguards embodied in the Northwest Forest Plan were instituted for very good reasons. The agencies were out of control—liquidating our ancient forest legacy without regard for wildlife, water quality, or the law. The NW Forest Plan envisions restoration of a functional forest ecosystem, but the plan itself recognizes that this will take more than 100 years to accomplish. It's way too soon for the pendulum to swing back and erase the environmental progress that has just begun.

- The Wyden bill will exacerbate climate change by accelerating the transfer of carbon from the forest to the atmosphere, and preventing the carbon-rich forests of the PNW from attaining their full potential for carbon storage. During the last century, logging in western Oregon contributed to global warming by emitting millions of tons of carbon dioxide (CO_2) into the atmosphere. The rate of logging was reduced by the Northwest Forest Plan, and consequently the carbon flow reversed and—at least on federal public forestlands—there is now more carbon being absorbed and stored by growing trees than is being emitted by logging. This is great news, but the Wyden bill will increase logging on western Oregon BLM lands, including clearcutting carbon-rich mature forests.
- The more forests that are conserved, the greater the carbon benefits. The more we log, the more carbon is emitted to the atmosphere. Current efforts to increase logging come at a significant climate change opportunity cost. Increased CO_2 emissions from logging will reverse progress in direct conflict with Obama Administration policy to "preserve[e] the role of forests in mitigating climate change." The highly productive low elevation BLM forests are very well suited for carbon sequestration, which is also highly compatible with many other important public values, such as clean water, fish & wildlife habitat, recreation, and quality of life—important drivers of economic activity and community stability in Oregon. Increased logging—especially clearcutting—is incompatible with climate mitigation and other public values. To mitigate for past emissions and help avoid the worst consequences of climate change, the full productive capacity of BLM's forest lands in western Oregon lands should be devoted to carbon sequestration. Any forgone opportunity to store carbon essentially imposes real economic costs on communities, industries, watersheds, and ecosystems near and far—and violates BLM's legal mandates under the O&C Act, the Federal Land Policy & Management Act, and the Endangered Species Act;
- The Wyden bill also increases conflict and controversy by increasing clearcutting of mature forests on public lands. The public overwhelmingly supports protection of both mature and old growth forests on public lands. This support comes from both Democrats and Republicans, men and women, rural and urban residents, regardless of income and education attainment. When people see the results of sloppy clearcutting, they are not persuaded by forestry school professors who try to describe a clearcut as butterfly habitat. The Northwest Forest Plan may not have completely ended the "forest wars" (which can probably be blamed on Congress' 1995 Salvage Rider) but the protections afforded by the NWFP have significantly quieted the public debate. Legislation to double logging on our federal lands, including clearcutting never-before-logged stands up to 125 years old, is sure to reignite public sentiments and cause social strife.
- The Wyden bill excludes the public from participating in the management of their public lands. NEPA and judicial review serve as structured means of nonviolent conflict resolution. Shielding unpopular activities like clearcutting from public involvement and accountability will force the public to find other ways of expressing their frustration. Wit is not hard to see that without access to NEPA processes and the courts, new levels of public anger and frustration may be directed at Congress, at the agencies, or toward direct actions defending the forest, or all of the above. We can only guess.
- The bill shields BLM managers from accountability which will tempt managers to go rogue. The Wyden bill severely limits citizen lawsuits. It allows the public to file lawsuits to enforce the full suite of federal laws for only 30 days every 10 years. BLM managers facing institutional and political pressure to "get the cut out" will likely take short-cuts that increase timber output while sacrificing clean water, fish & wildlife habitat, and scenic values.
- The Wyden bill undermines the fundamental safeguards provided by our nation's environmental laws:

—The Wyden bill rewrites the core requirements of the Endangered Species Act as it applies to 2+ million acres of BLM land in western Oregon. The Wyden

bill significantly alters the ESA as it relates to interagency consultation with USFWS, adverse modification of critical habitat, and possibly "take" avoidance.

—The Wyden bill amends the National Environmental Policy Act (NEPA) in several ways. It prohibits BLM from properly considering adverse impacts on water quality and cumulative impacts. The bill also requires BLM to completely forgo project-level NEPA planning and public involvement. BLM is mandated by the Wyden bill to plan 3 billion board feet worth of timber sales within an 18 month period. This is at best a programmatic analysis that skips over the important task of site-specific analysis. This unattainable mandate will not allow BLM enough time to give proper consideration to all the resource values that must be harmonized when planning timber sales. BLM will not have time to consider public input or identify the special resources that need to be protected during logging. These include: small streams, springs and wetlands; sensitive plants and wildflowers; rare wildlife; nesting birds; erosion prone soils; unstable slopes; high value recreation sites; cultural artifacts; etc. Considering the irreversible nature of clearcutting, it is very unwise to skip site-specific analysis—an important step toward informed decision-making.

- The bill is based on several fundamental misunderstandings about forests, counties, and how Oregon's economy works:

—Proponents of increased logging on federal lands often say that the federal government owns more than half of Oregon's forests. What they don't tell you is that federal forests are mostly higher elevation forests that are less productive, while private interests snatched up the most productive low-elevation forest land. So in reality private individuals and timber corporations own more than half of the productive capacity of Oregon's forests. These forests are typically clearcut with little or no meaningful restrictions to protect water, wildlife, and the climate. This is where the vast majority of our wood supply comes from, and why federal forests need to be managed quite differently.

—Proponents of increased logging keep saying that federal forests are "shut down" due to "gridlock." In fact BLM and Forest Service are selling thousands of acres of commercial thinning project each year and, more often than not, meeting the annual timber targets that congress establishes. Data from the Forest Service and BLM on timber offered for sale under the Northwest Forest Plan between 1995 and 2010 reveal that the agencies have cumulatively offered 8.7 billion (with a "b") board feet of timber. This is equivalent to 1.74 million log truck loads. If parked end-to-end, these trucks would stretch along I-5 from Seattle to San Diego over and over more than 14 times. This does not sound like gridlock to me—far from it.

—Furthermore, the Northwest Forest Plan's 1 billion board foot per year timber target often cited by the timber industry is misleading. The timber volumes noted in the NW Forest Plan were explicitly presented as "estimates." Any suggestion that a "promise" of timber was made and not kept is highly misleading. The timber industry knows that the real timber targets are set by Congress in the budget. The data show that since 1995 the agencies have met 82% of the timber targets established by Congress. The relatively small shortfall is primarily the result of two legal blunders that that agencies brought upon themselves. They simply failed to protect watersheds and failed to survey for wildlife as required by the NW Forest Plan.

—Many logging proponents speak favorably about "working forests" implying that unlogged forests are idle or going to waste. In fact, forests that are protected from logging are hard at work purifying our air and water, providing habitat for fish and wildlife, storing carbon to stabilize our climate; and providing quality of life that attracts high-functioning workers and new employers. It's perfectly appropriate to manage our public forests for these important public values.

—The timber industry likes to point out that federal forests are currently growing faster than they are being harvested. Thankfully, following decades of overcutting, we finally stopped logging our forests faster than they were growing, and our forests and watersheds (and the habitat within them) are experiencing much needed biomass recovery and rebuilding. Contrary to industry hyperbole, accumulating forest growth represents improving habitat, improving water quality, and increasing carbon storage—all good things. This is not an accident but an intended result of the NW Forest Plan.

—People keep saying that we need more "early seral habitat" when in reality there is a vast excess of early seral forests, especially within the "checkerboard" lands where BLM lands are intermixed with private timberlands. In addition to the vast areas of young forests created by logging, fire and other natural processes continue to create complex young forests. In the future, climate change is expected to increase disturbance and make more young forests, so we do not need to clearcut federal lands to improve habitat.

—Sloppy clearcutting may produce early seral habitat that is slightly better than industrial clearcutting but far inferior to the structure-rich early seral habitat created by natural disturbance. Proponents justify variable retention harvest because they say that early seral forest is rare. This is highly misleading. Young forests were never as abundant as old forests because they are ephemeral. In contrast, old forests are stable and long-lived and therefore dominated the historic landscape. Due to decades of unsustainable logging, old forests remain far more rare than young forests. Federal lands must be managed to provide the things that non-federal lands are lacking, i.e., old growth, clean water, recovery of endangered species, carbon storage, recreation, wilderness, etc.

—If there is a sincere desire to increase complex early seral habitat there are many ways to enhance such habitat without sacrificing mature forests. Modest changes in forest practices on non-federal lands would greatly improve the quality of habitat, e.g. greater retention of trees and logs, reduced tree planting densities, and reduced use of herbicides. Also, federal practices related to fire suppression and post-fire logging should be modified to recognize their value as complex early seral habitat, e.g., let beneficial fires burn, and stop salvage logging. For some reason, these sensible alternatives have been excluded from the discussion, revealing that the real motivation behind VRH is not habitat, but log volume.

—Logging revenue will not stabilize local governments or communities. Logging is a boom-bust enterprise that fluctuates widely based on economic cycles, interest rates, housing bubbles crashes, globalization, changing public expectations about the role of public forests, plus seasonal fluctuations related to weather and fire hazard, etc. County funding has been far more stable and predictable during the last 20 years of safety net payments and SRS payments than during the previous era when counties were closely coupled to the boom-bust timber industry.

—Doubling the rate of logging under the Wyden bill will not solve the counties' financial problems. Most of the big trees and easy money was removed from these forests during the multi-decade clearcutting binge that preceded the Northwest Forest Plan. In order to replace the generous federal payments that the counties have been enjoying it would be necessary to increase federal logging many-fold from current levels. This is simply not realistic. First, we don't want another housing bubble. The market for wood is depressed and the industry is going through major structural readjustment likely to result in long-term reduced demand. Putting extra wood on the market now will cause reduced harvest elsewhere, and this may adversely affect thousands of small woodland owners who rely on selling logs form their small woodlots for supplemental income. Second, all this extra logging will exacerbate boom-bust cycles that plague Oregon's economy and rural communities. Third, the environmental costs of this much additional clearcutting are simply unacceptable. Our salmon, clean drinking water, and endangered species have suffered enough and cannot take more abuse. Simply put, there are major social and ecological barriers to logging the remaining mature forests on public land, and there is not nearly as much money in logging the smaller trees left over after past logging. Finally, the Wyden bill creates a disincentive for the counties to save themselves by addressing their property tax rates which are far below average for the state and the nation.

—Logging will not provide quality jobs. The timber industry is inherently unstable. It has always suffered wide swings that forced layoffs and community disruption. This will never change. The timber industry has successfully busted the unions so real wages in the industry have declined over the last 30 years. Logging is often a seasonal enterprise and logging jobs are among the most dangerous and undesirable in the workforce. Concurrent with the NW Forest Plan, the government spent a billion dollars helping workers and communities transition from timber to other industries. Why would we reverse course now and shackle local communities to a stagnant industry?

—Logging will not provide significant jobs or reduce unemployment. Proponents of increased logging often blame job losses on the spotted owl and the envi-

ronmentalists. However, timber industry employment and wages were declining well before the spotted owl forced any logging restrictions. Today, the timber industry is just a small fraction of Oregon's economy because, for the last 30 years, the rest of the economy has grown much faster than the timber industry. Oregon's economy has become much more diversified in recent decades so timber jobs now represent just a small fraction of the jobs in Oregon. Most of those jobs are related to logging private land. Normal job growth in the rest of the economy vastly overwhelms any expected increase in timber jobs related to increased logging on BLM lands. Economic forces have caused the timber industry to become highly concentrated in a few locations along the I-5 corridor in western Oregon, including cities like Eugene, Roseburg and Medford with significant access to markets and alternative job opportunities. Furthermore, the timber industry is increasingly automated so it seeks more logs from more clearcutting while employing fewer and fewer people. More logging does not translate to more jobs. In fact, in spite of all the mill closures (mostly among the small mills) the large mills have continued to expand and the total milling capacity remains large, while employment has declined. In short, even a dramatic increase in logging on federal land will have little or no influence on unemployment in Oregon. This means Oregonians have to endure more clearcuts, more polluted water, and more endangered species, while enjoying fewer jobs and minimal tax revenue. A more prudent approach to economic development would emphasize economic diversification—focusing on industries that are stable and growing, rather than stagnant and cyclical, and it would strive to protect and enhance Oregon's quality of life that attracts skilled workers and companies who want to hire them. Increased clearcutting on public land is not the answer.

- The Wyden bill has some serious drafting problems. For instance:
  - —The bill requires BLM to plan for harvest of 10-12% of the Forestry Emphasis Areas each decade, but the bill does not allow BLM to exclude riparian areas, erosion prone soils, or other unsuitable areas from this mandate, so the 10-12% mandate will either require BLM to log unsuitable lands or adopt harvest rotations much shorter than 80-100 years;
  - —The bill specifies particular linear measures for riparian protection but fails to describe how that buffer is measured, so the linear measure could be a single measure centered on the stream, or a double measure—one on each side of the stream.
  - —The Wyden bill language regarding spotted owl nest trees is extremely outdated. While spotted owl nest trees should be protected, the scientific understanding of the needs of spotted owls embraced by the Northwest Forest Plan is light years beyond protection of just nest trees. We now know that recovery of spotted owls requires protecting not just nest trees, but also nest stands, core areas around nest stands, and home ranges around core areas, as well as clusters of interacting home ranges spatially arranged so that mature spotted owls can find mates and juvenile spotted owls can safely disperse into suitable habitat.

To reinforce and supplement the comments above, please find attached or linked below:

- Attached: A compilation of scientific and government reports explaining the irreplaceable ecological importance of BLM lands.
- Attached: Oregon Wild 2013. Federal Lands Are Healthier Than Private Lands. A summary of evidence showing the varied public benefits that will be sacrificed if logging is increased on federal lands.
- Attached: Oregon Wild's brief summary of the climate consequences of increased clearcutting under Wyden's bill. (Maybe you already received this from my colleague Sean Stevens last week).
- Attached: A brief summary explaining how the Northwest Forest Plan represents a good starting point for climate preparedness in SW Oregon. Heiken. D. 2010. The Northwest Forest Plan as a Climate Strategy for SW Oregon.
- Attached: A brief critique of the testimony submitted by Jerry Franklin and Norm Johnson;
- Attached: A brief summary of how the Wyden bill will adversely effect Threatened northern spotted owls, including a map showing the loss of east-west connectivity;
- Attached: My brief summary of how the Wyden bill will adversely affect Threatened marbled murrelets, including a map showing the loss of critical habitat in the Coast Range.

- Attached: A review of evidence showing that clearcutting under the Wyden bill will increase fire hazard.
- Attached: The real-time twitter feed that fact-checked the Feb 6th hearing on the Wyden bill, including graphics showing that the timber industry provides very few jobs and BLM is meeting timber targets.
- Attached: Oregon Wild's June 2011 scoping comments on the Wagon Road and Roseburg BLM Pilot Projects in which we debunk the rationale for sloppy clearcuts. http://www.oregonwild.org/oregon__forests/forest-management/in-your-forests/files-for-eyes-on-the-agencies/ Wagon__Road__and__Roseburg__Pilots__scoping__6-29-2011__BLM.pdf
- Attached: Various Oregon Wild comments on the Obama Administration's proposed Western Oregon RMP Revisions, and the Bush Administration's proposed Western Oregon Plan Revision (WOPR). The WOPR proposed to dramatically increase logging on BLM lands but this was rejected by the Obama administration (before the courts could do it first). Oregon Wild's comments explain why we have the Northwest Forest Plan and how decades of over-cutting left us with little choice but to continue forest conservation efforts.
- Attached: News story—Federal Reserve Bank: scenic NW attracts economic growth.
- Attached: White paper explaining the manifold reasons why both old growth AND mature forests need to be protected. Heiken, Doug. 2009. The Case for Protecting Both Old Growth and Mature Forests, Version 1.8. Oregon Wild. http://dl.dropbox.com/u/47741/Mature%20Forests %2C%20Heiken%2C% 20v%201.8.pdf
- Attached: A detailed critique of Gordy Reeves' paper attempting to justify reduced stream buffers on BLM lands. Heiken, D. 2013. Riparian Reserves Provide Both Aquatic & Terrestrial Benefits—A Critical Review of Reeves, Pickard & Johnson (2013). https://dl.dropboxusercontent.com/u/47741/Heiken% 202013.%20Review%20of%20Reeves%20et%20al %20Riparian%20Proposal.pdf
- Attached: Footnoted report on forests, carbon and climate: Heiken, D. "The Straight Facts on Forests, Carbon, and Global Warming" provides a more detailed foot-noted report: http://tinyurl.com/2n96m5
- Attached: Oregon Wild's detailed white paper on the DeFazio/Walden/Schrader O&C Trust bill. This white paper discusses many points that are highly relevant to the discussion of the Wyden bill, such as the ecological role of the BLM lands, the harms of clearcutting and habitat fragmentation, and the economic contributions provided by protected forests. Oregon Wild 2012. "Problems and Pitfalls with the Proposed O&C Trust, Conservation, and Jobs Act" http://www.oregonwild.org/oregon__forests/old__growth__protection/westside-forests/ western-oregon-s-patchwork-public-lands/O-C__Trust__Act__White__Paper__FINAL__6-5-2012__w__DeFazio__response.pdf
- Attached: A report explaining why the costs of fuel reduction logging often exceed the benefits. Heiken, D. 2010. Log it to save it? The search for an ecological rationale for fuel reduction logging in Spotted Owl habitat. Oregon Wild. v 1.0. May 2010. http://dl.dropbox.com/u/47741/ Heiken__Log__it__to__Save__it__v.1.0.pdf
- Linked: A powerpoint and white-paper debunking timber industry myths about forests, carbon, and climate: Heiken, D. Myths & Facts on Forest, Carbon and Global Warming slide show clarifying many misconceptions about forests, logging, and carbon: http://www.slideshare.net/dougoh/forest-carbon-climate-myths-presentation/ (Here, you can download the long version: https://dl.dropboxusercontent.com/u/47741/ Heiken%2C%20Forest%20Carbon%20Myths%20v.1.4.ppt)

STATEMENT OF AMERICAN BIRD CONSERVANCY

PLEASE OPPOSE THE O & C LAND GRANT ACT, S. 1784

LOGGING BILL THREATENS ESA LISTED BIRDS & FOREST CARBON STORES

The American Bird Conservancy Strategic Bird Conservation Framework

American Bird Conservancy works to conserve birds and their habitat throughout the Americas and has developed a unique and successful strategy to preserve bird diversity and maintain or increase wild bird populations. This strategy is fully articulated in The American Bird Conservancy Guide to Bird Conservation published in 2010 by University of Chicago Press (ISBN-13:978-0-226-64727-2).

The highest bird conservation priority is halting extinctions, followed by conserving and restoring habitats. In the case of the Northern Spotted Owl and Marbled Murrelet, it is being is proposed to place lower priority general habitat needs before the specific needs of these endangered species, even to the point of allowing large numbers of Northern Spotted Owls and Marbled Murrelets to be killed (taken) and significant habitat to be degraded or completely eliminated for decades.

While the stated goal to improve future habitat conditions for the owl and murrelet are well-intended, this activity is not supported by peer-reviewed studies showing populations will benefit, and it is, in fact, pushing two already extremely imperiled species closer to extinction and should be immediately halted.

For more information about this statement and American Bird Conservancy's views on S. 1784, please contact Steve Holmer, Senior Policy Advisor, sholmer@abcbirds.org. For more information about American Bird Conservancy please see www.abcbirds.org.

The O & C Land Grant Act, S. 1784, proposes to increase logging in habitat essential to the survival of two listed birds, the Northern Spotted Owl and the Marbled Murrelet. Recent analysis indicates that the population of the threatened Northern Spotted Owl continues to decline, and that the Marbled Murrelet is likely to be extinct outside of the Puget Sound area within one hundred years. The best available scientific evidence indicates that these two listed species need additional protections, not additional logging that eliminates habitat and further fragments the landscape.

Government agency reviews show that President Bill Clinton's Northwest Forest Plan has been effective at protecting drinking water supplies for millions of Americans, improving water quality and restoring forests that were decimated during decades of unsustainable old growth logging.

We now also know from climate researchers, that the Northwest Forest Plan has helped turn the region's federal forests from a source of carbon emissions into a sink. The moist mature and old growth forests in California, Oregon, and Washington State represent a vast storehouse of carbon that could be lost to the atmosphere if logged, and that it would take centuries to recapture that lost carbon.

In addition to being harmful to the atmosphere, the bill seeks to ease habitat and oversight protections provided by the Endangered Species Act and National Environmental Policy Act, and it limits judicial review to prevent public review of resulting management decisions. One provision would prevent additional habitat protection if an ESA listing decision or critical habitat designation would require it based on the best available science. This is very significant because the U.S. Fish and Wildlife Service has a court ordered deadline to issue a new critical habitat rule for the Marbled Murrelet in 2015.

We anticipate that the combined loss of habitat due to increased logging, limits on additional habitat protection, and the loss of adequate regulatory mechanisms to conserve two listed species are likely to cause up-listings to endangered status and to jeopardize their continued existence. Therefore, we respectfully urge Senators to oppose S. 1784.

Impact on Listed Bird Species—Section by Section Review

Sec. 2 (11) (B) Exclusion: This provision excludes unoccupied Northern Spotted Owl nest trees if located in a disturbance area. The provision is inconsistent with Recovery Action 12 of the Northern Spotted Owl Recovery Plan which calls for the conservation of features that take a long to form, such as large snags often used by owls for nesting. In a letter[1], conservation groups called on the Obama administration to implement measures in the final Northern Spotted Owl Recovery Plan to protect post-fire forest habitats and structures used by the threatened owls and their prey. An Oct. 31 letter to Congress endorsed by 250 scientists[2] says "legislation to expedite post-disturbance logging is inconsistent with the current state of scientific knowledge, and would seriously undermine the ecological integrity of forest ecosystems on federal lands."

Sec. 2 (12) Old Growth: The bill defines moist old growth as trees older than 150 years and stands older than 120 years and for dry forests trees older than 150 years. The Northwest Forest Plan conserves late-successional forest 80 years and older because it was determined that owls begin using habitat of that age, and to provide the necessary quantity of habitat needed to conserve the species.

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[1] Conservation groups' letter on Recovery Action 12, http://www.abcbirds.org/PDFs/spotted_owl_recovery_action12_letter.pdf

[2] http://geosinstitute.org/images/stories/pdfs/Publications/Fire/Scientist_Letter_Postfire_2013.pdf

Sec. 2 (13) Older Trees: The Northwest Forest Plan conserves late-successional forest 80 years and older because it was determined that owls begin using habitat of that age, and to provide the necessary quantity of habitat needed to conserve the species. Under this definition, stands in the 80-100 range within late-successional owl reserves could lose protection.

Sec. 102 (b) ESA and NEPA Redefined: This provision says covered land shall be managed in a manner that is "consistent with this Act." This means that no NEPA or ESA requirements apply that are not specifically described in the bill.

Sec. 102 (c) Forestry Emphasis Areas: Federal lands are currently managed under a multiple use mandate that requires managers to evaluate and provide for a range of values while also maintaining the ecosystem. Designating Forest Emphasis Areas mandates a dominant use of these lands, which is likely to result in the degradation of non-commodity values such as clean water, carbon storage, flood control, non-timber forest products, recreational opportunities, tourism, attracting relocating businesses and workers, and wildlife habitat.

Throughout the bill are new conservation standards and land designations such as Forest Emphasis Areas that differ from the Northwest Forest Plan. While in some cases the protections being described would beneficial to listed species, on the whole the bill as drafted would result in an estimated 78,000 acres of owl critical habitat and late-successional forest being logged over the next twenty years.

According to a chart prepared by Norm Johnson with assistance from BLM[3], over 200,000 acres of late-successional reserve protected by the Northwest Forest Plan would be designated Forest Emphasis Areas and a total of 273,000 acres of critical habitat has been deemed suitable for logging. See maps on pages 19-21 showing Late-successional reserves, Marbled Murrelet and Northern Spotted Owl critical habitat that will be designated Forestry Emphasis Areas.

Sec. 102 (c) (1)-(2) Section 7 Waiver: Because this section describes specific non-discretionary management requirements upon BLM and does not provide explicit ESA compliance, then Section 7 consultation would not apply to these projects.

Sec. 103 (b) (5) Mixed Forests: The bill provides undue discretion to determine if a site is moist or dry. Given that the bill's protection of moist forests extends to stands that average 120 years, and dry forests only protect individual trees older than 150, it would be more beneficial to listed bird species to have mixed habitat to be designated as moist.

Sec. 103 (c) (4) Northern Spotted Owl: This provision allows for logging of habitat that Recovery Actions 10 and 32 of the Northern Spotted Owl Recovery Plan say should be protected, provided the U.S. Fish and Wildlife Service certify the project will beneficial to the owl over the long-term. Short-term harm cannot be considered. Please see the discussion beginning on page 16 concerning Ecoforestry and the Misuse of Ecosystem Management.

This section also allows projects which do not have to comply with the ESA and are harmful to owl habitat if the project is deemed to address a threat of disease, insects or fire. This is remarkably broad language that allows for just about any project in owl habitat to proceed despite Recovery Actions 10, 12 and 32 intended to protect nesting owls, forest structures needed by owls and prey, and high quality owl habitat.

Sec. 103 (c) (6) Nest Trees: This provision overrides Section 9 of the ESA prohibiting take of the Northern Spotted Owl through habitat modification.

Sec. 103 (c) (6) (B) Surveys: The bill states that nest trees in Forestry Emphasis Areas shall not be cut, but the cursory survey method prescribed limits surveys to only one day per 100 acres of timber sale. This is insufficient to be certain no owl nests are present. The current protocol requires two years of six surveys per year.

Sec. 103 (c) (6) (C) Information from Public: While this section allows for the public 14 days to provide information concerning the location of nest trees, there is no requirement the public will be notified when this 14 period begins via the consistency document required under section 104 (d).

Sec. 103 (c) (7) Marbled Murrelet: This provision waives Section 7 consultation requirements for projects affecting Marbled Murrelet and requires BLM to "confer" with the U.S. Fish and Wildlife Service to see if the logging will provide benefits to a forest ecosystem. There has been no scientific analysis demonstrating Marbled Murrelets are likely to benefit from additional habitat loss or fragmentation, and growing evidence that forest fragmentation is a major threat to the species by enhancing predation of nests. The Pacific Seabird Group[4] recently sent a letter to the administration raising concerns about harm ecoforestry was likely to cause the

[3] Document prepared by Norm Johnson with technical assistance from BLM staff; 11/22/13, http://www.blm.gov/or/landgrant/files/oc_wyden_handout_11_22_13.pdf

[4] http://www.pacificseabirdgroup.org/policy/PSG_President.MAMU.pdf

Murrelet. Additional information on the likely harm to Marbled Murrelets by ecoforestry is on page 17.

Sec. 103 (d) (2) Ecological Forestry Principles: This provision outlines ecoforestry for moist forests. It is important to note that when peer-reviewers from The Wildlife Society, the Society for Conservation Biology and the American Ornithologists' Union analyzed ecoforestry in the context of the Northern Spotted Owl Critical Habitat rule, they were very critical, concluding that there is a lack of supporting evidence that ecoforestry will benefit listed species, and a large amount of evidence it is likely to be harmful.

Sec. 103 (d) (2) (E) Early Seral: This provision states that less intense approaches to site preparation and tree regeneration (planting) would be used to nurture early seral ecosystems, but provides no specific standards to ensure that the result of treatments will not functionally be tree farms.

Sec. 103 (d) (2) (F) Rotational Logging: This provision requires that stands managed by ecoforestry will be logged when the stand reaches its rotation age. This ensures that the stand will never grow old enough to provide quality owl or Murrelet habitat.

Sec. 103 (d) (2) (G) 120 Year Cap on Tree Age: This provision requires the development of a rotation system of 80 to 120, ensuring that no stands will reach the age limit requiring protection.

Sec. 103 (d) (3) (A) Regeneration Harvest Requirement: This provision requires that 8-12% of the moist Forestry Emphasis Area be designated for logging during each 10-year period using variable retention regeneration (i.e. clearcutting). Thus, every stand would on average be logged every 100 years.

Sec. 103 (e) Dry Forests: Ecological forestry has much weaker owl habitat protections than those of the Northwest Forest Plan and therefore, should be thoroughly tested before being applied across the landscape. The legislation would raise the age of forest protection from 80 years to 150 years, and unlike the Northwest Forest Plan no stands are protected, only individual trees. See addition discussion below concerning dry forests.

Sec. 103 (f) (1) Riparian Reserves in Forestry Emphasis Areas: The bill would significant reduce the size of riparian buffers compared to those provided the Northwest Forest Plan. It is important to note that riparian buffers were provided to not only protect aquatic species and water quality, but also terrestrial species covered by the Survey and Manage protocol, and to provide dispersal habitat for Northern Spotted Owls. Current climate adaptation policy indicates that to withstand predicted increased heavy rain events, creating larger riparian buffers would be the correct land management prescription.

Sec. 104 Streamlined Procedures: While we support the concept of landscape scale management, the requirement to develop two EISs that can plan for and identify all of the environmental impacts related to 10-years of logging projects is unreasonable and likely to result in inadequate conservation of all forest values. Due to other restrictions in the bill, this would be the only opportunity for meaningful public involvement for ten years' worth of timber sales.

Sec. 104 (a) (4) Additional Analysis: This provision states that no project specific NEPA analysis is required unless convincing new information regarding a significant environmental impact is raised that was not considered in the 10-year EIS. Even if circumstances have changed and more detailed analysis is needed to make an informed decision, BLM will not have to conduct an environmental assessment due to the very narrow circumstances provided in this section.

Sec. 104 (b) (1) Limiting Alternatives: This section limits the number of alternatives and limits their scope to a prescribed map to prevent analysis of different landscape configurations that may be more beneficial to listed species. In addition, the analysis must follow prescribed logging levels and cannot analyze options that do not equally distribute the logging across the BLM districts.

Sec. 104 (b) (2) (A) Cumulative Impacts: The cumulative impact of logging in terms of the total habitat loss and fragmentation and resulting population declines are why the Northern Spotted Owl and Marbled Murrelet were listed under the ESA. By limiting the analysis to the specific action it authorizes this provision prevents the agency from analyzing cumulative impacts in the 10-year EISs.

Sec. 104 (b) (2) (B) Analyses: The bill states that a timber prioritization plan, watershed analysis, dry forest landscape plan, and a most forest landscape must be developed and utilized to draft the 10-year environmental impact statements. In (II) it states that these documents do not need to undergo NEPA analysis, and in (ii) it goes further and provides these documents an explicit exemption from NEPA.

Sec. 104 (b) (3) (B) Distributions: This provisions directs the agency to ensure that logging will evenly divided among BLM districts to ensure each district has adequate harvest and revenue to share with counties. This language undermines the

concept of ecosystem management which requires an analysis of all affected values, not just timber volume in determining the appropriate location for logging, and areas where additional conservation may be required to protect listed species.

Sec. 104 (b) (4) Specific Environmental Impacts: This section lists specific values to be considered in the environmental impact statements. While we appreciate the inclusion of inventoried roadless areas, we are concerned that only Northern Spotted Owl nest trees were listed. The owl also requires foraging habitat, and its prey also has habitat needs that should be considered. Further, the Marbled Murrelet is very likely being endangered by the experimental logging proposed by the bill and should be given special consideration to determine the likely impact of extensive habitat loss that the bill proposes.

Sec. 104 (c) (3) Judicial Review: The bill places limits on judicial review including the available venues, objections can only be considered if the issue had previously been raised, and a very short timeframe of 30 days from when a project is approved to decide if litigation is warranted and to initiate a civil action.

Sec. 104 (c) (3) (F) (iii) Balancing of Short-and Long-Term Effects: This provision allows the court to weigh potential long-terms benefits to the ecosystem, and the possible consequences of inaction, against the certain short-term harm that is caused by removing the habitat of listed species. Given the low population numbers and declining population trends, this is a remarkable risky policy for the Marbled Murrelet and Northern Spotted Owl, that allows for essential habitat to be removed, even it is may cause short-term harm to these species. The concern of course is that one or both of the species will go extinct before the long-term ecosystem benefits accrue. In the case of the Marbled Murrelet this is of particular concern because the birds like to nest in very old trees, usually 200 years and older, meaning it will be a very long time before logged Murrelet habitat will again be suitable for the species.

Sec. 104 (d) (1): Consistency Document: Instead of an environmental analysis or environmental impact statement that discloses and analyzes environmental impacts, this section requires that logging projects only need a consistency finding that lists interested parties contacted, has a determination of no extraordinary circumstances that are undefined, and a finding that the project is "consistent" with the ten-year EIS Record of Decision.

Sec. 104 (d) (3) Cause of Action: The only challenge that can be brought against a proposed project, no matter how harmful to water quality, carbon storage, recreation hotspots or listed wildlife, concerns only whether or not it is consistent with the 10-year EIS. The only other claim that can be considered is if a species has been newly listed under the ESA. This section does not include designation of new critical habitat which is required for the Marbled Murrelet in 2015. Subsection (B) further limits the time period to only 30 days for filing a legal claim.

Sec. 104 (e) (1) (B) Assessments under the ESA: Subsection (i) requires FWS and NOAA to commence consultation within 90 days, and determine acceptable take levels for the planned projects under the 10-year EIS. We are concerned that this may be the only Sec. 7 consultation that takes places since project level consultation is made discretionary in (ii) (1). Further, severe time limits are placed on FWS and NOAA concurring that a project is not likely to adversely affect listed species or if formal consultation is required.

Sec. 104 (e) (4) Escalation: Leaves the final determination of disagreements concerning ESA Sections 7 or 9 with the BLM.

Sec. 104 (e) (5) Applicability of the Northwest Forest Plan: This provision abolishes the Survey and Manage requirements within forestry emphasis areas. This may lead to additional species being listed under the Endangered Species Act, and will cause harm to the threatened Northern Spotted Owl by removing dispersal habitat, and to the Marbled Murrelet if nearby habitat is fragmented by logging.

Sec. 104 (e) (7) (B) Reinitiation of Consultation: This provision overturns the ESA's Section 7 (d) prohibition against irretrievable and irreversible commitment of resources during consultation. Projects would continue while the new consultation takes place.

Sec. 104 (e) (8) Listings of Endangered Species: Under subsection (A) if new species are listed or if additional critical habitat is designated as we except will happen for Marbled Murrelet, this provision requires some conservation areas be designated to forestry emphasis areas to compensate if forestry emphasis areas are designated critical habitat and made into conservation areas. Under subsection (B) the Secretary has 120 days to identify 10,000 acres of conservation lands that could be redesignated.

Sec. 105 (b) (1) Timber Harvest Limitations: The bill explicitly allows logging of conservation areas "to improve forest health" or in (ii) to improve the habitat of listed species over the long-term. This provision raises doubt that the conservation

lands will actually be conserved, and it also appears that owl and Murrelet habitat can logged, even it causes short-term harm to the species, if the agency claims that there will be long-term benefits.

Sec. 115 (a) (2) Primitive Backcountry Special Management Areas: This section allows logging to improve forest health or if there is a threat of fire, insect outbreak or disease. These conditions apply to all of the approximately 43,000 acres included in the six new designations raising concern that these backcountry primitive areas may not be conserved.

Sec. 117 Land Ownership Consolidation: While we support the intent of maintaining and providing for large blocks of habitat, this language lacks specificity and based on the requirements in (a) (1-3) we are concerned that the potential impact to listed species will not be considered. The Public Interest Determination language of the bill (d) (2) does not guarantee that the public can be meaningfully involved in the determination of public interest. Further, (d) (4) limits the determination to lands of equal monetary value. Ecosystem values, and potential restoration needs and costs are not required to be considered. Based on past land exchange proposals in the region, there is valid concern is that this provision will result in old growth forests providing habitat for listed species being traded for heavily logged lands devoid of these species and in need of extensive restoration to be paid for at taxpayer expense.

Sec. 119 Closure and Decommissioning of Roads: This provision is very likely to benefit listed bird species. In subsection (iv) it prioritizes roads that if closed would enhance wildlife habitat through the restoration of large blocks of habitat. This would be particularly beneficial to owls and Murrelets. Subsection (b) authorizing the legacy roads and trails program and (4) providing $5 million per year through 2023 will very likely benefit the forest ecosystem and listed bird species.

Sec. 120 Special Management Research Areas: This provision allocates 50,000 acres to carry out ecoforestry research. This includes up to 15,000 acres of conservation areas. However, subsection on (d) concerning monitoring does not require any studies to determine the impact on the populations of listed species.

Sec. 121 Compliance: This section requires the Secretary to ensure compliance only for the protection of trees 150 years and older. This is of concern because under the Northwest Forest Plan, trees within late-successional reserves 80 years and older are conserved. This bill also protects moist forest stands older than 120 years. Trees in moist forests in the 120-150 age class should also be covered. In (d) (1) a penalty system is to be devised to prevent removal of old trees between the ages of 150 and 250. The provision also allows that the cutting of some small number of old growth trees cut in error. This is of great concern due to the severe shortage of very old trees capable of providing nesting platforms for the Marbled Murrelet.

Sec. 122 Review by Advisory Panel: In (a) the effect on listed species is not included on the list of values the advisory panel report must consider. It is of great concern that scientists that focus on biology are apparently being excluded from this exercise in forest policy development. The Northwest Forest Plan included a broad range of scientists, not just foresters.

Protective Designations (numerous sections): Permanently protecting forest areas should prove beneficial to the long-term well-being of the Northern Spotted Owl and Marbled Murrelet that depend on old growth forests that will likely be allowed to develop and be retained in these areas. The new designations and Old Growth Legacy Network which covers 430,000 acres of moist stands older than 120 years, protect less overall habitat than the Northwest Forest Plan late-successional reserves which protect stands older than 80 years, and has more robust riparian reserve networks. Overall, the bill promotes logging of about 60% of the forest, while only 40% is considered unsuitable for harvest.

The Northwest Forest Plan Ensures Sustainable Forest Management

The Northwest Forest Plan[5] governs management of federal forests in the Pacific Northwest including the Oregon and California Lands (O & C), and according to government reviews, it is working to restore degraded forests and watersheds. The Northwest Forest Plan protects many forests over 80 years old with the goal of allowing these stands to mature into old growth and over time provide additional habitat for listed species. S. 1784 would eliminate the protection for much of the 80-to 120-year-old forests. This would prevent enough old growth forests from ever maturing and filling in the gaps in the heavily fragmented landscape to create the large blocks of wildlife habitat called for by the Northwest Forest Plan.

[5] http://www.geosinstitute.org/images/stories/pdfs/Publications/FederalLandsManagement/nwfp__scientist__letter__14june2012.pdf

The Forest Service Ten Year Review of the Northwest Forest Plan found that, overall, the Plan's conservation strategy and reserve network appear to be working as designed. The total area of medium and large older forests on federal lands in the Plan increased by more than 1 million acres during the ten-year period, almost double the anticipated amount. The Plan's outcomes for Spotted Owls were expected to take at least a century. Spotted Owl population declines were expected for the first 40 to 50 years under the Plan, with owl populations stabilizing in the mid-21st Century and possibly increasing after that as owl habitat recovery exceeded loss.

A Forest Service analysis of watershed condition released in Feb. 2012 finds that the Northwest Forest Plan is working well to recover impaired watersheds across the region. Watershed Condition Status and Trend (Laningan et al 2012) published by the Pacific Northwest Research Station analyzed data from 1994-2008, the first fifteen years of the Northwest Forest Plan and found that 69% of the watersheds in the NWFP area had a positive change in condition as a result of road decommissioning and vegetation growth. The report summary notes: "Watershed condition was most positive for congressionally reserved lands, followed by late-successional reserves, and then matrix lands."

Timber Volume and the Northwest Forest Plan

While the Plan has generated complaints from interests that seek higher logging levels on federal lands, it's been producing as much timber as Congress has provided funding for, and with relatively little controversy compared to the timber wars of the past. In addition to peace in the woods, the Plan has also provided a stable legal framework allowing for timber operations on state and private lands.

The final Northwest Forest Plan was a political compromise that under-delivered on old-growth protection by placing 42% of the remaining acres in the matrix, and overpromised on timber volume. The plan's billion board foot estimate was never realistic because it is predicated on logging old-growth, which is not supported by the public and that in practical terms has generally been ruled in violation of wildlife protection laws. The estimate was also completed prior to the designation of the riparian reserve network which turned out larger than anticipated. The Bush Administration recognized these factors to a degree, and lowered the allowable sale quantify to 800 million board feet.

A look at timber sale output in the Northwest Forest Plan region reveals the agency is at a sustainable level and meeting the volume targets budgeted by Congress. Since 2003, the budget approved by Congress and the Administration has called for 4,668 million board feet from the Northwest Forest Plan area. The agencies have offered 4,507 board feet, or 96% of the planned budget.

In addition, exports from the region are skyrocketing. In 2010 over 2 billion board feet of logs and lumber were exported from the West Coast. In 2011 it topped 3 billion. There is no shortage of logging in the Pacific Northwest.

Carbon Storage Aided by the Northwest Forest Plan

We now also know from climate researchers, that the Northwest Forest Plan has helped turn forests from a source of carbon emissions into a sink. The moist mature and old growth forests in California, Oregon, and Washington State represent a vast storehouse of carbon[6] that could be lost to the atmosphere if logged, and that it would take centuries to recapture that lost carbon. We also know that mature and old trees store considerably more carbon than young trees. Forest carbon scientists have concluded that these magnificent forests are only half full, in that they could store considerable more carbon if allowed to grow.

According to Dr. Beverly Law of the University of Oregon, activities to promote carbon storage in forests include allowing existing forests to continue to store and accumulate carbon, and forestation of lands that once carried forests. Natural disturbance (fire, insects) has small impact on forest carbon compared to intensive harvest, and thinning does not reduce emissions or fire occurrence. Large-scale thinning for bioenergy production is neither sustainable nor GHG neutral.

O & C Lands Critical for Maintaining Integrity of the Northwest Forest Plan

The low elevation forest lands of western Oregon managed by BLM have very high ecological values such as clean drinking water, and they provide irreplaceable habitat that links large blocks of forest in the Coast Range, Cascades, and Klamath mountains. These old, structurally-complex forests are critically important for the Northern Spotted Owl and Marbled Murrelet.

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[6] Letter to President Obama in support of conserving forest carbon: http://www.abcbirds.org/pdfs/cap__letter.pdf

Two key assumptions behind the biological analysis supporting the Northwest Forest Plan were that (1) "[r]iparian and Late-Successional Reserves (LSRs) will retain reserve status and will not be available for timber production other than as provided in Alternative 9" and (2) "[a]lternative 9 applies to Forest Service and BLM lands; all future actions on these lands would be consistent with Alternative 9, as adopted in the Record-of-Decision (ROD)." (NWFP FEIS at 2-33 to 2-34)

When Judge William Dwyer ruled on the legality of the Northwest Forest Plan, he indicated that the plan, which scientists had concluded must include the O & C lands to conserve listed species, was barely legal, and offered the minimum amount of protection the law allows for endangered species. The judge also confirmed that including federal forests in the plan area managed by the Bureau of Land Management was essential. This was confirmed in the analysis for the Northern Spotted Owl Critical Habitat rule:

> "In some areas, for example the O & C lands, our modeling results indicated that those Federal lands make a significant contribution toward meeting the conservation objectives for the Northern Spotted Owl in that region, and that we cannot attain recovery without them." (P. 567 draft Northern Spotted Owl Critical Habitat Rule).

Significantly altering the management of O & C Lands now is likely to upset the balance created by the Northwest Forest Plan. This could have negative implications for timber production on other federal lands managed by the Forest Service, private landowners with Habitat Conservation Plan predicated on O & C lands being conserved as well as the managers of Oregon's state forests.

Northern Spotted Owl Critical Habitat Rule Protects Additional Federal Forests

The final Northern Spotted Owl critical habitat rule of 2012 designated 9,577,969 acres, an increase of four million acres over the old rule. It also directs the land management agencies to conserve older forest, high-value habitat, and areas occupied by Northern Spotted Owls. An estimated 1.1 million acres of occupied and high-quality owl habitat on federal lands previously designated for timber harvest now must be protected from logging.

For critical habitat designated in areas already scheduled for logging that are not considered high quality or occupied owl habitat, the rule allows "ecological forestry," a form of clearcutting which may result in a slight, 10 percent increase in timber production over thinning. Controversy continues over this practice which is not supported by peer-reviewed studies showing that owl populations will benefit. Other studies indicate that both the Northern Spotted Owl and Marbled Murrelet will likely be harmed by ecological forestry.

Ecological Forestry

The intent of ecological forestry is to attempt to increase harvest while conserving essential habitat. In practice, ecological forestry is a more benign form of clearcutting than currently occurs on private and state lands in Oregon. But it very important to note that currently, clearcutting is rarely allowed on federal lands as a result of impacts it has to wildlife habitat and water quality. Ecological forestry is therefore a step in the wrong direction because it would harm federal lands compared to current thinning efforts.

Misuse of Ecosystem Management

The Northwest Forest Plan is first and foremost, a multispecies management plan for listed species including the Northern Spotted Owl, Marbled Murrelet and salmon stocks that provides the land management agencies with an adequate regulatory mechanism to comply with the Endangered Species Act. The Northwest Forest Plan promotes an ecosystem management approach with the specific goal of protecting those listed species and perpetuating the late-successional forest ecosystem. The Final Rule misapplies the Northwest Forest Plan's ecosystem management approach to promote ecological forestry which has not been adequately field tested or monitored, and is likely to be detrimental to Marbled Murrelets and listed salmon by increasing fragmentation.

Comments from Peer Reviewers

A review of the peer reviews of the draft Critical Habitat Rule indicates that:

1. There is no scientific consensus on how to manage forests within the range of the Northern Spotted Owl
2. There are currently no studies showing owl populations benefit from logging, and

3. There are numerous studies showing potential harm to the owl, its prey based, and to other listed species such as the threatened Marbled Murrelet as a result of logging.

Active Management

"Reviewers were divided on the risks posed by climate change and forest health, and whether active management should be applied within critical habitat." (p. 491)

"Three reviewers disagreed with some of the science that was cited, or the interpretation of that science, and noted that the discussion did not adequately address studies that have documented negative effects of timber management on northern spotted owls and their prey." (P. 494)

"Four reviewers indicated that parts of the document were unclear on whether ecological science was applied appropriately, and highlighted the lack of understanding about how such management actions may affect owls and their prey. Two reviewers specifically indicated that they did not think that approach is appropriate." (P. 494)

"Five reviewers believed that the risks were not appropriately balanced, that the discussion was too vague in weighing the tradeoffs, or that there is too little specific scientific understanding of the explicit tradeoffs to conduct an informed discussion. Several of these reviewers indicated that there was too much emphasis on active management in the preamble to the proposed rule given the lack of understanding about how ecological forestry and restoration management might affect owls." (P. 495)

Marbled Murrelet Threatened by Ecoforestry

Other listed species may also be harmed by the proposed active management of the Northern Spotted Owl such as the Marbled Murrelet. The draft Northern Spotted Owl Critical Habitat Rule's Environmental Assessment found that "Active forest management that is in the vicinity of murrelet nesting stands may be detrimental to the species survival and recovery." (p. 61 of the draft rule)

This results from increased fragmentation and opening the forests to crows, ravens, and jays, increasing predation pressure on nesting murrelets. Despite this, there was no prohibition in the final Rule on the proposed active management to ensure murrelet nesting stands will not be disturbed, and notably, the fact that active management may be detrimental to Murrelet nesting stands was not even mentioned.

Active management, if conducted near nesting murrelets will likely be harmful. There are also indications the prey base of the Northern Spotted Owl could also be harmed by active management including thinning, but these factors are glossed over by the final Rule. And unlike the Northwest Forest Plan, there is no detailed analysis determining how other listed species will fair under the active management being proposed by the Rule.

Conservation groups[7] and scientific societies recently sent letters to President Obama urging the formation of a new conservation initiative for the threatened Marbled Murrelet which nests in mature and old-growth forests near the coast. A recent study by the U.S. Fish and Wildlife Service and the USDA Forest Service finds that the Marbled Murrelet has declined by 29% over the last decade. Researchers have concluded current conservation efforts aren't sufficient to reverse this trend and that additional measures, including additional habitat protection are urgently needed.

Lack of Scientific Evidence for Active Management to Create Early Seral Habitat

While early seral habitats are desirable for some species, logging is not the best means to establish this type of habitat within the range of the Northern Spotted Owl. We recommend that agency utilize natural disturbances and refrain from post-fire logging because wildfires have the potential to create abundant high-quality early-successional habitats and features needed by the Northern Spotted Owl and its prey.

There is no evidence the Northern Spotted Owl benefits from the creation of early seral habitat, nor is there analysis showing what potential harm may come to the threatened species if various levels of direct take and habitat loss or degradation were to occur.

The Northern Spotted Owl Critical Habitat rule draft Environmental Assessment identified two endangered species, Fender's blue butterfly and Oregon silverspot butterfly whose open, early seral habitat such as grasslands, meadows, oak woodlands, or aspen woodlands may conflict with Northern Spotted Owl management in-

[7] http://www.abcbirds.org/newsandreports/pdf/Marbled__Murrelet__Letter__May__13__13.pdf

tended to maintain closed canopy forests (p. 52). But the assessment notes that listed plant and butterfly species and their closely associated open habitats are explicitly not included in the proposed critical habitat revision (p.50). The Service concludes on page 62: "that designation of critical habitat for the Northern Spotted Owl in this alternative would have a neutral effect on those species associated with open, early seral habitats."

We see no justification to convert nesting, roosting, and foraging habitat of the Northern Spotted Owl to early-seral. Under the Northwest Forest Plan restoration of owl habitat, when it occurs, should hasten creation of owl habitat, not set it back by many decades.

In the final Northern Spotted Owl Critical Habitat rule the U.S. Fish and Wildlife Service recommends conserving old-growth trees and forests on wherever they are found, including in the matrix lands. The Rule also recommends that for the moist forests in the West Cascades/Coast Ranges of Oregon and Washington ". . .to conserve stands that support northern spotted owl occupancy or contain high-value northern spotted owl habitat (USFWS 2011, p. III-17). Silvicultural treatments are generally not needed to accomplish this goal."

ADDITIONAL RESOURCES

A. Open Letter to President Barack Obama from 229 Scientists in Support of Northwest Forest Plan

B. The Wildlife Society Peer Review of the 2010 Draft Revised Recovery Plan for the Northern Spotted Owl. This peer review was highly critical of ecoforestry.

C. Summary of Key Findings, Northwest Forest Plan: The First 15 Years (1994-2008), (Davis et al 2011), R6-RPM-TP-03-2011

D. Watershed Condition Status and Trend (Laningan et al 2012), General Technical Report PNW-GTR-856, February 2012

E. Comments on draft Northern Spotted Owl Critical Habitat Rule by American Bird Conservancy

F. Comments on draft Northern Spotted Owl Critical Habitat Rule by Society for Conservation Biology. This peer review was highly critical of ecoforestry.

Note: Graphics have been retained in committee files.

January 30, 2014.

Hon. RON WYDEN,
U.S. Senator, 221 Dirksen Senate Office Building, Washington, DC.

Regarding: "Oregon and California Land Grant Act of2013"

DEAR SENATOR WYDEN,

The 75-mile long Illinois River rises in California, flows northwest through its 981 square mile watershed, mostly in Oregon, and discharges into the Rogue River. The City of Cave Junction and the Kerby Water District divert their drinking water for about 2350 citizens from the East Fork Illinois River under two water rights. The East Fork Illinois River watershed covers about 232 square miles.

We have reviewed the draft "Oregon and California Land Grant Act of2013" and noticed with interest that sections 108, 109, 110, and 111 of the draft Act establishes Drinking Water Special Management Units for McKenzie, Hillsboro, Clackamas, and Springfield. We notice that the draft Act does not provide the City of Cave Junction and the Kerby Water District with the same drinking water protection as it does for those four communities.

Therefore, we request that a Cave Junction Drinking Water Special Management Unit be established in the "Oregon and California Land Grant Act of 2013". We also request a meeting with your staff to discuss the creation of a map depicting the Cave Junction Drinking Water Area and other details.

Sincerely,

JOHN L. GARDINER, MBE, PHD, PE,
Cave Junction City Council 4,
DANIEL DALEGOWSKI,
Cave Junction City Council President.

STATEMENT OF WILLIAM REID, CHAIR, ILLINOIS VALLEY WATERSHED COUNCIL

The Illinois Valley Watershed Council (IVWC) was formed in 1994 to improve salmon habitat and for other purposes. The 75-mile long Illinois River rises in Califomia, flows northwest through its 981 square mile watershed, mostly in Oregon, and discharges into the Rogue River. The City of Cave Junction and the Kerby Water District divert their drinking water for about 2350 citizens from the East Fork Illinois River under two water rights. The East Fork Illinois River watershed covers about 232 square miles.

We have reviewed the draft "Oregon and California Land Grant Act of 2013" and noticed with interest that sections 108, 109, 110, and 111 of the draft Act establishes Drinking Water Special Management Units for McKenzie, Hillsboro, Clackamas, and Springfield. We wonder why the draft Act does not provide the City of Cave Junction and the Kerby Water District with the same drinking water protection as it does for those four communities.

Therefore, the IVWC requests that a Cave Junction Drinking Water Special Management Unit be established in the "Oregon and Califomia Land Grant Act of2013". We also request a meeting with your staff to discuss the creation of a map depicting the Cave Junction Drinking Water Area and other details.

STATEMENT OF JUDY HENDERSON, PORTLAND, OR

I am concerned that S. 1784 dismantles the Northwest Forest Plan, which I thought was a good compromise and yet protects and restores fish and wildlife habitat on federal lands in the Pacific Northwest. I'm also concerned that:

- The bill undermines the opportunity for the public to participate in public land management by eliminating environmental analysis and public review of individual timber sales, two pillars of the National Environmental Protection Act.
- It drastically shrinks riparian buffers, putting listed fish and our clean water at great risk.
- It weakens Endangered Species Act protections on many O&C Forestlands, which will further jeopardize declining populations of threatened Northern Spotted Owls and Marbled Murrelets that we have fought so hard to recover.

Thank you for considering these comments.

STATEMENT OF JOHN PLUTE, CHAIRMAN, KERBY WATER DISTRICT BOARD, KERBY, OR

The Kerby Water District (KWD) was founded in 2003 and provides domestic water to about 450 people. The municipal water supply is drawn from the East Fork Illinois River and is purchased from the City of Cave Junction. The watershed covers about 232 square miles and the City holds two water rights for using water from the East Fork Illinois River. The City's modern water treatment plant and the KWD's new pipe distribution system were partially funded by State and Federal grants totaling about $SM. The City is also in compliance with the EPA Drinking Water Source Protection Program.

The KWD Board has reviewed the draft "Oregon and California Land Grant Act of 2013". We noticed with interest that sections 108, 109,110, and 111of the draft Act establishes Drinking Water Special Management Units for McKenzie, Hillsboro, Clackamas, and Springfield. We wonder why the draft Act does not provide the KWD and the City of Cave Junction with the same drinking water protection as it does for those four communities. The Kerby Water District is very interested in having a voice in future management of our watershed, both to protect an extremely valuable resource and the investment that that—has been made in providing clean, safe and reliable drinking water for our community.

Therefore, the KWD Board requests that a Cave Junction Drinking Water Special Management Unit be established in the "Oregon and California Land Grant Act of 2013". We also request a meeting with your staff to discuss the creation of a map depicting the Cave Junction Drinking Water Area and other details.

STATEMENT OF JOSEPH VAILE, EXECUTIVE DIRECTOR, KLAMATH SISKIYOU WILDLANDS CENTER, ASHLAND, OR

On behalf of Klamath Siskiyou Wildlands Center and our more than 12,000 members, supporters, and volunteers, we would like to provide testimony for the record on S. 1784, the Oregon and California Land Grant Act of 2013. We appreciate your

effort to address management of some of the most outstanding forest and river ecosystems in the United States. However, we oppose S. 1784 in its current form. There are significant conservation gains that would benefit both the environment and the recreation economy of southern Oregon in your legislation, but we have significant concerns about provisions that would weaken federal environmental safeguards, particularly the Endangered Species Act (ESA), the Clean Water Act (CWA), and the National Environmental Policy Act (NEPA). In general we agree and support the comments made by American Rivers, Gordon Lyford, the "Appelgate Neighbors" and scientific testimony submitted by American Fisheries Society and Society for Conservation Biology.

The O&C forests support abundant salmon, steelhead and wildlife that provide outstanding sight seeing, fishing, hunting, camping, and hiking and wild river boating opportunities for all Americans at affordable costs. This committee is likely aware of the analysis by The Nature Conservancy that enumerates and maps out the values of the O&C lands in Western Oregon. They are truly unique and important federal lands. The O&C forests purify drinking water for hundreds of thousands of Oregonians, sequester large amounts of carbon, and provide a proven ecological defense against wildfire due to their older stand age. We want these important amenities and environmental services to continue on all BLM lands and not become sullied or degraded with timber dominant management. Towards this goal, we support the following provisions in the bill:

- Designation of over 150 miles of new Wild and Scenic Rivers and associated protection of 64,000 acres of riparian lands in the Rogue and other rivers;
- Protection for approximately 412,000 acres of Riparian Reserve land allocation, currently administratively protected under the NWFP;
- Designation for Key Watersheds, portions of watersheds found to be of highest value for salmon habitat and water quality under the Northwest Forest Plan;
- Establishment of innovative Drinking Water Protected Areas for the cities of Eugene, Springfield, Hillsboro, and Clackamas, Oregon, with all BLM lands in these drinking water areas to be managed to preserve clean drinking water;
- Provisions restricting road construction, establishing new road closures and road decommissioning protocols;
- Establishing eligibility for O&C lands for the Legacy Roads and Trails Program which providing funding for decommissioning roads;
- Withdrawals for significant acreage in Conservation Emphasis Areas from mineral entry;
- Designation for approximately 90,000 acres of new wilderness including for the Wild Rogue and Devils Staircase;
- Expansion for the Cascade Siskiyou National Monument; and
- Establishment of the Rogue River National Recreation Area, the Molalla River National Recreation Area and the Illinois Valley Salmon and Botanical Area.

We offer the following comments and recommendations with the hope that you will consider changes that will improve the bill and maintain federal environmental law.

Drinking Water for Oregonians

The O&C waters play a critical role in providing clean water services for 1.8 million Oregonians. Approximately seventy-three percent of the BLM lands in Western Oregon are located in areas identified as Surface Water Source Drinking Water Areas according to the Oregon Department of Environmental Quality. Effective watershed protection saves tens of millions of dollars by reducing the severity of winter floods and supplying clean, affordable drinking water without the need for expensive secondary treatment plants to filter pollutants. The public also greatly appreciates the fact that these lands are not tainted by timber management herbicide spraying.

We strongly support the creation of Drinking Water Protected Areas that recognize the value of these forested public lands to downstream municipal water utilities and their ability to deliver clean drinking water. S.1784 should be consistent with all Oregon DEQ drinking water source area maps. Surface Water Source Drinking Water Areas should be protected in Medford, Rogue River and other municipalities identified by the Oregon DEQ.

Drinking water for Cave Junction

A Cave Junction Drinking Water Special Management Unit should be established in S.1784. The City of Cave Junction and the Kerby Water District should receive the same water quality protections that McKenzie, Hillsboro, Clackamas, and Springfield do. A Cave Junction Drinking Water Special Management Unit should include all of the East Fork Illinois River watershed upstream of the highway 199

bridge where the City of Cave Junction water intake is located. The Federal government invested more than $10 million to construct the City of Cave Junction water and sewage treatment systems in the 1990s. That investment and the City water rights should be protected. In addition the City of Cave Junction has complied with the US Environmental Protection Agency source water protection planning requirements. The City of Cave Junction holds two water rights to divert water from the East Fork Illinois River and serve domestic water to many businesses and 2,350 citizens who live in Cave Junction and Kerby. The Oregon DEQ has mapped the drinking water source area for Kerby and Cave Junction.

Retain the Applegate Adaptive Management Area

The Applegate Adaptive Management Area has successfully brought together stakeholders in this southern Oregon watershed and would be removed under this bill. The result is a reduction in input from neighbors and landowners in this dry forest watershed in need of fuels reduction and restorative forest management. The bill should retain this important designation. Nearly 200 residents of the Applegate Valley sent in recommendation to the Senator on this bill—we endorse those recommendations from the community.

Endangered Species Act Consultation

We appreciate your commitment to uphold the ESA both in your public statements and the principles in your O&C framework. Unfortunately there remain provisions in the bill that would undermine conservation of listed species. The bill would eliminate the requirement that the Bureau of Land Management consult with federal agencies charged with conservation of federally listed species. Agency consultation at the project level is needed to ensure that the BLM make the most scientifically informed decisions to protect species. Unless revised, these existing provisions would undermine safeguards for the conservation of listed species. The bill would impede conservation by doing away with any requirement that the agencies conduct project level assessments that could identify changed conditions or new information about the effects of treatments on listed species. Consultation provides important conservation oversight for listed species. We urge you to revise the bill to retain consultation.

It's important to know that the BLM decides when consultation is needed. Consultation is discretionary with BLM. Many timber sales do not need consultation because critical habitat will not be damaged due to requirements of the Northwest Forest Plan. If there is no impact to listed species as determined by BLM, consultation is not needed. There is no real reason to supersede BLM's discretion about whether to consult or not with legislation. The track record of the Northwest Forest Plan and our monitoring of projects demonstrate that project level consultation is often not necessary due to project design features (no impacts to listed species). Consultation has not proven to be an impediment to projects largely because of agency compliance with the Northwest Forest Plan and greatly reduced regeneration (clearcut) logging.

Protect National Environmental Policy Act Analysis

S. 1784 greatly weakens current NEPA disclosure by restricting agency responsibility to analyze and disclose the effects of timber sale projects as they are planned on the ground. The bill calls for a 10-year programmatic Environmental Impact Statement (EIS) and eliminates project-specific NEPA analysis. We urge you to revise the language to include a mechanism that allows analysis and disclosure of the impacts of individual projects under NEPA that would tier to the ten year EIS. Conditions on the ground and scientific understanding of treatment effectiveness cannot be known until specific projects areas are identified and assessed for treatment. Under the bill, treatments would continue even under changed conditions and or when activities are found to be harmful to imperiled species. More importantly, citizens need to have an opportunity to comment to decision makers at the time of the decision and be fully informed of site-specific impacts. Citizens cannot comment to decision makers unless they have information developed by agency specialists through the NEPA process.

Clean Water Act

We appreciate your effort to more fully assess the effects of timber harvest in Forestry Emphasis Areas, but restrictions on how the determination of effects is assessed are problematic. Setting limits on the measurement of water quality impacts which could effect and potentially undermine how the CWA is implemented and the bill places a limitation on the timing of measurement and determination of water quality impacts. Particularly problematic is the timing requirement to measure impacts two years after harvest that could mask near term negative impacts. The bill

could also be interpreted to establish the current and potentially degraded baseline for determination of impacts under the CWA. We support conducting additional post treatment monitoring to measure the effects on water quality, but not in the context of defining the water quality under the CWA. We do not support any changes to how the CWA is applied to O&C lands.

Salmon/Riparian Reserves (aka "buffers')

The O&C lands have historically protected some of Oregon's finest rivers, including the Rogue, Illinois, Applegate, and Umpqua. The 1,400 miles of streams that flow through O&C lands support viable wild salmon and steelhead runs that provide the backbone for salmon recovery in western Oregon. We thank you for your inclusion of important conservation elements in the Conservation Emphasis Areas section of the bill which effectively legislates core aquatic provisions of the Northwest Forest Plan (NWFP) that are critical for river health and salmon recovery. Riparian Reserves as currently managed under the NWFP is of particular interest since protection and proper management of riparian reserves in timber harvest emphasis areas is essential to protect water quality, fish and wildlife. Riparian Reserves, created under the NWFP as an essential part of the Aquatic Conservation Strategy, provide a protective forest on all streams in the NWFP area including O&C lands. An analysis of stream conditions ten years after implementation of the riparian reserves demonstrated improvement of habitat conditions and water quality in nearly all streams under the NWFP.

S. 1784 provides for reduction in riparian reserve widths and commercial timber harvest in former riparian reserves areas on lands designated Forestry Emphasis Areas. We are concerned that this will inevitably lead to a degradation of water quality and habitat for aquatic and riparian dependent species. Our understanding that these changes are based on untested hypotheses suggesting smaller riparian reserve widths along certain types of streams would be adequate to protect species and water quality thereby allowing variable retention commercial harvest (aka clear-cutting) and road building much closer to streams than under current Forest Plan regulations.

Our desire to retain existing Riparian Reserve width is substantiated with compelling scientific analysis with testimony provided to you by the American Fisheries Society. The AFS president, Robert Hughes, reiterate that the existing Riparian Reserve are proven to be effective for recovering listed fish species whereas reduced buffers have no track record for being effective. We respect your scientists' opinion about reducing riparian reserve width but it is just that: an opinion. We also wish to remind you that BLM has considerable discretion in identifying variable width "no cut" buffers that currently result in substantial harvest of millions of board feet of timber from riparian reserves without much controversy. As science becomes clearer on this issue, the BLM currently has the discretion to increase or reduce no cut buffers. Legislation is clearly unwarranted and could impede rather than increase harvest.

Medford District Riparian Reserves

We want the bill modified to address the special needs of streams and fish in the Medford BLM District where the dry forest classification dominates. The current Riparian Reserve reductions in Forestry Emphasis Areas in the Medford District need to be replaced with a single set of standards used in the Conservation Emphasis Areas. The bill would state that Riparian Reserve standards for Conservation Emphasis lands would be implemented on all lands in the Medford District. We believe retaining existing Riparian Reserves (as prescribed in Conservation Emphasis Areas) is warranted in the Medford District for the following reasons:

1. The Rogue Basin experiences naturally very high stream temperatures, low stream flows exacerbated by droughts, and frequent fires. These hostile factors for fish and water quality are best ameliorated in the long term with the existing Riparian Reserve widths.
2. The federally listed Southern Oregon/ Northern California Coastal Coho salmon Evolutionary Significant Unit in the Medford District is listed separately from the Oregon Coastal Coho ESU. This is important because the SONCC ESU Coho in the Medford District are at a much greater risk of extinction than the Oregon Coastal Coho ESU. Coho populations are much below desired levels and have been decreasing. Thus, the need for retaining a high standard for protection and restoration for at least the next ten years.
3. Retaining the existing Riparian Reserve standards for the Medford District would greatly simplify timber sale implementation across all forest designations. The Medford District has done a good job of implementing Riparian Re-

serve thinning and this would continue across all designations as determined by local conditions.

4. The Medford District rarely needs to consult with National Marine Fisheries Service because the existing Riparian Reserve widths are known to be adequate to protect federally listed SONCC Coho salmon. Retaining the existing Riparian Reserve standards in the Medford District would ensure speedy timber sale implementation because no consultation with NMFS would be needed.

We think it best for the "dry forest" Medford District to continue managing Riparian Reserves as they have in the past, which includes the commercial thinning of second growth within the reserves. Bringing existing Riparian Reserve management forward would ensure a smooth and less controversial transition for changes with upland (dry) forest management (i.e. improved "certainty").

Designate Medford District as "Dry Forest"

Similarly, designating the entire Medford District as "dry forest" would ensure a smooth and less controversial transition since it would eliminate controversial variable retention harvest that mimics adjacent private land clear-cutting. Conceivably the need to consult with US Fish and Wildlife would also be reduced or eliminated on many timber sales because they would thin to reduce fire hazard and retain 60% canopy in older stands.

Summary of specific recommended changes (listing order is not intended to indicate priority)

- Establish a Cave Junction Drinking Water Special Management Unit.
- Eliminate or modify provisions about ESA consultation.
- Provide for citizen review of projects through the NEPA process concurrent with detailed site-specific project preparation.
- Eliminate changes to how the Clean Water Act is applied to O&C lands.
- Retain the Applegate Adaptive Management Area
- The bill would state that Riparian Reserve (buffer) widths and accompanying standards for Conservation Emphasis lands would be implemented/used on all lands in the Medford District including Timber Emphasis areas.
- The entire Medford District would be managed as a "dry forest".

Thank you for the opportunity to provide comments on this important legislation. While we look forward to working with you to improve your bill as it moves through the legislative process, we regret that we must oppose its passage pending the inclusion of the changes we recommend.

STATEMENT OF ROBERT MODEL, CHAIRMAN, BOONE & CROCKETT CLUB, CODY, WY

The Boone and Crockett Club, along with many hunting organizations, have strongly supported the shift in forest policy over the last decade or more toward choices involved in producing all the shared values of the National Forests. Such policies have promoted rural jobs, stewardship contracting, healthy forests, fire management, and secure rural schools.

This developing multi-faceted approach is necessary to confront a multitude of problems in the forest: millions of acres of our National Forests are overcrowded, dying from insect infestation and susceptible to uncharacteristically large, hot wildfires. Accordingly, in regard to the bills that are before the Committee now, the Boone and Crockett Club supports the Committee's effort to advance legislation that quickly improves the status quo on our National Forests.

The common element to all necessary means of improvement is science-based action. State and federal professionals have studied-with partnership and support from the Boone and Crockett Club—to understand and act on the effects of unhealthy forest conditions on our National Forests. Study after study has shown that improvements to forest health, including the resilience of fire-prone forests, can be restored through active management. Improving forest health and creating early seral habitat creates better forage for big game wildlife and, as part of an ecological patchwork of all habitat types, a diversity of habitats providing wildlife cover as well. The young-forest pieces of this diversity have been crowded-out of much of the National Forests.

To regain the young-forest habitat types in adequate amounts and in proper intermixed distribution with hiding cover and other elements, the Forest Service must be more active. The Forest Service must also have formal agreements with state wildlife and resource agencies providing compat i bility between federal habitat management activities and state population management goals for wildlife.

The imperative to increase active management of forests is more pressing in light of recent scientific fieldwork. New information has revealed a flawed assumption in wildlife habitat management: specifically, the assumption that forests will always provide adequate nutrition to support reproduction and year-round survivability of big game. In fact, the conditions in today's forests that are now well known as extremely risky in terms of severe wildfire are also "bare shelves" as food quality for big game wildlife. Elk research at the USFS Starkey Experimental Forest and Range in NE Oregon documents that management of overgrown and overly dense forests is the key to managing elk herds in parts of several western states. Low nutrition on summer ranges in fire-prone conditions is the limiting factor for elk (see New Paradigms for Evaluating and Managing Elk Habitats: a Glimpse of the Future for Elk on Public Lands-Fair Chase Summer 2011). Research is showing that stands in fire-prone condition and with greater than 60% canopy closure coincides with depressed elk populations because of the lack of quality food.

The prevalence of fire-prone, high-canopy-closure stands is high. In the eleven western states, 53 million acres of ponderosa pine, Douglas fir and mixed conifers are in fire regime condition class 3—meaning the risk of losing key ecosystem components from uncharacteristic wildfire (unusual size, intensity, severity, and landscape pattern) is high or extreme. Montana, for example, has nearly 22.3 million acres of forest lands (mostly federal); 82% have high/moderate fire hazard rating. Nearly 9.3 million acres are classified as short interval fire-adapted ecosystems. About 7.5 million acres (or 80%) of these are rated high/moderate for crown fire hazard. This accounts for what we have observed in Oregon, where since 1989, the area of young-forest habitat for deer and elk created each year through forest management has declined approximately 90%. In response, black-tailed deer harvest has declined nearly 70%. Elk numbers from Oregon Department of Fish and Wildlife (ODFW) annual counts on the Willamette National Forest in the McKenzie Unit have declined to 16 in 2012 from 114 in 2005, an 86% drop. This drop in habitat management has led to a decrease in hunting, which worsens a national trend threatening the excise tax revenues from hunting that support most wildlife conservation in the U.S. Hunter success has declined 44% to about 18%. Numbers of deer hunters have dropped 34% from around 170,000 to about 112,000.

Our primary message is that the Senate should act to give the Forest Service the tools to reverse the loss of a diverse mosaic of habitat types. The steep decline in active forest management is leading to higher risk of wildfire and less habitat for elk, deer and game species, and consequently the Boone and Crockett Club advocates for greater management focus and efficiency. In short, the Forest Service needs to-and can-do much more with the same amount of resources.

The Boone and Crockett Club has worked over the last decade to improve federal forest health and especially related big game habitat in the face of the deteriorating health of federal forests. There is more to do. We have a rare opportunity this Congress because of the leadership of Members who deeply understand forest health issues. Hopefully this issue will continue to gain traction, and we can turn the tide on improving habitat, creating new jobs in rural communities and growing county revenue again.

STATEMENT OF JOE G. RICKER, CHAIRMAN, AND FRED CRAIG, PRESIDENT OF THE BOARD, OREGON HUNTERS ASSOCIATION, MEDFORD , OR

For the record we are Joe Ricker, Chairman of the Oregon Hunters Association (OHA) and Fred Craig, President of the Oregon Hunters Association. We are unable to attend the hearing on the O&C Lands Act of 2013 sponsored by Senator Ron Wyden, D-Oregon, so we are submitting our comments on the O&C Lands Act of 2013 in writing.

In August of 2013 the OHA sent a letter to Senator Ron Wyden about this piece of legislation. In our letter we outlined these important points:

- The sad fact is the current management in place on Oregon and California Railroad lands (O & C) is essentially non-management, and the land management agencies in charge of these lands have long been failing in their written requirements and obligations to create habitat for all species on lands, which it manages.
- The OHA has been on record questioning these agencies' long standing failure to implement their own management plans, which require the creation of required critically needed habitat.
- Modernization of management such as that proposed in this plan will provide significant amounts of such habitat, which is desperately needed by the many

wildlife species. Only this will help stem the marked decline of many of these same species.

While the OHA does in fact support management of the forests, and certainly encourages that effort, the OHA is also deeply concerned about the unnecessary setting aside of yet more public lands from ever being actively managed, permanently removing even more land from the increasingly limited supply of public land available and managed for critical wildlife habitat.

It has been amply demonstrated that closed canopy, older age class forests provide extremely poor habitat for many species, as was experienced by the Lewis and Clark expedition who nearly starved to death while traveling though older age class forest lands. Similarly, the Native American populations in Oregon routinely burned vast tracts of Oregon's land, including some current O&C land, in an effort to create habitat they needed to survive. Fortunately, there are now much better tools available.

An additional concern for many hunters throughout Oregon is access to public lands. The OHA would encourage those working on land exchanges and consolidation activities to require public access to the land acquired in land exchanges. There are too many parcels of publicly owned land in Oregon which are essentially land locked. This means that the public land is surrounded by private land and the public is not able to cross the private land to access the public land. It is important to maintain access to all publicly owned land.

The Oregon Hunters Association is an 11,000 member statewide organization dedicated to creating and protecting needed habitat. We are unique among other organizations in that we actually put our money and muscle to work with literally hundreds of thousands of dollars and countless man-hours being applied to on the ground projects creating habitat and improving existing habitat throughout Oregon. The OHA has a long history of working closely with many partners throughout Oregon, including the Bureau of Land Management, United States Forest Service, state and local land managers, to improve and create habitat.

Once again, the OHA applauds the provisions contained in the O&C Land Act of 2013 to create critically needed habitat, county revenues, and jobs. However, the OHA is concerned about the further restrictions allowed in this legislation being placed on public land which should be actively managed and provide critically needed habitat.

JOINT STATEMENT OF THE WILD SALMON CENTER AND THE PACIFIC RIVERS COUNCIL

On behalf of the Pacific Rivers Council and Wild Salmon Center, we respectfully submit our comments and proposed revisions to the "Oregon and California Land Grant Act of 2013" ("O&C Land Grant Act" or "S. 1784"). We appreciate Chairman Wyden's effort to balance the complex trade-offs we face managing the extraordinary ecological, economic and recreational values of these lands.

Attached please find our proposed revisions and comments. Below we highlight key proposed revisions included, with others, in the attachment.

Protecting Vital Drinking Water Sources and Watersheds

Approximately 75% of O&C Lands are identified by the Oregon Department of Environmental Quality as vital to providing clean drinking water to over 1.8 million Oregonians. O&C's iconic rivers—the Umpqua, Rogue, McKenzie, Nestucca and others—include over 1400 miles of rivers for fish and wildlife, supporting the strongest wild salmon and steelhead runs south of Canada.

Beyond the obvious recreational benefits to anglers, hunters, hikers and others, effective watershed protection saves tens of millions of dollars by reducing the severity of winter floods and supplying clean, affordable drinking water without the need for expensive secondary treatment plants to filter pollutants. For example, strong watershed conservation efforts in Portland's drinking water source in the Bull Run watershed recently saved taxpayers over $60 million in avoided secondary treatment costs.

The O&C Land Grant Act locks-in robust riparian buffer river protections on approximately two-thirds of O&C Lands by applying the full Northwest Forest plan aquatic conservation strategy riparian buffers on key watersheds and conservation emphasis areas. Federal review of the aquatic conservation strategy concluded that riparian protection measures were effective and that watershed health had improved in over 70% of the watersheds assessed.

The Act also applies these riparian reserve buffers to a new, permanent designation for vital drinking water source areas identified by our municipal drinking water

providers from Hillsboro, Springfield, Eugene and Clackamas. We strongly support the inclusion of these core aquatic protection components.

These areas will become magnets for public-private partnerships to maintain water quality and will attract "green infrastructure" investments to ensure these rivers retain their ability to naturally cool and purify water. Clean water at the source saves money for ratepayers too, lowering treatment and filtering costs. We applaud Senator Wyden for explicitly recognizing drinking water source protection and support efforts to expand these designations to additional areas.

Despite these important accomplishments, the BLM maps accompanying the bill indicate that several key parcels of BLM O&C Lands bordering major fish bearing rivers and streams are not afforded the full riparian reserve buffers provided in Section 105 of the bill. For example, despite having invested tens of millions of dollars of restoration work on the Smith River, Rock Creek (N. Umpqua), Coquille and others, these and other critical rivers are not afforded the robust riparian buffers they currently enjoy. Because these rivers also border private lands which generally maintain much less protective riparian buffers, the cumulative effects of even marginal adverse impacts of increased disturbances in these systems could impair water quality and retard efforts to comply with the Clean Water Act and other federal and state and water quality standards.

We calculate that extending the full aquatic conservation strategy buffers provided in Section 105 of the bill to the identified parcels in Forestry Emphasis Areas will have a negligible impact on projected timber harvest levels, but will provide the many, anglers, guides, rafters and other river users assurances that these critical aquatic corridors will be adequately protected in the future.

> Recommendation No. 1: Incorporate by reference the attached Map and add provision as follows:
>
> "The Forest Emphasis Areas parcels identified in BLM Map_____shall include the riparian reserves described in Sec. 105(c)"

Monitoring and Assessment to Inform Adaptive Management

The complex interplay of forests, fish and wildlife biology and population dynamics, habitat, hydrology, fire and climate will all unfold over time on a landscape scale in an extremely dynamic environment. Federal laws protecting our valued natural resources—such as the Clean Water Act, Endangered Species Act and others—rely on robust monitoring and evaluation to inform and adapt management and conservation approaches and strategies over longer timeframes.

Monitoring and evaluation is absolutely central to achieving the objectives established in S. 1784. O&C watersheds are only partially under federal management and activities outside of federal management zones may significantly influence watershed conditions. Additionally, the application of ecological forestry at this large scale is unprecedented in the Pacific Northwest. We are hopeful that ecological forestry will both improve forest health and produce substantial sustained yield on forestry emphasis areas, however, it's impacts—both positive and negative—must be assessed, just as we must assess longer term effects on water quality, fish and wildlife and recreation on O&C watersheds.

Finally, the reduction of buffers proposed in S.1784 on over 700,000 acres of BLM land has yet to be peer-reviewed and the approach should be rigorously monitored and evaluated. The current Aquatic and Riparian Effectiveness Monitoring Program ("AREMP") provides an excellent approach to extend to the O&C Lands Act.

> Recommendation No. 2: Include provision for robust and continuous monitoring and evaluation of key resources to enable adaptive management.

Land Consolidation, Exchange and Sale

O&C Lands are interspersed with private timber land, creating a patchwork of land ownership across many watersheds throughout Western Oregon. Oregon water and wildlife protection standards for private forestlands are much weaker than those in California or Washington—and they are vastly less protective than the conservation standards of federal lands in Oregon. The disparity in land management and protection on the O&C checkerboard poses challenges to both efficient timber operations and conservation.

To help address these issues, we support strategic land exchange and consolidation on these lands in order to provide net timber and conservation benefits. However, as written, the land consolidation and sale provisions are unworkable and will neither address the conservation or timber goals articulated in the Act. Instead, we propose a simple, permanent exchange facility designed to facilitate and expedite voluntary exchanges where a net conservation and timber benefit can be demonstrated.

Additionally, we support the sale of limited (50,000 acres) sub-set of BLM O&C Lands which hold the lowest relative ecological values and are the most burdensome to manage and maintain. Patterned on nearly identical provisions applied to BLM parcels in Nevada, the sale of these lands to timber companies or others would generate funds dedicated to conserving high value conservation lands elsewhere in the State, including the acquisition of high conservation river corridors and easments.

Recommendation No. 3: Adopt substitute land consolidation language provided in attached revisions to replace Sec. 117.

Roads

Abundant scientific evidence documents the adverse impacts badly placed or inadequately designed or maintained roads can have on watershed health and water quality. The road provisions in the Act explicitly recognize the need to address road issues and we strongly support the provisions relating to roads included in the bill, including extending the Legacy Roads and Trails Program to these BLM lands.

Streamlining of Environmental Law

While we are supportive of efforts to expedite implementation of the Act and modify timeframes to this end, we share the concerns of many conservation organizations that the current language imposes substantive changes on the Endangered Species Act, CWA, NEPA and other federal environmental laws. These modifications reduce the ability of citizens to challenge, when necessary, unlawful agency actions and potentially undermine the protection these bedrock laws provide to valued public resources.

Moreover, we believe the elimination of the "survey and manage" requirements currently in place will eliminate the substantive grounds for a great deal of litigation and that the provisions of the bill are simply not necessary to reduce litigation, but instead will merely weaken important elements of these environmental protections. Accordingly, we urge the Senator to adopt the proposed revisions included in the attachment, which will shorten timelines for agency decision-making, reduce potential litigation and preserve critical components of important federal environmental laws.

O&C Lands produce many of the natural assets that improve our quality of life in Oregon—clean water, recreation, flood control, fish and wildlife, and timber. We look forward to working with you to conserve and sustainably manage Oregon's natural assets while enhancing economic opportunities in our rural communities.

STATEMENT OF PETER HURLIN, PHD, SHRINERS HOSPITAL AND OHSU KRISTIN ELLINGSEN, DVM, EVIN HURLIN, HIGH SCHOOL STUDENT

Me and my family very much opposes Senate Bill 1784 proposed by Senator Wyden. The Bill decreases the ability of the public to be involved in decisions on potentially destructive logging of our public forests. That is a step backwards—not forward! We need more protection of riparian buffers to protect fish, not less as this Bill does! The Endangered Species Act needs to be strengthened, not weakened as this Bill does!

This Bill does Not represent enlightened and forward thinking but instead rolls back safeguards on our Oregon forests that are helping heal the disastrous practices of the past.

We will do what we can to prevent this Bill and any Bill proposed that compromises our natural heritage and caves in to the conventional thinking of the past that has so badly damage our natural heritage here and around that country and world. Oregon NEEDS to show the US and the world that we have learned from the mistakes of the past and Better protect the balance of nature.

STATEMENT OF BEAU MCCLURE, VICE PRESIDENT FOR OPERATIONS, PUBLIC LANDS FOUNDATION, ARLINGTON, VA

This letter presents the Public Lands Foundation's (PLF) recent position statement (see attachment) on the management of the O&C Lands in Western Oregon. These lands are managed by the Bureau of Land Management (BLM). The PLF is a national non-profit membership organization that advocates and works for the retention of America's National System of Public Lands in public hands, professionally and sustainably managed for responsible use and enjoyment by American citizens. PLF endorses and embraces the multiple use mission of the BLM. Our members are predominantly retired employees of the BLM from across the United States and as such have spent their careers dedicated to the sound management of these valuable

lands and resources. Many of our members spent their careers managing the O&C lands. They have personal knowledge of these lands and unparalleled expertise in their management.

Federal forestlands in the Pacific Northwest have been a source of considerable controversy for decades. The O&C lands are unique in their purpose, history, and geospatial orientation (checkerboard) and will require a unique solution. These lands were originally granted to a railroad company, but later revested back to the Government. The lands, however, were not returned to the public domain, but set aside for special management. The O&C Act of 1937 mandated that the O&C lands be managed for permanent forest production based on the management principle of sustained yield and that a permanent stream of revenue sharing be established for 18 O&C Counties in western Oregon from the sustainable harvesting of timber. Several attempts to resolve controversies over the years have not been successful in achieving the objective of implementable plans that withstand legal challenges and provide the goods and services the public expects from these forests. Recently, Senator Wyden and Representatives DeFazio, Schrader, and Walden have "stepped up to the plate" to take on this very contentious issue. The PLF commends the Oregon delegation for their work to find a solution to this divisive issue and to advance the conversation at the Congressional level.

Representatives DeFazio, Schrader, and Walden. introduced the O&C TrusConservation, and Jobs Act as Title 3 to the Healthy Forests for Healthy Communities Act (H.R. 1526). As you know, this bill has been passed in the House of Representatives and sent to the Senate. Senator Wyden introduced the O&C Act of2013 (S. 1784) in December.

The PLF feels that neither of these bills will result in a workable solution for the O&C lands. H.R. 1526, as passed by the House would further fragment these lands into thousands of very small units that will cause confusion to the public and managers. It will lead to increased management expense and inefficiency by dividing the lands between two management entities. By eliminating BLM's management responsibility, the current BLM knowledge and expertise in managing these unique lands would be lost.

The draft O&C Act of 2013 lacks a thorough analysis of the long-term implications and we believe it will not result in the long-term sustained harvest level proposed in the Bill for more than a few decades; at such time as the thinning acres are completed, the sustainable harvest level with drop considerably. Further, the bill does not address the relationships of the underlying regulatory acts, i.e. National Environmental Policy Act, Endangered Species Act, Federal Land Policy and Management Act, etc. Unless the relationships between these laws are clarified or adjusted so that they work together, litigation and other challenges will hamper implementation and not result in the certainty needed by the BLM, counties, and other stakeholders.

BLM has begun to revise the Resource Management Plans for the O&C Lands. The PLF does not feel that additional BLM planning without Congressional action to address inconsistency in the laws that have been passed over the years will result in sustainable decisions by the BLM. However, BLM could use their planning models to assess the impacts of these bills thus providing information to help frame a fmal proposal.

While the PLF does not feel that either of these bills is workable in their current form, we believe Congressional action is needed and commend the delegation for their work to date. We are encouraged that a workable solution can be found. The attached PLF position statement on the future of the O&C forests provides several recommendations for consideration. In addition, the PLF has several members that have decades of experience managing these lands and would be happy to provide any assistance we can as the bills work through Congress.

If you would like further information, or have questions we can address, please contact me by phone at (623) 587-7883 or by e-mail at bcmcclure@cox.net.

STATEMENT OF FRANCES OYUNG, PRESIDENT, ROGUE BASIN COORDINATING COUNCIL, MEDFORD, OR

The Rogue Basin Coordinating Council (RBCC) is a regional organization supporting watershed health in the Rogue River basin. RBCC would like to support the concerns of the residents of the Illinois Valley including the City of Cave Junction, the Illinois Valley Watershed Council, and the Kerby Water District relating to protecting their drinking water sources. Their review of the draft "Oregon and California Land Grant Act of 2013" cites sections 108, 109, 110, and 111 of the draft Act which establishes Drinking Water Special Management Units for McKenzie,

Hillsboro, Clackamas, and Springfield. Illinois Valley residents have serious concerns that the draft Act does not provide the City of Cave Junction and the Kerby Water District with the same drinking water protection as it does for communities with established Drinking Water Special Management Units. The RBCC supports the request of local residents in the establishment of a Cave Junction Drinking Water Special Management Unit under the "Oregon and California Land Grant Act of 2013" and asks your support in protecting their vital water resources and the investments that have been made in providing clean, safe and reliable drinking water for the community.

STATEMENT OF BLAKE HENNING, VICE PRESIDENT OF LANDS & CONSERVATION, ROCKY MOUNTAIN ELK FOUNDATION, MISSOULA, MT

The Rocky Mountain Elk Foundation (RMEF) appreciates the opportunity to comment on the National Forest Jobs and Management Act of 2014 (NFJMA). We appreciate your efforts to help revitalize National Forest conservation projects to ensure healthy forests for America's future.

We would like to offer suggestions that would enhance the intent of the Act as it applies to our logo species, elk, and many other wildlife species that live in elk country. The proposed Act calls for the use of timber sale contracts under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) to be the primary means of carrying out covered projects under this Act. We respectfully request consideration of the Stewardship Contracts and Agreement process to be included in this section so that decision makers have as many tools as possible available to carry out the Act. The Act currently excludes National Forest System land east of the 100th meridian. Wild free-ranging elk are currently found in 27 states, many of them in the east. RMEF played an important role in re-establishing wild free-ranging elk in Wisconsin, Kentucky, Tennessee, North Carolina, Missouri and Virginia.

The national forests, both east and west, are in need of disturbance to bring about the early seral (young forest) component that is not only essential to many wildlife species, but healthy forests as well. The primary tools that can bring this about in a manner based on scientific decision making are prescribed burning and mechanical forest thinning, usually accomplished through commercial forest management contractors. The current overstocked conditions of many forests preclude the use of fire due to unnatural fuel load in the forests and the possibility of stand-replacing fires.

The Northwest Forest Plan has been in effect for the past 20 years. Old growth forest is the primary emphasis, while early seral conditions and all the species dependent upon them are ignored. For example, the vertebrate composition on the Willamette National Forest includes 14 species tied specifically into old growth; 0 species tied into mid-seral; 116 generalist species that use all stages of habitat; and 71 species tied specifically to early seral forests and edges. With the majority of management emphasis on those 14 species tied to old growth, we have seen a drastic decrease in early seral forest conditions.

Research, funded in part by RMEF, has shown that cow elk in those areas managed with an old growth emphasis are nutritionally stressed. Cow elk need to go into the winter with 10% to 12% body fat, and ideally would hit spring green-up at about 10% body fat to carry out successful pregnancies. Several years ago at Mount St. Helens, cow elk body condition was measured in October at 5% to 6% body fat. In other areas without an old growth emphasis elk are having a difficult time as well. Over the last two months in the Clearwater Basin of Idaho, cow elk body condition was measured at 5% to 8% body fat. Elk and many other species (deer, bighorn sheep, ruffed grouse, blue grouse, wild turkey, mountain quail, a variety of woodpeckers, hummingbirds, flycatchers, bluebirds, warblers and towhee) are all tied closely to early seral forest habitats.

Ongoing research in Washington, Oregon and Idaho has focused on a new habitat model for elk that includes a summer elk nutrition component. Elk make a wonderful surrogate for the other species that depend on early seral habitat, and the use of this research will benefit a wide variety of wildlife species. It is important that federal land managers use this latest science tool in future management decisions in order to provide the rich biodiversity necessary for healthy forests and ranges, and make every effort to greatly improve the early seral component on the landscape. We believe that active management of our forest habitat will benefit wildlife and the American public.

STATEMENT OF DAN DESSECKER, DIRECTOR, CONSERVATION POLICY, RUFFED GROUSE SOCIETY, CORAPOLIS, PA

The Ruffed Grouse Society appreciates the opportunity to comment on the National Forest Jobs and Management Act of 2014 (NFJMA). We applaud your efforts to enhance the efficacy and the efficiency of forest conservation project planning and implementation on our nation's National Forests.

We respectfully request that you delete Section 3(4)(B)(ii) from the proposed legislation. This section excludes National Forests east of the 100th meridian from the innovative project planning processes outlined in NFJMA.

National Forests in the eastern United States are in desperate need of additional commercial forest management if we are to sustain the game and nongame wildlife that require young forest habitats. These important habitats are created almost solely through commercial forest management, and they have declined precipitously on National Forests and other ownerships throughout the East over the past several decades. In 2007, the American Bird Conservancy identified young deciduous forests in the eastern United States as one of the 20 most threatened bird habitats in the nation.

Unfortunately, since the wave of forest plan revisions from 2004-2006, National Forests in the East have fallen woefully short of meeting plan objectives for the development of young forest habitats. National Forests in the Southern Appalachians, Great Lakes region, and the Northeast have accomplished only 13%, 23%, and 24%, respectively, of the goal for the establishment of these critical young forest habitats.

As a result of this continuing loss of young forest habitats, we are seeing significant population declines for bird species that breed in these habitats. These species include the ruffed grouse, eastern towhee, field sparrow, brown thrasher and golden-winged warbler (the status of the golden-winged warbler is currently being reviewed by the US Fish & Wildlife Service for possible listing under the Endangered Species Act).

Breeding Bird Survey data (US Geological Survey) document that since 1966 in the eastern US, 53% of the bird species that breed in young forest and shrub-dominated habitats have declined while only 8% have increased. Conversely, only 31% of the bird species that breed in mature forests have declined while 23% have increased. These data clearly demonstrate the need to increase the level of active forest management in our eastern forests, including our National Forests.

Again, the Ruffed Grouse Society respectfully requests that Section 3(4)(B)(ii) be removed from the proposed legislation so that National Forests in the eastern United States may better address the conservation of our nation's forest wildlife.

If you have any questions, please don't hesitate to contact me. Thank you for your time.

STATEMENT OF MICHAEL ANDERSON, SENIOR POLICY ANALYST, THE WILDERNESS SOCIETY

We are writing to express our strong opposition to S. 1966, the National Forest Jobs and Management Act of 2014. This legislation poses a serious threat to environmental stewardship, public involvement, wildlife conservation, and the rule of law in our national forests.

We also wish to submit comments on S. 1784, the Oregon and California Land Grant Act of 2013. We appreciate Senator Wyden's efforts to protect the old-growth forests and other special places of western Oregon. For the past two decades, the Northwest Forest Plan has provided sound, science-based management direction for the O&C lands and other federal forests in the region. Due to their unique history, legal mandate, administration, and revenue-sharing policy, the management of O&C lands has continued to be highly controversial. We look forward to working with Senator Wyden on legislation that will help reduce controversy and improve management of the O&C lands, while preserving some of Oregon's finest ancient forests, wilderness, and wild and scenic rivers.

Please find attached our detailed analyses of S. 1966 and S. 1794.

We respectfully request that this letter be entered into the February 6, 2014 hearing record for the committee.

ATTACHMENT I

Following is a quick analysis of S. 1966, Senator Barrasso's "National Forest Jobs and Management Act," which was introduced on January 28 and will be the subject of a Senate Energy and Natural Resources Committee hearing on February 6. The

bill's requirements apply to all national forests in the western U.S., but not to the eastern national forests in Forest Service Regions 8 and 9 (Sec. 3(4)(B)).

Doubling the Cut

Reflecting the bill's purpose to "create a sustainable wood supply" from the national forests (Sec. 2(1)), the bill requires the Forest Service to undertake commercial logging and other mechanical treatments[1] in "covered projects" on at least 7.5 million acres of national forest land during the coming 15 years (Sec. 4(a)(4)(A)). This amounts to an annual average of 500,000 acres per year. In comparison, the Forest Service mechanically treated 195,000 acres and produced 2.4 billion board feet nationwide in 2011, and the agency has proposed to increase those amounts to 255,000 acres of mechanical treatment and 3.0 billion feet of timber.[2] Thus, the bill would require the Forest Service to increase logging and other mechanical treatments by 150% more than recent amounts and by nearly 100% more than the Forest Service's ambitious proposal.[3]

Unlike other recent bills that have included acreage targets or goals for mechanical treatment,[4] the Barrasso bill appears to create an inescapable legal mandate to achieve the timber targets. Thus, absent a major increase in congressional funding, the Forest Service could be required to divert resources away from all other multiple-use activities in order to accomplish the legally-required amount of logging and other mechanical treatments.

The required logging and other mechanical treatments would occur in "Forest Management Emphasis Areas," which the bill defines as "land identified as suitable for timber production" in a Forest Service management plan. As of 2000, approximately 47 million acres of the National Forest System were classified as suitable for timber production in forest plans.[5] The suitable timberlands potentially include forests located in Inventoried Roadless Areas, Northwest Forest Plan Late Successional Reserves, and other sensitive lands that have been administratively protected for more than a decade. The bill only excludes designated Wilderness Areas and other lands where removal of vegetation is specifically prohibited by law (Sec. 3(2)(B)). The bill would also prohibit the Forest Service from reducing the amount of suitable timberlands through revisions of local forest plans unless necessary to avoid jeopardizing an endangered species (Sec. 4(d)), which would limit management options available to the agency and the public in the planning process.

Short-cutting Environmental Review

The bill would weaken requirements of the National Environmental Policy Act (NEPA) as applied to the bill's "covered projects" in two major ways. First, the Forest Service's environmental assessments would only be required to consider the "direct environmental effects" of each project (Sec. 4(b)(1)), implying that indirect and cumulative effects analysis normally required under NEPA would no longer be done. Second, the bill specifies that the Forest Service is only required to evaluate the proposed agency action and one alternative (id.), rather than a range of alternatives normally considered in environmental impact statements.

Self-Consultation on Endangered Species

The bill apparently would eliminate the interagency consultation process required by Section 7 of the Endangered Species Act as applied to the bill's "covered projects." Rather than consulting with the U.S. Fish and Wildlife Service, the bill provides that Forest Service professional staff members will make the determinations required by Section 7 of the ESA (Sec. 4(c), presumably including the key determination that a covered project will not jeopardize the continued existence of a threatened or endangered species.

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[1] The bill does not define the term "mechanical treatment"; however, the bill defines "covered project" as "a project that involves the management or sale of national forest material" (Sec. 102(1)). "National forest material," in turn, is defined as "trees, portions of trees, or forest products, with an emphasis on sawtimber and pulpwood." (Sec.102(3), emphasis added).

[2] USDA Forest Service.2012. "Increasing the Pace of Restoration and Job Creation on Our National Forests," pp. 4 -5. http://www.fs.fed.us/publications/restoration/restoration.pdf.

[3] Because the bill's requirements do not apply to eastern national forests, the 7.5 million-acre target amounts to an even greater proportional increase on the western national forests.

[4] For example, S. 1301, the "Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013," sets mechanical treatment targets, but only requires them to be implemented "to the maximum extent practicable" (Sec. 103(b)(1)).

[5] USDA Forest Service. 2000. Forest Management Specialist Report for Roadless Rule Final Environmental Impact Statement, p. 3. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm8_035779.pdf. Some of the 47 million acres are located in eastern national forests and would not be directly affected by S. 1966.

Foreclosing Judicial Review: Logging Without Laws

The bill would establish a novel "pilot program" authorizing the use of an arbitration process and eliminating the opportunity for judicial review of covered projects. Under the arbitration process, a person who objects to a project could file a demand for arbitration that includes proposed modifications to the Forest Service's logging project (Sec. 5(b)(2)(A&B)). A federal district court would appoint an arbitrator who would select either the objector's (or an intervenor's) proposal or the agency's project, with no opportunity to modify a proposal (Sec. 5(b)(2)(D&C)). The arbitrator would be required to make the selection solely on the basis of which proposal "best meets the purpose and needs" described in the Forest Service's environmental assessment (Sec. 5(b)(2)(E)(ii)).

The proposed arbitration process provides no means to ensure that the Forest Service is actually following environmental laws, or even the requirements of S. 1966. The arbitrator would not be able to consider and rule on the legal adequacy of the process by which the agency arrived at its decision. Conceivably, a local district ranger and forest supervisor could entirely skip normal public involvement and Endangered Species Act requirements in order to achieve their legally-mandated mechanical treatment targets.

Conclusion

S. 1966 would require a massive increase in logging and other mechanical treatments across tens of millions of acres of national forest land in the West, while weakening bedrock environmental laws and providing no offsetting conservation designations. The bill poses a serious threat to environmental stewardship, public involvement, wildlife conservation, and the rule of law in the national forests.

ATTACHMENT II

Following is a brief analysis of Senator Wyden's 188-page "Oregon and California Land Grant Act of 2013," which he released on November 26 and introduced on December 9 as S. 1784. Some of the information below, such as logging amounts and some acreage figures, is derived from sources other than the bill language.

Overview

Following are some key elements of Wyden's bill:

- Applies to 2.1 million acres of BLM O&C and Coos Bay Wagon Road forest lands in western Oregon.
- Amends portions of the O&C Act of 1937 to remove mandatory logging requirements and revise the county revenue-sharing formula.
- Aims to double the amount of BLM logging from150 mmbf/year (past 10-year average) to 300-350 mmbf/year.
- Protects all old-growth forests, which are defined as trees over 150 years old and moist forest stands over 120 years old (Legacy Old Growth Protection Network).
- Divides all O&C lands between Forestry Emphasis Areas (FEAs, 1.1 million acres) and Conservation Emphasis Areas (CEAs, 1.0 million acres). Some of the FEA acreage is not available for logging (e.g. Riparian Reserves and old-growth forests).
- CEAs include 87,000 acres of new Wilderness, 165 miles of new Wild and Scenic Rivers, 400,000 acres of Legacy Old Growth Protection Network (including 190,000 acres in FEAs), four drinking water special management units, and numerous other legislative designations.[1]

[1] The bill would establish the following permanent statutory designations (including withdrawal from mineral development):

--Wild Rogue Wilderness Additions (56,400 acres)
--Devil's Staircase Wilderness (30,540 acres)
--Cascade Siskiyou National Monument Additions (2,040 acres) (the bill contains a different but incorrect acreage number)
--165 miles of Wild and Scenic Rivers, including 93 miles of Rogue River
--Illinois Valley Salmon and Botanical Area (16,300 acres)
--Rogue National Recreation Area (95,000 acres)
--Molalla National Recreation Area (24,000 acres)
--Six Primitive Backcountry Areas (50,000 acres total)
--Four Drinking Water Special Management Units (47,000 acres total)
--Special Environmental Zones (95,600 acres of existing and proposed ACECs)
--Pacific Crest Trail Protection Corridor (8,200 acres)

- Designates 350,000 acres of Key Watersheds (containing both FEAs and CEAs), in which current Riparian Reserves are retained, road construction is restricted, and restoration is given priority.
- Divides all FEAs into moist and dry forests based on plant association groups.
- Requires FEAs to be managed consistent with "Ecological Forestry" principles, including thinning and variable retention regeneration harvest in moist forests and partial cutting in dry forests.
- Requires BLM to provide the planned sustained yield of timber "to the maximum extent practicable" and to carry out variable retention regeneration harvests on 8-12% per decade of the moist forests available for timber management in the FEAs.
- Requires two landscape plans and comprehensive EISs (for moist and dry forests) to plan and evaluate ten years of timber sales. The landscape plans will specify the locations of future logging activities in the FEAs.
- Authorizes counties and nearby residents to cut trees on adjoining FEA lands in dry forests to reduce fuel loads and fire risk with minimal BLM oversight.
- Eliminates NEPA requirements and administrative appeals for individual timber sales.
- Judicial review is generally limited to challenges to the two EISs.
- Requires expedited Endangered Species Act consultation on the two EISs; ESA consultation on individual timber sales will only occur if requested by the BLM.
- Within five years, requires USFWS and NOAA Fisheries to evaluate whether performed and proposed actions comply with ESA and the EISs; based on that review, the two regulatory agencies then determine whether re-initiation of consultation is needed relative to revision of the EIS.
- Within 10 years, requires an independent scientific and managerial review and a report to Congress on implementation of the Act and whether additional legislation is needed.
- Reduces the size of Riparian Reserves on lands in the FEAs available for logging and outside of Key Watersheds (about 30% of the O&C lands). The remainder of the O&C lands (70%) will continue to have the Riparian Reserves of the Northwest Forest Plan.
- Eliminates the "survey and manage" requirements of the Northwest Forest Plan.
- Requires revenue-sharing with counties similar to 1937 Act; however, estimated payments based on revenue-sharing are lower overall than what counties currently receive.
- Transfers 33,000 acres to two Indian tribes (where other provisions of the Act would not apply), and designates 50,000 acres of special management and research areas to be co-managed with Oregon State University (where management would have to follow all of the Act's provisions).

Evaluation

This is a very complex bill that requires careful evaluation of its pros and cons. Following are some key concerns about the bill, followed by recommendations to address those concerns.

1. The bill would compromise the National Environmental Policy Act by making it impossible to comply with the law's requirements for site-specific evaluation of environmental effects. Without a NEPA process for individual logging projects, the bill would provide virtually no opportunity for public involvement in management of the FEAs once the ten-year comprehensive EISs were completed. The only opportunity for project-level public involvement would be to file a lawsuit challenging the consistency of a project with the 10-year EIS Records of Decision. The bill also weakens NEPA by limiting the number of alternatives and bypassing cumulative effects analysis in the two comprehensive EISs.

Recommendation: Require evaluation, monitoring, and public involvement in site-specific activities, along with a public process to make course corrections during implementation of the Records of Decision. Provide for a five-year scientific review and potential revision of the comprehensive EISs and landscape plans with opportunity for public input. (See also Recommendations 5 and 6.) Do not limit the range of alternatives or the analysis of cumulative impacts in the comprehensive EISs.

2. The bill would compromise the Endangered Species Act by requiring consultation only on the ten-year comprehensive EISs and by imposing stringent deadlines to complete the consultation process. While the bill would require a five-year check on compliance with the ESA and whether to re-initiate consultation on the EISs, the BLM would be able to bypass the ESA consultation process normally required at the project level. The bill also weakens the ESA by

(1) giving the BLM the final authority and last word on resolving any ESA disagreement with FWS or NOAA; (2) allowing timber harvesting contrary to the provisions of the ESA in marbled murrelet habitat (if such harvesting was found to provide some forest ecosystem benefit) or in northern spotted owl habitat (if it were deemed necessary to respond to a severe threat from disease, insects or fire); and (3) overriding a long-standing provision of the ESA which prohibits federal agencies from making irreversible or irretrievable commitments of resources during a reinitiated consultation.

Recommendation: Consistent with Section 7 of the ESA, ensure that U.S. Fish and Wildlife Service or NOAA Fisheries have the opportunity to consult on individual timber projects whenever a project may adversely affect ESA-listed species. Do not weaken the ESA conflict resolution process, provide loopholes for logging of marbled murrelet or spotted owl habitat, or allow activities ordinarily prohibited by ESA during reinitiated consultation, or otherwise undermine bedrock requirements of the ESA.

3. The bill would restrict public recourse to the courts. Most troubling, it would effectively eliminate judicial review of individual BLM logging projects, only permitting legal claims that a project is not consistent with the Record of Decision for one of the comprehensive EISs. The bill would also impose strict time limits and alter normal rules governing judicial review of the EISs. Judicial review has been critically important in protecting Northwest federal forests from harmful logging since the 1980s.

Recommendation: Apply the expedited judicial review requirements in Section 106 of the Healthy Forest Restoration Act to lawsuits challenging BLM logging projects. Do not limit the types of legal claims that can be included in lawsuits.

4. The bill would remove protection from some of the ecologically important late-successional forests that are currently protected by the Northwest Forest Plan. Specifically, several thousand acres of mature forests that are older than 80 years and currently are located in Late Successional Reserves would be reclassified as FEAs and thereby become available for logging under the Wyden bill. The bill does not protect mature trees that are under 120 years old in moist forest FEAs and that are under 150 years old in dry forest FEAs.

Recommendation: Include within the Legacy Old Growth Protection Network (as replacement old growth) all mature forests that are older than 80 years and located within Northwest Forest Plan Late Successional Reserves.

5. The bill mandates the still-evolving usage of Ecological Forestry principles as legally required management direction for FEAs unless/until Congress changes the law. Some uses of Ecological Forestry, such as the creation of early successional habitat in moist forests, are relatively untested and likely to pose significant management challenges. While the bill requires an independent scientific review of implementation after 10 years (presumably including review of Ecological Forestry effects), there is no mechanism to depart from the bill's Ecological Forestry principles or other management direction other than through Congressional enactment of additional legislation.

Recommendation: Require the BLM to develop and use a science-based adaptive management process that includes a mechanism for administrative modifications to the management prescriptions for the FEAs to improve ecological outcomes, with public involvement and congressional oversight. Establish an independent scientific panel to oversee implementation of the process and allow the BLM to make changes in management based on the panel's recommendations and consistent with ecological principles at least every five years (without requiring an act of Congress).

6. Similarly, the bill lacks a key element of a scientifically-sound adaptive management framework—monitoring. Without regular monitoring of the effects of Ecological Forestry treatments on wildlife, streams, and other resources, the BLM managers and independent reviewers will not have access to adequate data to make informed decisions and recommendations. The only monitoring direction specifically provided by the bill focuses on the special management and research areas to be co-managed by OSU. Even there, monitoring is not assured since the bill lacks a dedicated funding mechanism; thus, the special monitoring program would depend largely on federal appropriations that are notoriously inadequate and unreliable for monitoring.

Recommendation: As part of the required adaptive management process, require the BLM to monitor all Ecological Forestry projects and their cumulative effects. Require the BLM to use at least $1 million of the funds made available under Section 201 to provide a dedicated funding source for project-level monitoring.

7. The bill is unclear whether salvage logging of old-growth forests would be permitted if the trees are killed by fire, insects, or other causes. On the one hand, the bill appears to allow salvage logging of spotted owl nest trees if they are killed by natural disturbances (see Sec. 2(11)(B)(i)). However, the bill does not exclude dead trees from its definition of old growth, suggesting that salvage logging would generally not be allowed (with a few exceptions such as for public safety (see Sec. 102(d)(3)(C)). The absence of a clear prohibition on salvage logging is sure to engender controversy in the future, given the important role of large, dead trees in these ecosystems.

Recommendation: Clearly prohibit salvage logging of old-growth forests and spotted owl nest trees that have been killed by fire, insects, or other causes.

8. The bill provides unprecedented authority for counties and even individuals to cut and remove trees from the BLM's dry forest FEA lands located adjacent to private lands. Counties would be allowed to undertake fuel reduction treatments on federal land within ¼ mile of a residence, while private landowners could cut trees on federal land up to two feet in diameter within 100 feet of their residences. Counties and landowners would only have to give the BLM advance notice of their activities; no BLM supervision, monitoring, or reporting would be required.

Recommendation: Replace the problematic authorities in the bill with "good neighbor" authority for the Oregon Department of Forestry to perform fuel reduction work on BLM lands when complementary work is taking place on adjacent non-federal lands, as is currently done in Colorado and Utah national forests. Require the BLM to supervise, monitor, and report on any such work on BLM lands.

STATEMENT OF EARTHJUSTICE * DEFENDERS OF WILDLIFE * SIERRA CLUB * LEAGUE OF CONSERVATION VOTERS * NATURAL RESOURCES DEFENSE COUNCIL * THE WILDERNESS SOCIETY * ENVIRONMENT AMERICA * ENDANGERED SPECIES COALITION * CENTER FOR BIOLOGICAL DIVERSITY * GRAND CANYON TRUST * SAN JUAN CITIZENS ALLIANCE * KLAMATH FOREST ALLIANCE * CONSERVATION NORTHWEST * EPIC-ENVIRONMENTAL PROTECTION INFORMATION CENTER * OREGON WILD

OPPOSE S. 1966, SENATOR BARRASSO 'S NATIONAL FOREST LOGGING BILL

This bill mandates legislatively prescribed logging levels for each National Forest across most of the western United States, while also waiving or severely undermining compliance with federal environmental laws and eliminating the public's ability to seek judicial review of logging projects that may damage their communities. Legislative timber harvest prescriptions are in direct contravention of the multiple use mandate of the Forest Service, whose land managers must set out—pursuant to locally and collaboratively-developed management plans—how best to manage each individual forest for not only timber production, but also the many vital benefits these lands provide, such as clean drinking water, fish and wildlife habitat, and hunting, fishing, hiking, and other recreational opportunities that support a multi-billion dollar outdoor industry critically important to rural communities and regional economies.

S. 1966 also strives to reinstate the discredited system of linking logging to revenue for counties. This volatile and unreliable resource extraction model was eliminated over a decade ago with the bipartisan passage of the Secure Rural Schools and Community Self-Determination Act of 2000 (otherwise known as "Secure Rural Schools" or "SRS"). S. 1966 could decimate our western National Forests for special interests without addressing the true, long-term needs of rural communities.

Just this past September, the Administration echoed these sentiments when it issued a strong veto threat against similar national forest legislation in House bill H.R. 1526. The September 18, 2013 Statement of Administration Policy made clear that the "Administration does not support specifying timber harvest levels in statute, which does not take into account public input, environmental analyses, multiple use management or ecosystem changes" and that it strongly opposes because of "numerous harmful provisions that impair Federal management of federally owned lands and undermines many important existing public land and environmental laws, rules and processes," which could "significantly harm sound long-term management of these Federal lands for continued productivity and economic benefit as

well as for the long-term health of the wildlife and ecological values sustained by these holdings."[1]

BULLET POINT SUMMARY

Sec. 4(a): Legislatively Prescribes Logging Levels

- Mandates a minimum of 7.5 million acres be logged from national forests in the West during a 15-year period and gives the Secretary of Agriculture sole discretion to establish a much higher level, including up to 25% of each unit's Emphasis Areas. Final logging levels are almost completely immune from review or challenge.Science not politics should dictate logging levels, and the public should be able to weigh in on major decisions like how many millions of acres of national forest land can be logged across the west.
- Authorizes the Secretary of Agriculture to conduct logging projects in "Forest Management Emphasis Areas" in each National Forest unit west of the 100th meridian—this impacts national forests in portions of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all national forests in Montana, Wyoming, Colorado, New Mexico, Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, and Alaska
- "Emphasis Areas" are defined as any national forest land "identified as suitable for timber production in a forest management plan in effect on the date of enactment"—forest plans that are revised after the bill's enactment can only reduce the number of acres designated as suitable for timber harvest if the Secretary of Agriculture determines that it will jeopardize an endangered species (section 4(d)). This provision would completely bar the Forest Service from considering water quality issues, pollution, climate change and other wildlife aspects of forest health in determining logging levels.
- Only areas that are excluded from "Logging Emphasis Areas" are designated wilderness and areas where removal of vegetation is specifically prohibited by federal law—exemptions do not include wilderness study areas, old growth, or other conservation lands, including ecologically sensitive areas unsuitable for harvest that aren't reflected in yet-to-be-updated forest management plan
- Within 60 days of enactment, Secretary must assign logging requirements (referred to as "acreage treatment requirements") that covers up to 25% for each Emphasis Area
- Limits Stewardship and Service contracts, as the bill requires that logging projects must be carried out primarily pursuant to the timber sale contracting provision of the National Forest Management Act (16 U.S.C. 472a)—if different contracting methods are used, such as stewardship contracting, the USDA Secretary must provide a written record specifying the reasons
- In direct contravention of the National Forest Management Act's requirement that designation, marking, and supervision of harvesting of trees must be conducted by USDA employees in order to avoid having a conflict of interest in the purchase or harvest of such products (see 16 U.S.C. 472a(g)), the bill allows the Secretary to designate this authority to outside parties such as the timber industry

Sec. 4(b): Limits Environmental Review and Public Participation

- Secretary shall comply with NEPA by only completing an Environmental Assessment (EA), even if a more comprehensive review and an Environmental Impact Statement (EIS) are warranted
- EA only has to disclose and analyze the direct effects of each covered project (barred from analyzing the cumulative impacts or indirect effects of covered projects for that national forest unit)
- EA is also not required to study or describe more than the proposed action and 1 additional alternative
- EA can't exceed 100 pages in length and must be completed within 180 days of published notice of logging project
- Secretary must provide public notice of a covered project and allow opportunity for public comment—no time period is given but given that EA must be completed within 180 days of public notice, comment period will presumably be very short

[1] See http://www.whitehouse.gov/sites/default/files/omb/legislative/sap/113/saphr1526r__20130918.pdf.

Sec. 4(c): Waives ESA Consultation

- Rather than having to comply with ESA's section 7 requirements to consult with expert wildlife officials from the U.S. Fish and Wildlife Service, the bill requires USDA to only consult within its own staff on the Forest Service to make potential wildlife jeopardy determinations resulting from covered logging projects
- This "self-consultation" is not consultation at all and essentially waives compliance with the ESA
- USDA is also given authority to make jeopardy determinations regarding timber harvest levels—while the bill does call for consultation with DOI on this one issue (see section 4(d)), it appears to move the determination about jeopardy to USDA, a complete shift from current practice and wholly contrary to ESA's requirements that call for US FWS to make the determination as to when something will or will not jeopardize an endangered species

Sec. 5: Eliminates Judicial Review and Sets up Biased Arbitration Process

- Citizens can only seek administrative review of a covered project pursuant to the limited administrative review process under section 105 of the Healthy Forests Restoration Act of 2003
- Public's ability to seek judicial review of harmful logging projects is waived
- Instead, a special arbitration process (that must be completed within 90 days) is the "sole means" by which to challenge a decision made following the special administrative review process
- Request for arbitration must be filed within 30 days after the administrative review decision is issued and objector must include a proposal containing changes sought to the covered project (changes could include making the project larger and more damaging)
- Arbitration process would allow anyone who submitted a public comment on the project to intervene in the arbitration by submitting a proposal supporting or modifying the covered project (which could include making the project larger and more damaging) within 30 days of arbitration request
- United States District Court in the district where project is located must appoint the arbitrator
- Arbitrator cannot modify any of the proposals submitted under this section and must select a proposal submitted by the objector or an intervening party—arbitrator must select the proposal that best meets the purpose and needs described in the Environmental Assessment for the project (which biases the decision toward the proposal that allows the logging project or even a potentially more harmful project to be carried out)
- Arbitrator's decision is binding, shall not be subject to judicial review, and shall not be considered a major Federal action (which would foreclose additional NEPA review even if an objector or intervenor's new proposal is selected that has additional impacts not previously analyzed and disclosed in the Environmental Assessment for the original project)

Sec. 6: Sets up Revenue Sharing System Linked to Commodity Extraction

- Provides that 25% of the revenues derived from covered projects will be distributed to counties
- Reestablishes the discredited 25 percent revenue sharing system that was eliminated over a decade ago with the creation of Secure Rural Schools (SRS) program, which provides direct payments to counties without linking to timber receipts
- Allows some counties to "double dip" since in addition to the 25% revenue sharing payments that counties would receive from covered projects under S. 1966, some counties would still also receive their payments under the Twenty-Five Percent Fund Act of 1908

WHY WE OPPOSE S. 1966

Institutes Lawless Logging.—This bill replaces judges with arbitrators who are prohibited from considering whether a project complies with the law. An arbitrator can only confirm or adopt a proposal based solely on compliance with the announced purpose and need for logging. As under the notorious 1995 supplemental appropriations' Salvage Rider (applicable through Dec. 1996), timber sales would not be required to comply with bedrock protections of the public interest, including the National Environmental Policy Act, the Endangered Species Act, and years of locally and collaboratively developed land management plans under the National Forest Management Act.

Eliminates Environmental Safeguards.—This bill also specifically attacks the informed public engagement and improved government decision-making promoted by NEPA. No matter how large, controversial, or damaging a logging proposal, it could only be reviewed in an environmental assessment—a document valid only for projects that do not have significant impacts—and only in a drastically cramped timeframe and without regard to most, if not all, reasonable alternatives to the agency's proposal. Moreover, the bill sets the stage for future endangered species' crises by relegating review of ESA issues to a meaningless self-consultation process, shutting out the government's own expert wildlife agencies.

Damages Watersheds and Pollute Drinking Water.—Industrialization of public lands will damage watersheds and pollute drinking water, putting our drinking water supply at risk, as over 50% of fresh water supplies in the West come from federal forests. Intensive logging and other extractive practices dumps sediment into rivers, which can increase costs for local water utilities, cause erosion, and can alter the timing of water availability.[2]

Harms Businesses and Jobs that Depend on Functioning Forests.—The outdoor recreation industry directly supports 6.1 million jobs and contributes over $646 billion annually to the US economy, including $39.7 billion to state/local revenues.[3] Damaging these resources will directly impact outdoor-related businesses that generate revenue for counties and employ a range of skilled workers including sport and commercial fisherman, hunters, and anglers. The U.S. Forest Service's most recent annual visitor survey showed that national forests attracted 166 million visitors in 2011, and that visitor spending in nearby communities sustained more than 200,000 full-and part-time jobs.

Liquidates our Natural Heritage and is the Wrong Approach to Address County Funding.—We understand and sympathize with the tight budgets that many local governments are facing. However, this shortsighted proposal may cost taxpayers more than the revenue it generates and result in counties receiving smaller payments while also decimating the public forest land that communities rely on. It would reestablish the discredited county revenue sharing scheme that was eliminated over a decade ago because of its disastrous economic and ecological impacts. It also abandons our nation's vision of and commitment to a strong system of national safeguards to preserve America's natural heritage.

Economics Don't Make Sense.—Increased federal expenditures may be required in order for the Forest Service to comply with and implement the bill's requirements to offer for harvest up to 25% of each National Forest's "Logging Emphasis Areas." Moreover, it fails to provide a long-term, sustainable funding solution for our rural communities, and will likely result in counties receiving far less in annual payments than they have received under the Secure Rural Schools program, the current law that provides direct payments to counties without mandated logging requirements. The CBO score on the similar House bill H.R. 1526—which also required that 25% percent of timber revenues be distributed to counties (from the bill's higher logging mandate of at least 50% of forest areas each year)—confirmed that such payments would average just over $50 million annually, which is far less than the approximately $350 million/year that counties have received annually under SRS.[4] You simply cannot cut enough to make up for what the counties are receiving now under SRS.

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[2] Restoring watersheds where possible from destructive logging can cost taxpayers—including counties—hundreds of millions of dollars a year in lost revenues and vital ecosystem services. For example, in 1996, Salem, Oregon was forced to spend nearly $100 million on new water treatment facilities after logging fouled the Santiam River with mud and silt. Salem is not alone; up to 124 million people nationwide receive drinking water from national forest watersheds, with an estimated $4 to $27 billion annual value.

[3] Outdoor Industry Association, THE OUTDOOR RECREATION ECONOMY (2012), available athttp://www.outdoorindustry.org/images/researchfiles/OIA__OutdoorRecEconomyReport2012.pdf?167.

[4] See http://www.cbo.gov/sites/default/files/cbofiles/attachments/hr1526.pdf. Moreover, the previous iteration of H.R. 1526 (H.R. 4019, 112th Congress) would have resulted in over half of the states receiving less revenue share payments as compared to their payments under the Secure Rural Schools Act even while having to decimate their National Forests with substantially increased levels of logging. For example, New Mexico's national forests would have had to increase logging by 1219% from 2010 cut levels to meet H.R. 4019's revenue target but would havereceived 75% less in funding. Similar results exist for Utah, Colorado, Nevada, and a number of other states.Headwaters Economics, CAN MANDATED TIMBER HARVESTS SAVE COUNTY PAYMENTS? AN ANALYSIS OF THE DRAFT FEDERAL FOREST COUNTY REVENUE, SCHOOLS, AND JOBS ACT 3, 7 (Feb. 16, 2012), available at http://headwaterseconomics.org/wphw/wp-content/uploads/CountyPayments__House__Analysis__Feb2012.pdf.

STATEMENT OF MICHAEL ANDERSON, SENIOR RESOURCE ANALYST, THE WILDERNESS SOCIETY

I am writing in response to a critical statement that you made about The Wilderness Society's written testimony during the February 6 hearing of the Senate Energy and Natural Resources on S. 1966, the National Forest Jobs and Management Act of 2014. Specifically, you stated that The Wilderness Society was spreading "misinformation" about S. 1966 by incorrectly claiming that the bill would require logging across "tens of millions of acres" when in fact the bill would only require logging of 7.5 million acres.

To clarify, our testimony correctly states that S. 1966 would require logging of 7.5 million acres located within approximately 47 million acres of designated "Forest Management Emphasis Areas." The statement in the conclusion of our testimony that the bill "would require a massive increase in logging and other mechanical treatments across tens of millions of acres of national forest land in the West" was referring to the 47 million acres of Forest Management Emphasis Areas, not the 7.5 million acres that are specifically required to be treated.

Thank you bringing this issue to our attention, and we look forward to working with you and others on the committee to develop national forest legislation that addresses the needs of the forests and society.

I am writing in response to a critical statement that you made about The Wilderness Society's written testimony during the February 6 hearing of the Senate Energy and Natural Resources on S. 1966, the National Forest Jobs and Management Act of 2014. Specifically, you stated that The Wilderness Society was spreading "misinformation" about S. 1966 by incorrectly claiming that the bill would require logging across "tens of millions of acres" when in fact the bill would only require logging of 7.5 million acres.

To clarify, our testimony correctly states that S. 1966 would require logging of 7.5 million acres located within approximately 47 million acres of designated "Forest Management Emphasis Areas." The statement in the conclusion of our testimony that the bill "would require a massive increase in logging and other mechanical treatments across tens of millions of acres of national forest land in the West" was referring to the 47 million acres of Forest Management Emphasis Areas, not the 7.5 million acres that are specifically required to be treated.

Thank you bringing this issue to our attention, and we look forward to working with you and others on the committee to develop national forest legislation that addresses the needs of the forests and society.

STATEMENT OF JIM D. NEIMAN, VICE PRESIDENT/CEO, NEIMAN ENTERPRISES, INC

Thank you for this opportunity to submit comments on S. 1966, "The National Forest Jobs and Management Bill".

Neiman Enterprises owns 4 sawmills and a pellet plant within the Forest Service's Rocky Mountain Region, i.e., Colorado, South Dakota and Wyoming. We are a family business and are proud of recently celebrating our 78th year in business. We set high standards for our work, and have successfully undertaken the process to become a Certified Participant in the Sustainable Forestry Initiative, which means our operations are audited every three years against a set of rigorous standards. We employ almost 500 people, plus we contract with approximately 230 independent logging and trucking contractors. We depend very heavily on timber from the national forests for our supply of raw materials. Finally, I was recently honored to be selected by Governor Mead to participate and to serve as co-chair of the Wyoming Forest Task Force.

I am delighted that Senator Barrasso has introduced S. 1966 and am pleased to offer my full support for the bill. S. 1966 will not change any of the decisions already made in the forest plans. What S. 1966 will do is increase the Forest Service's ability to implement those decisions faster and more efficiently. S. 1966 will help increase the pace and scale of management, improve the health of the national forests, strengthen rural communities by providing opportunities for new jobs and economic diversity, improve the quality and diversity of wildlife habitat, and reduce the potential for devastating insect epidemics and fires, and the degraded water quality and other resource damage associated with catastrophic fires. Too often, naysayers hold up recreation and timber management as diametrically opposed; that does not match what I've seen over the last 50 years, especially in the Black Hills NF, where timber management co-exists with thriving wildlife populations, tremendous outdoor recreation opportunities, and other multiple use programs.

Only 21% of the national forest lands in the Rocky Mountain Region (excluding the Nebraska NF and the various national grasslands) have been designated as suited timberlands in the forest plans. For comparison, 24% of the national forest lands in the Rocky Mountain Region are designated Wilderness. In FY 13, the total number of acres harvested in the entire 193 million acres of the National Forest System was 209,289 acres, nowhere near the level of harvest necessary to begin to address the forest health and long-term management needs of the national forests. For a Wyoming example, the 3.4 million acre Bridger Teton NF has 279,000 acres of suited timberlands; however, during the past 5 years, there were only 792 acres of timber harvest, an average of 158 acres per year, on the entire Forest.

According to the Forest Service, between 65 and 82 million acres of national forest lands are in need of treatment to address forest health challenges such as insect epidemics and the risk of catastrophic fire. Just last month, the Forest Service released the 2013-2027 National Forest Insect and Disease Assessment, which predicted that without remediation, 25% or more of standing live basal area will die on 71.7 million forested acres over the next 15 years due to insects and diseases.

In a cruel irony, the very companies that could be used to restore these forests are suffering from a lack of access to timber. The forest products industry in the Rocky Mountain Region is comprised of private and family owned timber businesses. These businesses rely heavily on federal forests for their supply of logs. Even though the Region includes 7 million acres of infested, dying and dead forests needing critical management, the amount of timber acreage the Forest Service is able to sell falls far short of the 52,000 acres that we, as an industry, need to survive. In the midst of the worst ecological crisis facing our forests, where active forest management is desperately needed, our industry is facing a very real potential for failures and shutdowns.

Part of the reason the current bark beetle epidemics have been so devastating in the Rocky Mountain Region is that the Forest Service was unable to complete NEPA analysis and sale layout before the bark beetles had moved through the analysis areas, devastated the forests, and moved on to new areas. I strongly support S. 1966 as a means of reducing the Forest Service's costs, shortening their timelines, and making them more efficient in order to increase the pace and scale of national forest management and restoration. I urge the Committee and the Congress to promptly consider and pass this important and timely bill.

Thank you for your consideration.

STATEMENT OF NATIONAL WILD TURKEY FEDERATION, EDGEFIELD, SC

The National Wild Turkey Federation would like to commend you for your introduction of the National Forest Jobs and Management Act of 2014. As the lead conservation organization for the preservation of upland habitat, we are supportive of your efforts to increase active forest management on our nation's National Forests. Timber harvest and the associated positive benefits to wildlife have been underutilized in recent decades. The National Forest Jobs and Management Act of 2014 (NFJMA) will serve to streamline project planning and the implementation process to provide wildlife management on the ground in a more efficient manner. Active forest management—including thinning, prescribed burning, and other management tools—is key to forest health, and is necessary for producing suitable wildlife habitat.

NWTF is supportive of the legislation, but we believe it would be more useful and comprehensive if the bill were amended to delete Section 3(4)(B)(ii) from the proposed draft. This section excludes National Forests east of the 100th meridian from the innovative project planning processes outlined in NFJMA. Like western forests, eastern National Forests are in desperate need of commercial timber harvest to create young forest habitats that are critical to a wide variety of both game and nongame species. We respectfully request your consideration of that change.

Thank you again for introducing this important legislation and for providing NWTF the opportunity to provide comment.

STATEMENT OF ADAM CRAMER, EXECUTIVE DIRECTOR, OUTDOOR ALLIANCE

Outdoor Alliance is a coalition of five national, member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance and represents the interests of the millions of Americans who paddle, climb, mountain bike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes.

Many of these people have located their homes, families, and businesses near US Forest Service lands specifically for the abundant and predictable recreational opportunities offered by those multi-use lands.

It is with this lens that we view Senate Bill 1966, the "National Forest Jobs and Management Act." S.1966 would legally require significantly more timber harvest than currently occurs, with limited analysis and opportunities for review. We feel that this bill would impact human-powered recreation and related businesses in the following ways:

- The geographical footprint of this bill would upset the current balance between recreation, timber harvest, conservation, and other multiple use values. The bill would mandate logging on 2.5 times more US Forest Service land than is currently logged. These multi-use areas are home to high quality mountain biking, paddling, backcountry skiing and climbing opportunities that could be degraded by road building and other timber harvest related activities.
- The increase in mandatory logging would require staffing and budgets be shifted away from recreational projects like trail building, river access area construction, monitoring, and the creation of modern management plans. These types of projects provide significant benefits to visitors and regional economies, and the US Forest Service already struggles to take advantage of these opportunities without the added workload of S.1966.
- S.1966 short-cuts portions of the National Environmental Policy Act process that are vital to protecting recreational values on National Forests. First, limiting the scope of analysis to "direct effects" overlooks indirect and cumulative impacts that can significantly diminish the recreational values of an area. Second, limiting the scope of analysis to only two alternatives could and likely would exclude nuanced solutions that maintain multiple values including recreation and timber harvest.
- S.1966 takes away a meaningful appeal and litigation opportunity that is needed to protect businesses and the quality of life in gateway communities. Logging projects that destroy or diminish significant recreational assets could be allowed or even required under S.1966. Commercial outfitters, local gear stores, and recreational enthusiasts that are impacted by these proposed projects would have an arbitration process significantly weighted against them rather than the more objective hard look of an administrative appeal. If and when they lose in arbitration, legal recourse is significantly diminished by S.1966.

Our organization does not oppose logging on multiple use lands, and we recognize and appreciate the diverse values our National Forests can bring to our citizens. The Forest Service has a tough job ensuring that multiple and very important uses and benefits are maintained, not the least of which is the delivery of clean drinking water, conservation of fish and wildlife, provision of outdoor recreation, and the harvest of forest products. The Forest Service attempts to balance these uses, and S.1966 would upset that balance and give one competing use an unfair and unnecessary advantage. The result would almost certainly be impacts to recreation and other valuable uses.

I hope you will take into account the impacts of S. 1966 on the millions of Americans who have centered their lives and businesses around skiing, mountain biking, paddling, and climbing on National Forest lands.

STATEMENT OF STEVEN K. KLINE, DIRECTOR OF GOVERNMENT RELATIONS, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

The Theodore Roosevelt Conservation Partnership (TRCP) is a national sportsmen's conservation organization working to guarantee all Americans quality places to hunt and fish. We are writing to express concern about S. 1966, the National Forest Jobs and Management Act. We cannot support this legislation as proposed, but we are open to considering ways to improve the management of America's national forests.

The TRCP supports active management projects on our national forests, and we believe that it is strategically important for America's sawmill infrastructure to be maintained. We do not, however, support the approach that is proposed in S. 1966 to address America's national forest management issues.

Scaled and sited appropriately, an increase in mechanical treatment on our national forests can meet four important goals: provide a supply of timber, improve fish and wildlife habitat, protect communities from wildfire and enhance ecosystem function and resiliency. S. 1966, however, emphasizes only one of those four goals.

S. 1966 would require the Forest Service to increase timber harvest significantly, going so far as to mandate acreage requirements and a specific timeframe. However, this increase in timber production would be required without any significant increases in funding to the US Forest Service. Given that the agency currently faces an incredibly tight budget, this mandate would shift dollars away from other critical forest management activities.

The legislation also includes a dramatically scaled-back National Environmental Policy Act (NEPA) review process for proposed Forest Management Emphasis Areas. TRCP understands that the NEPA process has, in some cases, been a barrier to legitimate timber harvest, but changes to the NEPA review process should not be considered lightly.

While we do not support many of the specifics in this legislation, the TRCP does recognize the need to increase active management activities on America's national forests. The current paradigm works for no one, and solutions are necessary. We are ready and willing to participate in further discussions about this important issue and identifying ways to improve the management and health of our national forests.

STATEMENT OF LISA MCGEE, STAFF ATTORNEY AND PROGRAM DIRECTOR, LANDER, WY

On behalf of the Wyoming Outdoor Council, I appreciate the opportunity to offer written testimony regarding Senator Barrasso's Senate Bill 1966, the "National Forest Jobs and Management Bill." Founded in 1967, the Outdoor Council is the state's oldest independent conservation organization. We work to protect Wyoming's environment and quality of life for future generations. Our goal is to develop productive and lasting solutions for managing natural resources through collaborative engagement with stakeholders and decision makers.

Senator Barrasso's bill came as a surprise to many in Wyoming and in particular to some of us who have been asked to serve on Governor Matt Mead's Forest Task Force. As co-chair of this Task Force, I have been charged with leading a collaborative process, the goal of which is to achieve consensus recommendations regarding forest management through the engagement, contribution, and participation of a diverse group of stakeholders.

In contrast to the efforts of the Task Force to work from the "ground-up" and to ensure our recommendations respect the myriad multiple uses on the national forests in Wyoming, SB 1966 would appear to mandate a "top-down" approach, one that would prioritize one use above all others.

As I understand it, SB 1966 would require the Forest Service to undertake commercial logging and other mechanical treatments on at least 7.5 million acres of national forest land over a 15-year period. This amounts to an annual average of 500,000 acres per year—more than doubling the number of acres currently treated. The bill also creates an unfunded mandate to achieve this target with the result that the Forest Service would be required to divert already scarce resources away from its multiple-use management activities and obligations.

Not only is the bill's timber harvest mandate potentially damaging to forest resources, it is also unlikely to result in a net increase in jobs. SB 1966 fails to acknowledge current economic drivers in Wyoming and other western states. In Wyoming alone, tourism and recreation are multi-billion dollar industries, second only to mineral development. This bill threatens to damage established and sustainable jobs that rely on the Forest Service's multiple use mandate. Many of the national forests in Wyoming—particularly the Bridger-Teton and Shoshone in the greater Yellowstone area—already create and sustain diverse and lasting employment opportunities.

Responsible timber harvest is a valid use on our national forest lands. Prioritizing this one use and single industry, however, at the potential expense of other resources, values, uses and industries as SB 1966 does, is problematic. Although there may be opportunities for small sawmills to re-establish themselves in communities surrounding the national forests in Wyoming, this should not result from a broad-brush congressional mandate to increase logging. Improvements to forest management are best achieved on a forest-by-forest basis and with the participation of local communities and diverse stakeholders.

I urge the Senate Energy and Natural Resources Committee to reject this bill. Thank you for your consideration.

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