February 2, 2024

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U.S. Forest Service
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Submitted via online portal (https://cara.fs2c.usda.gov/Public//CommentInput?Project=64745)

Re: Comments of the Association of O&C Counties on the Northwest Forest Plan Amendment

On behalf of the Association of O&C Counties ("AOCC"), please accept the following comments on the U.S. Forest Service's Notice of Intent to amend the 1994 Northwest Forest Plan.

Background

Since 1925, AOCC has represented western Oregon counties that have a statutory interest in 2.1 million acres managed by the U.S. Bureau of Land Management ("BLM") pursuant to the O&C Act of 1937, 43 U.S.C. 1181a-f, as well as the 500,000 acres of O&C lands managed by the U.S. Forest Service.

The O&C lands have a unique history. These lands were once granted to the Oregon and California Railroad Company to subsidize the development of a railroad through Oregon. As construction progressed, the Railroad Company was to receive alternating sections of land on both sides of the right-of-way spanning 20, and in some cases 30 miles, on each side. The result was a checkerboard band of lands 40 to 60 miles wide the full length of the state that transferred from federal ownership into private ownership by the Railroad Company. The lands conveyed were eventually to be sold by the Railroad Company, but were subject to the conditions that they be resold only in 160-acre parcels to "actual settlers" for no more than $2.50 per acre. The railroad was built, but the lands were never resold to settlers. Congress responded with the Chamberlain-Ferris Act of June 9, 1916, which declared that all grant lands still held by the Railroad Company were "revested" to ownership by the United States, removing the lands from local tax rolls. Unfortunately, the initial compensation provided to Oregon counties was insufficient. Therefore, in 1937 Congress designated the O&C lands for sustained-yield timber production, requiring that "timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained-yield capacity when the same has been determined and declared, shall be sold annually[.]" 43 USC §1181a; 43 USC § 2601. 50 percent of the revenues generated from

the O&C lands were designated to the O&C counties, and for years the O&C Act supported the economic prosperity of western Oregon.

After the O&C land grants were issued, the National Forest System was overlaid on top of around 500,000 acres of O&C Lands. These lands came to be known as the "controverted lands." Disputes about the management of the controverted lands raged, but were settled in 1954 when the Cordon-Ellsworth Act provided that the lands would be managed as O&C Lands by the Forest Service with 50 percent of receipts from any timber harvested paid to the O&C Counties.

Timber harvest on Forest Service-managed O&C Lands, in combination with harvests and receipts generated on other Forest Service and BLM lands, were a source of prosperity for western Oregon's rural communities. Federal timber receipts allowed communities to thrive, with well-funded schools and booming economies centered around timber harvest and wood products. The 1990s brought that prosperity to a screeching halt. The listing of the Northern Spotted Owl as a threatened species, and subsequent Northwest Forest Plan ("NFP"), *immediately* reduced timber harvest on O&C lands by **82 percent**. Overall, timber harvests from federal lands fell to less than 10 percent of historic levels in the years immediately following the Northwest Forest Plan. *See* Brandt, Jason et al., *Oregon's Forest Products Industry and Timber Harvest*, 2003 https://www.bber.umt.edu/pubs/forest/fidacs/OR2003.pdf. In the years since, timber harvest levels have not substantively rebounded.

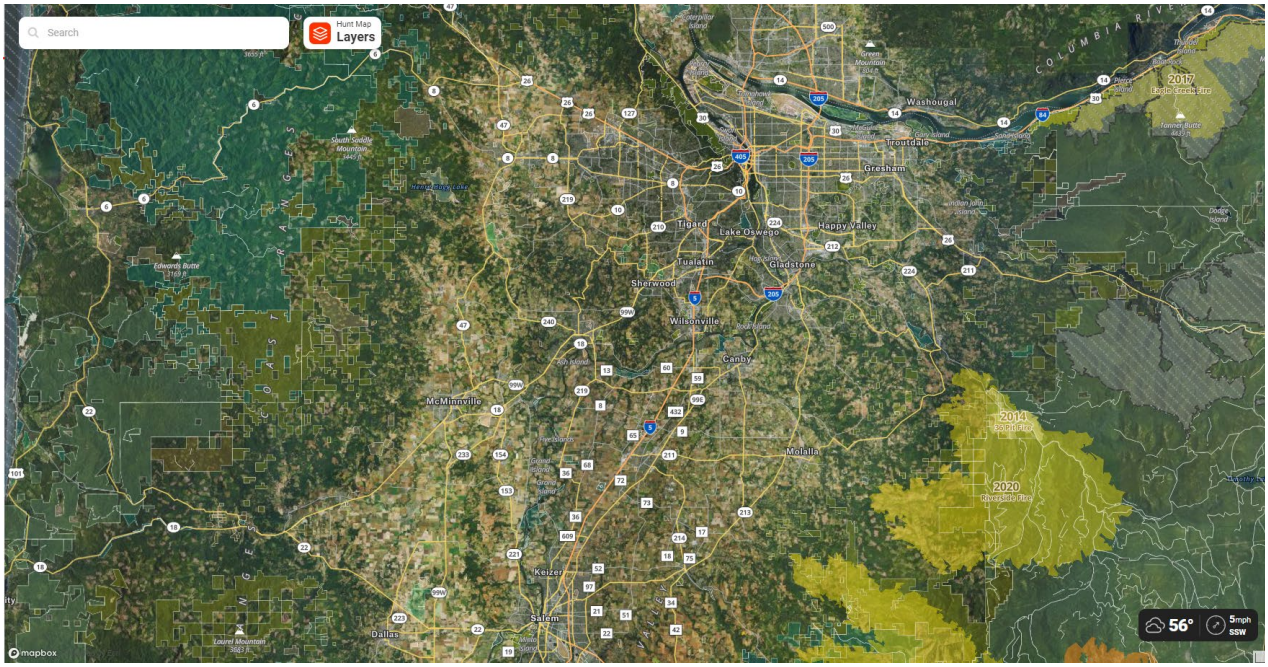
Impacts from the decreased utilization of O&C lands has had a drastic, long-lasting measurable effect on the health—economic, ecological, or otherwise—of rural western Oregon communities. Communities which once thrived from the revenues brought by federal timberlands are now a shadow of their former selves. Worse still, many O&C lands have been reduced to ash as "preservationist" policies have exacerbated fire risks, leading to more significant, and frequent, wildfires. The Archie Creek Fire in 2020, for instance, scorched over 40,000 acres of O&C lands along the western slope of the Oregon cascades. Meanwhile, the species which the Northwest Forest Plan sought to protect have continued precipitous population declines due, in large part, to the catastrophic wildfires that are a product of the NFP's "preservationist" policies.

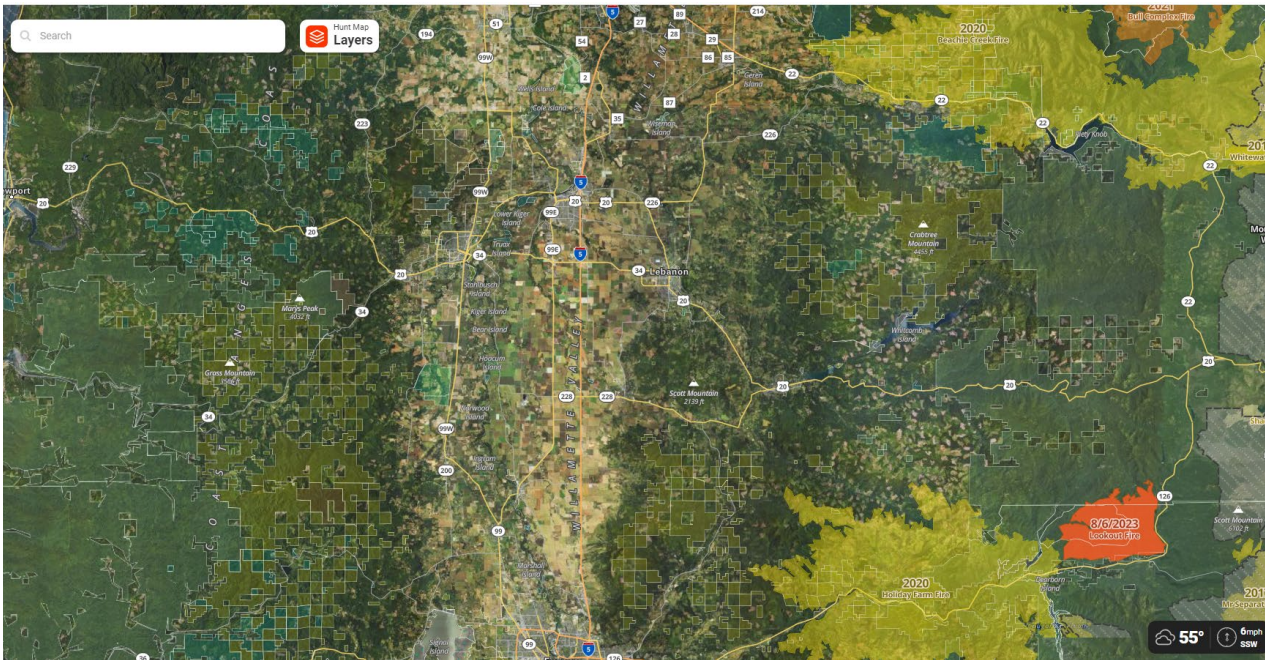
With this backdrop, it is critical that the Forest Service undergo a wholesale revision of the Northwest Forest Plan to better the health of the National Forest System, the resilience and diversity of the ecosystems within the NFP area, and the economic prosperity of the resource-dependent communities affected by the NFP's policies. A focus on the sustainable use of commercial timber harvest is critical to restore western Oregon's national forests to functioning ecosystems supporting jobs, recreation, wildlife, schools, and communities. Therefore, AOCC strongly urges the Forest Service to revise the Northwest Forest Plan with a focus on the sustainable use of commercial timber harvest to alleviate the many ecologic and economic issues that were created by the NFP's management policies.

Comments

A. Mitigating Forest Health Crisis Must Be of Utmost Concern to the Forest Service.

There is no room for debate that the past two decades have brought extreme fire behavior to western Oregon on an annual basis. These fires have ravaged millions of acres of federal timber land, proving deadly to man and animal alike. Swaths of over dense forests as a result of years of fire and forest management suppression have created ticking time bombs ready to destroy Forest Service, including O&C, lands at moment's notice. This has led to a multitude of issues, such as increasing rates of dying fir trees due to drought and an overabundance of standing dead trees killed by fire, creating a snowball effect careening towards even more significant wildfires in the near future. The images below illustrate just a small portion of the millions of acres that have burned since the Northwest Forest Plan went into effect, creating landscape-scale disturbances across much of the planning area.




Search
Hunt Map
Layers
2020
Beachie Creek Fire
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Grass Mountain
Scott Mountain
Crabtree Mountain
8/6/2023
Lookout Fire
2020
Holiday Farm Fire
55°
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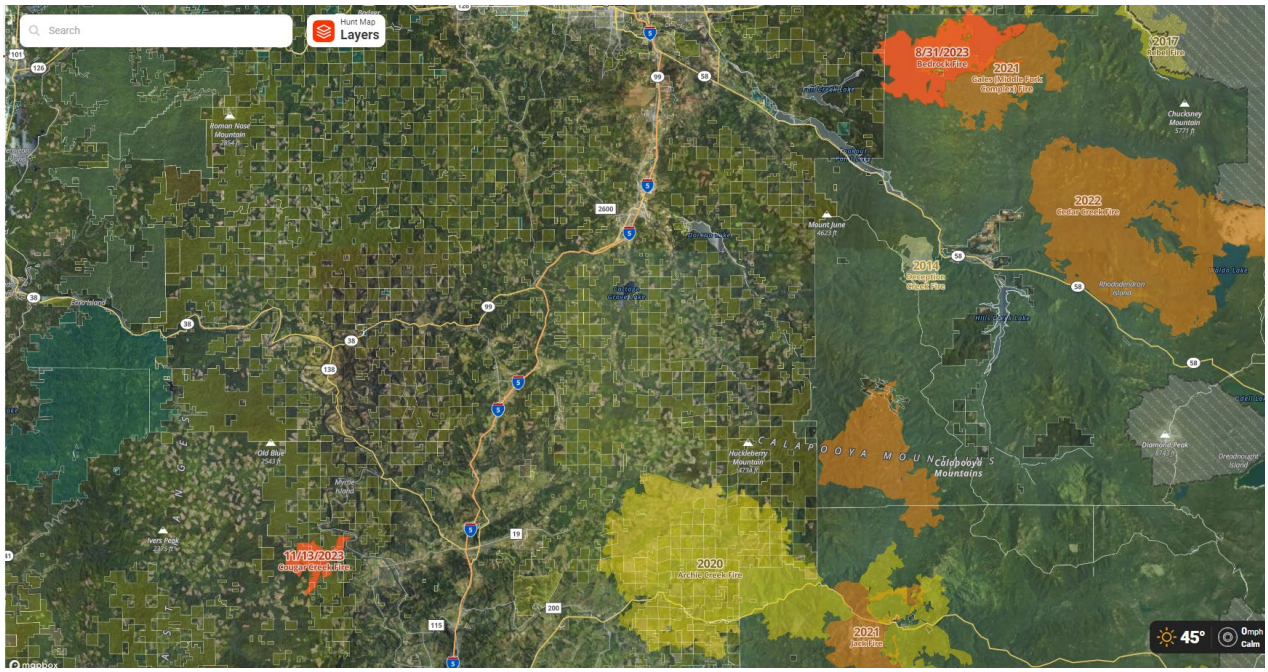
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8/31/2023
Bedrock Fire
2021
Cedar | Middle Fork Complex Fire
2017
Rebel Fire
Chucksney Mountain
2022
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2014
Reception Creek Fire
Mount June
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Cougar Creek Fire
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Archie Creek Fire
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Jack Fire
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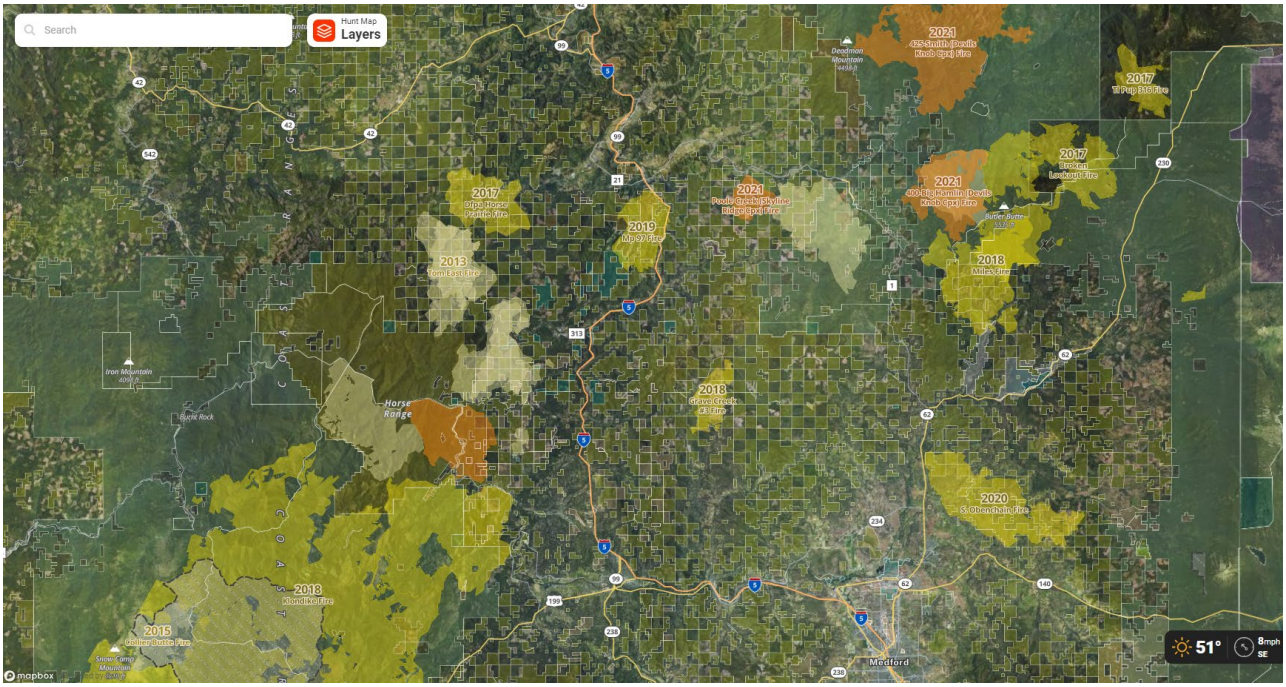
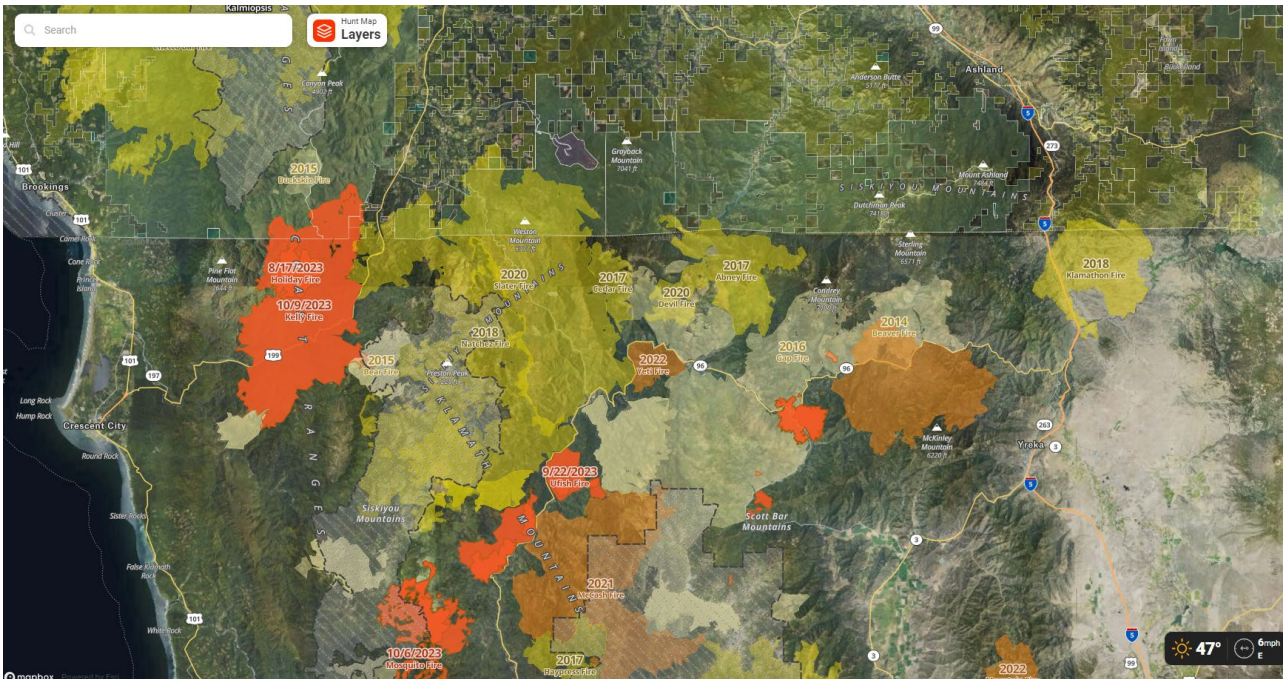




As this wildfire crisis is exacerbated by increasing rates of tree mortality across overstocked stands lacking resilience to prevalent drought, the Forest Service must act—and act soon—to amend its management strategies in an effort to improve forest resilience at the scale of multiple national forests.

When the Forest Service authored its 2020 Bioregional Assessment of Northwest Forests in July of 2020, it acknowledged the need to improve forest resiliency to wildfire across the NWFP planning area. Little did the Forest Service know that its assessment was simply a prediction of what was about to occur. It goes without saying that the 2020 fire season was one of the worst on record, with multiple fires of over 100,000 acres scorching the western cascades.

Unfortunately, all of this is a crisis of the Forest Service's own making. In its adoption of the NFP the Forest Service rejected the need to manage for resilient, ecologically diverse, and productive forests. Instead, the Forest Service allocated most of its lands to off-limit reserves, where timber harvest was largely prohibited and the forests were left to grow into overstocked tinder boxes. As the 2020 Assessment acknowledged, the NWFP created a one-size-fits-all management policy centered around protecting and increasing spotted owl habitat, without acknowledging how that management policy would create unhealthy forest stocking rates, a decrease in forest complexity and diversity, and an overarching worsening of wildfire risks and forest resilience.

While initially the quantity of spotted owl habitat may have improved by around 3% during the first 25 years under the NWFP, this gain and more was lost in the recent catastrophic fire seasons. Thus, the NWFP's focus on protecting spotted owls backfired by exacerbating wildfire frequency and intensity, resulting in less habitat today than there was 30 years ago. *See Range-wide declines of northern spotted owl populations in the Pacific Northwest: A meta-analysis*, Elsevier (July 2021) https://doi.org/10.1016/j.biocon.2021.109168; *Northern Spotted Owl Still Fights for Survival*, U.S. Geological Survey (Oct. 6, 2021) https://www.usgs.gov/news/featured-story/northern-spotted-owl-still-fights-survival.

Substantial changes in management need to be made to address the wildfire trend in the planning area. While the fires which have ravaged the Cascades over the past decade cannot be reversed, the Forest Service can make efforts to ensure that future fires do not spread out of control, and that forest visitors and firefighters are safe.[1] The most effective and economical solution to this wildfire crisis is to increase the utilization of commercial harvest across the NWFP area, allowing overstocked stands of trees to be thinned, fuel breaks to be created, and grasslands to be restored. *See* L. Madelene Elfstrom, Matthew D. Powers, *Effects of thinning on tradeoffs between drought resistance, drought resilience, and wood production in mature Douglas-fir in western Oregon*, USA, Canadian Journal of Forest Research Volume 53, Number 8 (August 2023) https://cdnsciencepub.com/doi/abs/10.1139/cjfr-2022-0235?journalCode=cjfr. Even if actions like these could have short-term adverse effects on listed species, like the spotted owl, the Forest Service must acknowledge that wildfire risk mitigation through commercial harvest is a proactive management tool which directly addresses a leading spotted owl risk factor.

Studies have shown that mechanical thinning alone can alleviate wildfire risks, and when paired with other management strategies, such as post-thinning controlled burns, can dramatically

[1] These efforts may also improve wildlife habitat. Recent science has shown that acreage burned at high severity no longer provides suitable habitat for species such as the spotted owl. *See* Jones et. al., *Megafire causes persistent loss of an old-forest species*, ZSL (May 9, 2021) https://doi.org/10.1111/acv.12697. Preventing future severe fires through the creation of fuel breaks can benefit these species.

improve wildfire resilience. *See* Johnston, James et al., *Mechanical thinning without prescribed fire moderates wildfire behavior in an Eastern Oregon, USA ponderosa pine forest*, Forest Ecology and Management (Dec. 1, 2021); Graham, Russell et al., *Effects of Thinning and Similar Stand Treatments on Fire Behavior in Western Forests in Western Forests*, Utah State University (1999). Therefore, the Forest Service must analyze the benefits of commercial harvest and other management strategies on reducing fuel loads and addressing extreme wildfire behavior. The O&C lands specifically are choked full of overstocked stands of commercial-sized timber. To improve resiliency, it is necessary that the Forest Service remove large proportions of the overstocked stands from the landscape. The only feasible way to accomplish this task is through the commercial removal and sale of overstocked trees. The same applies to dead and dying firs of commercial size. AOCC therefore urges the Forest Service to prioritize the use of commercial harvest at the landscape scale to address this forest health crisis. Moreover, as part of this analysis the Forest Service also must consider how a *lack* of commercial harvest ultimately affects fuel loads, forest health, tree mortality, drought resistance, and more if paired with continued wildfire suppression.[2]

An effective approach to the Forest Plan revision would be to allocate management strategies based on resiliency needs, with the allocations and treatment intensities as upfront decisions in the design features of the Alternatives, along with ESA objectives. Alternatively, the Forest Service could start with an assessment of the forest condition, at the stand level, to rank stands for need based on risk for loss to fire and need for resiliency treatments prior to making allocations. Assessment of the level of risk at the stand level and prioritization for need for treatment would better define the magnitude and spatial extent of the forests' needs rather than defining broad dry forest areas. In combination with information on wildlife habitat and site locations this assessment could provide a framework to design a strategy that emphasizes improving fire resiliency in the short term while providing long-term conservation and timber production.

Ultimately, the revision of the NWFP must utilize more management strategies that are designed to create measurable improvements in wildfire resilience and forest health. To meaningfully create forests that have healthy stocking levels as well as insect, drought, and wildfire resilience, the NWFP revision must significantly increase the use of commercial harvest across the entire plan area.

B. Commercial Harvest is Critical for Ecosystem Diversity.

The 2020 Bioregional Assessment acknowledges that a loss of ecosystem diversity has been a consequence of the one-size-fits-all management strategies piloted by the NWFP. AOCC agrees. The NWFP's singular focus on creating forests which were purported to benefit spotted

[2] Any plan revision must acknowledge that in today's society, natural wildfire regimes—especially in the western Cascades—are unacceptable. That is, society cannot truly coexist with natural wildfire regimes by letting fires run their course. The human risks of letting a fire burn are far too great, especially when the Forest Service has the tools to fight fires. Thus, the plan revision must acknowledge that wildfire suppression will always be a present factor. This, in turn, will result in unhealthy forests unless the Forest Service proactively manages its forests—through timber harvests, controlled burns, etc.—to alleviate concerns created by ongoing fire suppression.

owls and other "old growth dependent" species had the opposite effect by increasing wildfire risks (discussed above) and eliminating the diverse ecosystems which are critical to healthy forests.

The loss of ecosystem diversity was foreseeable under the NWFP. The near-exclusion of commercial timber harvest from the plan area, and the complete exclusion of regeneration harvest methods, eliminated forest openings crucial to wildflowers, insects, birds, and megafauna, such as deer, elk, mountain lions, and wolves. *See, e.g.*, Rowland, Mary et al., *Modeling Elk Nutrition and Habitat Use in Western Oregon and Washington, Wildlife Monographs* (Oct. 23, 2018) (explaining that Roosevelt elk across the NWFP area are limited by nutrition availability, and that forage within Forest Service lands has decreased substantially due to a lack of timber harvest, causing declines in elk habitat quality); *Roosevelt elk population estimate and herd composition in Oregon, 2018 - 2023*, Oregon Department of Fish and Wildlife, https://www.dfw.state.or.us/resources/hunting/big_game/controlled_hunts/docs/hunt_statistics/23/Roosevelt%20Elk%20Population%20Estimates%20and%20Herd%20Composition%202018%20-%202023.pdf (recording downward trends in Roosevelt elk populations, especially in hunting units containing substantial amounts of land managed under the NWFP. For instance, in the Santiam, McKenzie, Indigo, and Dixon units of Oregon's western cascades, elk populations are in continuous decline and far under management objectives). This lack of diversity contributes to a loss of overall ecosystem function, wherein even the old growth dependent species are harmed when management strategies focused on "creating" old growth result in the depletion of other plant and animal species.

Once again, the Forest Service must acknowledge the failures of the NWFP, and adopt management strategies aimed at reversing the NWFP's shortcomings. With regards to ecosystem diversity, the NWFP failed by utilizing a one-size-fits-all strategy that was singularly focused on protecting and "creating" "old-growth" ecosystems. This allowed natural meadows to become enclosed, caused a significant reduction in forest openings, and ultimately contributed to declining populations of once-abundant plant and animal species.

The most sustainable and economical solution to this self-made issue is to reverse the policy decisions that led to the loss of ecosystem diversity. That is, rather than exclude commercial timber harvest from much of the NWFP area, embrace the benefits that well-planned harvest units bring. Through thinning, variable density harvest, and even regeneration harvest the Forest Service can bring back natural meadows, improve wildlife forage, reinvigorate plant and animal communities, and create a diverse, sustainable forest for all species. Timber harvest can create habitat for rodents, increase wildflowers and pollinators, improve depleted megafauna habitat, and more. Timber harvest is the key to improving ecosystem diversity, and the Forest Service has the ability to utilize timber harvest in combination with scientific studies about the need for diverse habitats to generate a forest plan that benefits a wide array of interests. Ultimately, this will require increasing timber harvest and eliminating timber harvest restrictions across the NWFP area, so that the Forest Service has the flexibility to utilize commercial harvest management strategies in a manner which will create a more diverse landscape and ecosystem. The Forest Service must study how it can increase its use of timber harvest to address needed ecosystem diversity, and the variety

of benefits that would be realized by creating a more diverse landscape that supports a wide variety of native species.

C. Forest Products are Underutilized to the Great Detriment of Rural Communities and Ecosystem Resilience.

The 2020 Bioregional Assessment recognizes that forest products—specifically timber harvest—have been underutilized under the NWFP. As discussed in the 2020 Assessment and above, this has had an array of negative impacts, from fire to a loss of biodiversity. Moreover, the underutilization of forest products has devastated local timber-dependent communities, and is contributing to the national shortage of affordable housing by placing supply pressures on the United States' lumber market. *See* Steve Courtney, *Are You Planning For The Reduction In Northwest Timber Supply?*, ResourceWise (March 10, 2022) https://www.forest2market.com/blog/are-you-planning-for-the-reduction-in-northwest-timber-supply.

The NWFP called for the harvest of 1.1 billion board feet per year across the planning area. Over the NWFP's lifetime, timber harvest has never come close to that amount. No party—plant or animal—has benefited from the loss of timber harvest, as it has caused great harm to rural communities, exacerbated wildfire risks, and depleted biodiversity.

Now it is necessary that the Forest Service make up lost time. The systematic underutilization of timber harvest in areas specifically reserved for harvest under the NWFP has exacerbated the wildfire and biodiversity challenges discussed above, and harmed rural communities. The Forest Service has over a ten-billion board feet backlog of timber that should have been harvested under the NWFP, but wasn't. Now, the Forest Service needs to plan to make up that backlog over time in its NWFP revision, while also increasing the utilization of timber harvest in other areas. The Forest Service must analyze the benefits that would come from harvesting the backlog of timber within the planning area. This includes the benefits that would become rural communities, ecosystem diversity, and wildfire resilience.

Moreover, the Forest Service must ensure that timber products will not be underutilized once again in the wake of any plan revision. The NWFP has done enough damage to communities and the environment, and the Forest Service must now address and alleviate that harm. Allowing forest products to continue to be underutilized across the planning area would be a policy failure. The Forest Service must explore all options to ensure that the backlog of merchantable timber on Forest Service land is properly utilized to revitalize rural communities and ecosystem diversity.

D. Economic Harm Must Be Adequately Evaluated.

There can be little question that the NWFP resulted in significant, lasting economic harm to rural communities. Communities which once thrived from the utilization of federal timber, and the timber receipts from O&C lands that were paid back into the community, have now been suffering from a 30-year depression of federal timber harvest. For the Forest Service to accurately analyze the impacts of any plan revision, it must first study the lasting economic impacts of the

NWFP. This includes the jobs lost, the mills closed, the county payments eliminated, and all of the downstream effects of each of those reductions in revenue. Ultimately, the Forest Service must acknowledge how much the NWFP has depressed rural communities and their wellbeing.

Only once the actual economic impact of the NWFP is realized can the Forest Service appropriately evaluate the effect of any plan revision. An analysis of the NWFP's economic impact provides the baseline for future economic impact study. And, in this process, the Forest Service must strive to alleviate the harms that it caused to rural communities. Increasing the use of timber harvest management strategies across the national forests is the first step to alleviating these harms. Opening the forest back up to commercial usage will bring well-paying jobs back into rural communities. Moreover, if federally-generated timber receipts reach a high enough level, timber dependent counties will be revitalized by payments in lieu of taxes that will fund school improvements and other much needed social programs.

There are many downstream benefits which would be realized from increasing timber harvest on federal lands. Inflationary pressures on lumber markets would be reduced, which would have subsequent benefits on affordable housing. Federal expenses under the Secure Rural Schools Act could be reduced if federal timber receipts were sufficient. And, the harvest of timber is self-sustaining, paying for itself and for future sustainable yield management.

Ultimately, the Forest Service must sufficiently analyze the economic impacts of any NWFP revision. Without such an analysis, any plan revision would be built on a nonexistent foundation.

E. A Variety of Other Issues Need Analyzing.

There are many other issues and topics which need analysis in a revision to the NWFP. For instance, the increased use of regeneration harvest must be evaluated. Regeneration harvest has a multitude of benefits, such as replicating natural meadows or fire scares, or increasing solar radiation in select locations within national forests, which allows different plant communities to thrive. This can specifically benefit wildflowers, grasses, pollinators, and large ungulates like deer and elk which require the forage typically found in forest openings. Moreover, regeneration harvest allows a higher utilization of select areas of a forest, which can allow the Forest Service to harvest more timber with smaller areas of disturbance. The revision of the NWFP must specifically analyze the use of regeneration harvest as a forest management strategy, and ensure that regeneration harvest is a specifically authorized strategy to meet planning goals.

The NWFP revision also must specifically address the issues caused by fir encroachment in meadows, and how those issues could be resolved through commercial harvest. Similarly, the NWFP revision must specifically analyze how elk and deer habitat and populations have changed under the NWFP, recognize the issues caused by reduced forest openings, and create a plan for the improvement of elk and deer summer and winter habitats through commercial timber harvest.

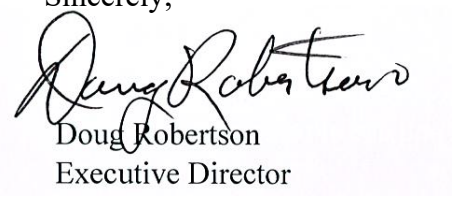
The NWFP also needs to evaluate the effects of salvage harvest of burned or dead trees. The increase in fire activity and recent tree mortality trends are requiring the Forest Service to

increase use of salvage harvest. Salvage harvest is necessary to improve forest safety, wildfire resilience, and to generate income from otherwise-devastated ecosystems. While fire has a beneficial role in ecosystems, the Forest Service must analyze the benefits of salvage harvest. The NFWP revision should allow the Forest Service to utilize quick, aggressive salvage harvest strategies whenever forests are affected by wildfire or increased rates of tree mortality. While the retention of snags is important, thousands-upon-thousands of acres of dead snags provide no benefit, and only exacerbate the risk of severe wildfire.

Conclusion

For the foregoing reasons AOCC urges the Forest Service to hastily revise the Northwest Forest Plan, with a strong emphasis on the use of commercial timber harvest to improve forest resiliency and revitalize rural communities and ecosystem diversity.

Sincerely,



Doug Robertson
Executive Director