

108TH CONGRESS
2D SESSION

H. R. 4932

To establish management priorities for Federal forest lands in Oregon and Washington located west of the Cascade Crest that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in local communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish management priorities for Federal forest lands in Oregon and Washington located west of the Cascade Crest that will protect old growth timber while improving the health of young managed stands, increasing the volume of commercial timber available from these lands, and providing economic opportunities in local communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Northwest Rural Em-
3 ployment and Forest Restoration Act of 2004”.

4 **SEC. 2. DEFINITIONS.**

5 In this section:

6 (1) **NORTHWEST FOREST PLAN.**—The term
7 “Northwest Forest Plan” means the collection of
8 documents issued in 1994 and entitled “Final Sup-
9 plemental Environmental Impact Statement and
10 Record of Decision for Amendments to Forest Serv-
11 ice and Bureau of Land Management Planning Doc-
12 uments within the Range of the Northern Spotted
13 Owl” and “Standards and Guidelines for Manage-
14 ment of Habitat for Late-Successional and Old-
15 Growth Forest Related Species Within the Range of
16 the Northern Spotted Owl”.

17 (2) **WESTSIDE FOREST LAND.**—The term
18 “Westside Forest land” refers to the publicly owned
19 Douglas fir and western hemlock forests in Oregon
20 and Washington that are covered by the Northwest
21 Forest Plan, located west of the Cascade Crest, and
22 administered by the Bureau of Land Management or
23 the Forest Service. These forests generally belong to
24 the western hemlock and pacific silver fir plant asso-
25 ciations and have their geographic center north of
26 the mixed conifer and pine series characteristic of

1 Southern Oregon. These forests are found within the
2 boundaries of the Mt. Baker-Snoqualmie National
3 Forests, Olympic National Forest, Gifford Pinchot
4 National Forest, Siuslaw National Forest, Mount
5 Hood National Forest, Willamette National Forest,
6 Umpqua National Forest, Rogue River National
7 Forest, Salem Bureau of Land Management Dis-
8 trict, Eugene Bureau of Land Management District,
9 Roseburg Bureau of Land Management District,
10 Coos Bay Bureau of Land Management District,
11 and Medford Bureau of Land Management District.

12 (3) FOREST HEALTH.—The term “forest
13 health”, with respect to an area of Westside Forest
14 land, refers to the ability of the land to support via-
15 ble native species assemblages or to have, or be de-
16 veloping, historic species composition, function, and
17 structure and hydrologic function.

18 (4) LATE-SUCCESSIONAL RESERVE.—The term
19 “late-successional reserve” means land area des-
20 ignated as a “late-successional reserve” pursuant to
21 the Northwest Forest Plan.

22 (5) OLD GROWTH.—The term “old growth”
23 means late-successional and mature multi-storied
24 conifer forest stands, more than 120 years old as of
25 the date of the enactment of this Act, that provide,

1 or are likely to provide, complex habitat for associ-
2 ated species assemblages.

3 (6) YOUNG MANAGED STANDS.—The term
4 “young managed stand” means a stand of trees
5 where the overstory has been mechanically removed
6 and the stand has been artificially regenerated.

7 **SEC. 3. FINDINGS.**

8 Congress finds the following:

9 (1) The Northwest Forest Plan can be better
10 implemented. Better implementation and funding of
11 the Northwest Forest Plan could significantly im-
12 prove protection for native forest ecosystems and
13 wildlife and substantially increase timber production
14 and economic opportunities for rural communities.

15 (2) Logging of old-growth forests diminishes a
16 unique natural heritage, as well as habitat for rare,
17 threatened and endangered species. Old-growth log-
18 ging creates intense public controversy that has pre-
19 vented attainment of the social and economic goals
20 of the Northwest Forest Plan. Thinning in younger,
21 previously managed forests, on the contrary, can
22 help recover habitat, reduce controversy, and create
23 certainty and stability in wood fiber production.

24 (3) To improve habitat and to capture future
25 commodity production potential, the Forest Service

1 and Bureau of Land Management should implement
2 an accelerated thinning regime across a wide land-
3 scape, primarily in young managed stands.

4 (4) There are vast unmet thinning needs on
5 Westside Forest lands. Currently there are over
6 1,000,000 acres of young managed stands des-
7 ignated as late-successional reserves within the
8 range of the Northwest Forest Plan that need imme-
9 diate thinning or will need thinning in the near fu-
10 ture. Additionally, there are approximately
11 1,000,000 acres of young managed stands des-
12 ignated as matrix on these lands that are also in im-
13 mediate need of thinning or will need thinning in the
14 near future.

15 (5) The Forest Service estimates that thinning
16 the millions of acres of young managed stands on
17 Westside Forest lands could produce approximately
18 6,000,000,000 board-feet of commercial timber over
19 the next couple of decades.

20 (6) The timber industry in Oregon and Wash-
21 ington has largely re-tooled its existing mills to proc-
22 ess the smaller-diameter commercial timber gen-
23 erated from thinning young managed stands and is
24 no longer dependent on large-diameter old-growth
25 trees.

1 (7) A program of intensive and accelerated
2 thinning in young managed stands could annually
3 yield twice the volume of commercial timber prod-
4 ucts than the volume currently being produced from
5 Federal lands under the Northwest Forest Plan.

6 (8) The Olympic and Siuslaw National Forests
7 represent nine percent of the National Forest land
8 base in Oregon and Washington under the North-
9 west Forest Plan, but in 2003 produced almost 20
10 percent of the volume in this area. A number of fac-
11 tors account for this fact, but the primary reason for
12 these forests' productivity is the absence of appeals
13 and litigation due to an emphasis on thinning young
14 managed stands.

15 (9) The Siuslaw National Forest generates ap-
16 proximately 20,000,000 board-feet annually, with
17 the potential to generate 50,000,000 board-feet,
18 from young managed stands, resulting in millions of
19 dollars for additional restoration projects, other for-
20 est accounts, payments to local counties, and the
21 Federal Treasury.

22 (10) The Gifford Pinchot National Forest was
23 once the top producing forest in Washington. Har-
24 vest volumes dropped substantially, to approximately
25 2,000,000 board-feet of timber per year, due to con-

1 troversy over old-growth logging. Since shifting to
2 an emphasis on thinning young managed stands, the
3 Gifford Pinchot National Forest can now produce
4 nearly 18,000,000 board-feet of commercial timber
5 annually with virtually no controversy, appeals, or
6 litigation.

7 (11) Thinning young managed stands could sig-
8 nificantly contribute to improved forest health, water
9 quality, wildlife and vegetation diversity, and the de-
10 velopment of vital old growth forest ecosystems,
11 while providing thousands of jobs and much-needed
12 economic activity in depressed rural communities of
13 Western Oregon and Washington.

14 **SEC. 4. INVENTORY OF WESTSIDE FOREST LAND.**

15 (a) WESTSIDE FOREST INVENTORY.—Not later than
16 180 days after the date of the enactment of this Act, each
17 Forest Service and Bureau of Land Management adminis-
18 trative unit containing Westside Forest land shall—

19 (1) identify different forest land management
20 allocations, as amended by the Northwest Forest
21 Plan; and

22 (2) identify the location, acreage, and age of old
23 growth stands, young managed stands, and other
24 naturally occuring stands, regardless of land man-
25 agement allocation.

1 (b) EXISTING INVENTORIES.—Existing forest inven-
 2 tories may be used to satisfy the requirements of this sec-
 3 tion, subject to an internal review confirming the accuracy
 4 of the inventory.

5 **SEC. 5. MANAGEMENT PRIORITIES FOR WESTSIDE FOREST**
 6 **LAND.**

7 (a) FOREST HEALTH PROJECTS; PRIORITIZATION.—
 8 Upon completion of the forest inventory required by sec-
 9 tion 4 for a Forest Service or Bureau of Land Manage-
 10 ment administrative unit, the administrative unit shall
 11 plan and implement projects described in subsection (b)
 12 through (e) to enhance the forest health of Westside For-
 13 est land managed by the administrative unit. In selecting
 14 such projects, resources of the administrative unit shall
 15 be prioritized so that significant acreage identified in the
 16 inventory in the two categories described in subsections
 17 (b) and (c) are planned for treatment, and treatment has
 18 begun, before planning of projects described in subsections
 19 (d) and (e) is commenced.

20 (b) ENHANCEMENT OF LATE-SUCCESSIONAL FOREST
 21 DEVELOPMENT.—The highest priority shall be given to
 22 projects involving variable density thinning treatments to
 23 enhance late-successional forest development in young
 24 managed stands in late-successional reserves. Projects
 25 shall avoid impacts to unstable slopes, and avoid disturb-

1 ance to aquatic systems and soils. All projects shall comply
2 with the management guidelines for late-successional re-
3 serves contained in the Northwest Forest Plan, except,
4 notwithstanding the 80-year age limit for late-successional
5 reserve management, active management to improve forest
6 health in young managed stands may occur up to 120
7 years of age in a late-successional reserve. Appropriate
8 thinning prescriptions for a late-successional reserve shall
9 be site-specific to individual young managed stands, tak-
10 ing into account factors such as the slope aspect, soil type,
11 hydrology, geomorphology, and vegetation composition of
12 the site.

13 (c) IMPROVEMENT OF YOUNG MANAGED STANDS.—
14 The second highest priority shall be given to projects in-
15 volving thinning in young managed stands designated for
16 timber production in the matrix designed to increase the
17 objectives of future timber production or enhanced habi-
18 tat, or both objectives.

19 (d) TESTING OF INNOVATIVE MANAGEMENT TECH-
20 NIQUES AND STRATEGIES.—An administrative unit may
21 plan and implement silvicultural projects under this sec-
22 tion that test new and innovative management techniques
23 and strategies in adaptive management areas under the
24 Northwest Forest Plan. Projects shall avoid impacts to
25 unstable slopes, streams, and soils, as defined in the

1 Northwest Forest Plan, as well as identified old growth
2 forests.

3 (e) PROJECTS ON MATRIX LAND.—For matrix land
4 containing old growth stands, an administrative unit shall
5 not plan, advertise, contract, or implement any harvest of
6 timber, except for noncommercial use, or noncommercial
7 purposes in an emergency situation such as wildland fire-
8 fighting. Other projects may include any management ac-
9 tivity allowed by the Northwest Forest Plan.

10 **SEC. 6. PREPARATION OF PROGRAMMATIC ENVIRON-**
11 **MENTAL DOCUMENTATION.**

12 (a) NEPA DOCUMENTATION.—Based on the forest
13 inventory required by section 4 for a Forest Service or
14 Bureau of Land Management administrative unit, the ad-
15 ministrative unit may prepare programmatic environ-
16 mental documentation pursuant to the National Environ-
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) at
18 the appropriate scale (District, watershed, or subwater-
19 shed) to study the significant environmental effects of the
20 major Federal actions contemplated in projects authorized
21 by section 5.

22 (b) ELIMINATION OF REPETITIVE DISCUSSIONS OF
23 ISSUES.—If programmatic environmental documentation
24 is prepared under subsection (a), the Forest Service or
25 Bureau of Land Management administrative unit may

1 eliminate repetitive discussions of the same issues and
2 focus on the actual issues ripe for decision at subsequent
3 levels of environmental review. Subsequent levels of envi-
4 ronmental review may tier to the programmatic environ-
5 mental document by summarizing the issues discussed in
6 the broader statement and incorporate discussions from
7 the broader statement by reference.

8 **SEC. 7. IMPLEMENTATION REQUIREMENTS AND AUTHOR-**
9 **IZATION OF APPROPRIATIONS.**

10 (a) **RELATION TO NORTHWEST FOREST PLAN.**—This
11 Act is intended to supplement the requirements of the
12 Northwest Forest Plan. Except as provided in section 5,
13 all projects on Westside Forest lands shall be planned and
14 implemented in compliance with the Northwest Forest
15 Plan and all other applicable laws.

16 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
17 are authorized to be appropriated \$25,000,000 for each
18 fiscal year to plan and implement projects under section
19 5. Amounts appropriated pursuant to this authorization
20 of appropriation shall remain available until expended.
21 This authorization of appropriations is in addition to any
22 other authorization of appropriations for the Forest Serv-
23 ice or the Bureau of Land Management.

24 (c) **TREATMENT OF PROCEEDS FROM CERTAIN**
25 **PROJECTS.**—

1 (1) RETAINED PROCEEDS.—Subject to para-
2 graph (2), an administrative unit of the Forest Serv-
3 ice or the Bureau of Land Management may retain
4 proceeds from the sale of commercial timber result-
5 ing from a project described in section 5(b) for use
6 in planning and implementing other projects under
7 such section and other projects to improve forest
8 health on Westside Forest lands.

9 (2) RELATION TO OTHER FOREST RECEIPT
10 LAWS.—Nothing in this Act shall affect deposits to
11 the Knudsen-Vanderburg Reforestation Trust Fund
12 established under section 3 of the Act of June 9,
13 1930 (16 U.S.C. 576b), the requirement to make
14 payments to States or counties under any provision
15 of law, or other obligations related to receipts ob-
16 tained from the sale of forest products from
17 Westside Forest lands.

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