

May 12, 2009

The Honorable Ron Wyden
United States Senate
223 Dirksen Senate Office Building
Washington, DC 20510
<http://wyden.senate.gov/forestproposal.cfm>
RE: *Proposed Oregon Restoration and Old Growth Protection Act*

Dear Senator Wyden:

On behalf of our more than 14,000 forestry professionals across the United States, including nearly 1,000 located in the State of Oregon, we thank you for the opportunity to comment on your draft bill for the Oregon Forest Health and Old Growth Protection Act, released April 16, 2009. We appreciate your continued efforts to address concerns about Oregon's federal forests and their management. Because your comment period was limited to two weeks and we are a largely volunteer organization, we are unable to provide in-depth feedback. In summary, this proposal contains many of the same features of your June, 2008 proposal. SAF provided extensive comments then that are still relevant. (Our comments dated July 31, 2008 are attached.)

As the professional, educational and scientific organization representing the forestry profession, SAF would like to help you assure your legislation will achieve its stated goals of restoring forest health and protecting old growth. Unfortunately, our review leads us to the conclusion that much of the legislative language in your draft would not achieve those goals. Based on the review we have been able to make so far, your current draft raises the following concerns:

- The bill legislates silvicultural prescriptions, such as requiring the Secretaries to define a protocol for determining tree age at diameter breast height, and basing broad forest management on diameter measurement and tree age. This approach is not based on science. It disregards site-specific conditions and basic ecological principles of carrying capacity, tree growth, and forest succession. Prescribing silviculture through such simplistic means will not achieve the desired results. A better strategy would be to develop well-articulated goals for Oregon's federal forests and allow trained and experienced forest managers to determine how to move stands to those goals.
- The draft legislation implicitly assumes that old-growth forests are relatively static over space and time, and also provide optimum environmental outputs. A new report by the Oregon Forest Resources Institute, *What Do Western Oregon's Forests Look Like After a Century of Management?*

http://www.oregonforests.org/assets/uploads/What_do_western.pdf) helps illustrate the dynamic nature of forests and their development over a 100-year period. Review of this study leads to the following question: How much of the landscape should, ultimately, be in a mature and old-growth condition? The draft bill lacks a specified goal. In 1850, 42 percent of the central to north coast of Oregon was 200 years or older, with the other 58 percent in younger age classes and recent burns (based on original land surveys). Simulations done suggest that old-growth coverage may have ranged from a low of 25 percent to a high of 75 percent depending on the century in question. Coverage has varied considerably over time. Clearly, we have less old-growth today than even the lower estimates of “historic old-growth.” We must specify, however, the level of old-growth restoration we hope to achieve.

- The draft indirectly re-defines the purpose of federal lands and does this in a vague fashion that invites further litigation. The fundamental reason for non-performance under the Northwest Forest Plan is the multi-frontal appeals and litigation. We would like to see language that delineates how much “relief” from litigation the federal agencies would get by undertaking a collaborative restoration project in the event of an objection by an advocacy group. Although no appeals are allowed, it appears that collaborative projects can still be litigated. Without judicial relief, the collaborative process could end up in court. For example, the Quincy Library Group in California has been litigated numerous times, so much so that each proposed collaborative project has been through National Environmental Policy Act processes a minimum of three times and a maximum of five times. There are, in addition, ambiguities in the bill’s language that could fuel litigation against the agencies, leading to project gridlock.
- Legislating and defining “ecological forestry” would further restrict the focus of federal management, the discretion of agency professionals and limit the achievement of desired outcomes. Forestry professionals who manage lands routinely apply ecological science and prescribe practices that maintain or enhance important ecological functions at broad spatial and temporal scales.
- The draft uses the Northwest Forest Plan (NWFP), a 15-year old plan, as the basis for much of the bill, making some changes and then codifying it into law. Since the 1994 adoption of the NWFP, we have made a multitude of advancements in forest science and practice. Legislating portions of a 15 year old plan frustrates land use planning under current law that requires updating plans to reflect changed conditions, new science and other developments.
- The legislative language grossly oversimplifies forests types (“moist forest site” and “dry forest site”) and old growth conditions using single tree age and diameter surrogates. In western Oregon, for example, 120 years is a poor surrogate because old growth forest structural features do not become common until stand ages are significantly older (e.g., closer to 200 years). Furthermore, even determining “stand age”, although preferable to individual tree age, is not a good standard for evaluating ecological function or for making management decisions.

- We would like to see objectives/outcome-based forestry that supplies foresters with goals. Then, with good science and the available technology, foresters can apply the most appropriate silvicultural prescriptions. This focuses on what is left on a particular site, rather than what is taken. This draft bill, however, emphasizes a detailed and highly prescriptive set of standards for land managers. These standards are likely not operationally feasible, scientifically credible, or suitable in the context of specific forest management settings.

In summary, this draft removes and/or restricts management tools that could help achieve environmental objectives. The unintended consequences of this could very well be counterproductive to what is sought.

The bill proposal includes provisions to encourage collaboration on proposed forest management projects. We believe developing legislation to achieve your stated objectives should also be done through a collaborative process that can gain broad-based support, including that of the forestry profession in Oregon.

The Federal Forest Advisory Committee of the Oregon Board of Forestry has extensively studied and discussed federal forest issues in a 2-year public process. Its report provides many relevant findings and recommendations for policy makers. This report should be considered and recommendations incorporated into legislation addressing Oregon's federal and public forests.

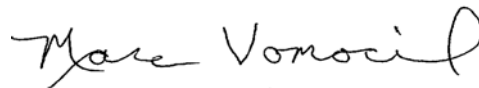
Rather than continuing with this proposal, we ask that you take this opportunity to engage Oregonians in their communities in a collaborative process to identify priority legislative goals and concepts.

The Oregon Society of American Foresters is able and willing to help facilitate such a process. OSAF is planning a summer field trip for Oregon's Congressional delegation to view and discuss federal forest management issues, including old growth. We look forward to you and your staff's participation.

Most respectfully,



Bernard S. Hubbard
President, SAF



Marc G. Vomocil
Past Chair, Oregon SAF

cc: Senator Jeff Merkley