

**DEFENDERS OF WILDLIFE * PACIFIC RIVERS COUNCIL * THE PEW CHARITABLE TRUSTS *
SYBIL ACKERMAN STRATEGIES * TROUT UNLIMITED * WILD SALMON CENTER**

March 1, 2013

The Honorable Ron Wyden
U.S. Senate
223 Dirksen Senate Office Bldg.
Washington, DC 20510

The Honorable Jeff Merkley
U.S. Senate
313 Hart Senate Office Bldg.
Washington, DC 20510

The Honorable Earl Blumenauer
U.S. House of Representatives
1502 Longworth House Office Bldg.
Washington, DC 20515

The Honorable Peter DeFazio
U.S. House of Representatives
2134 Rayburn Office Bldg.
Washington, DC 20515

The Honorable Kurt Schrader
U.S. House of Representatives
314 Cannon House Office Bldg.
Washington, DC 20515

The Honorable Greg Walden
U.S. House of Representatives
2182 Rayburn House Office Bldg.
Washington, DC 20515

The Honorable Suzanne Bonamici
U.S. House of Representatives
2338 Rayburn House Office Bldg.
Washington, DC 20515

Dear Members of Congress:

As members of the Conservation Caucus of the Governor's Panel on O&C Lands Management, we write to share our thoughts on the Governor's process and our vision for finding an enduring solution to the O&C lands issues.

We commend the Governor for bringing together three major interests on this issue – timber, local governments, and conservation – in an attempt to find common ground. After years of discord, simply coming to a table to listen and to build trust was no small feat. While the process did not result in an agreed upon proposal, the discussions did enrich our understanding of the complex issues and trade-offs arising from managing O&C lands and we believe the process moved all interests closer together. The process revealed several potential building blocks for a lasting solution, but we did not approach an understanding on two core issues: (1) compliance with existing federal law; and (2) expectations about harvestable timber levels.

With the Governor's process now complete, we include below several observations we hope will contribute to achieving a balanced and thoughtful resolution to the O&C lands debate.

General Observations

Overall, we were struck by the extraordinary role these lands play in providing recreational opportunities to Oregonians while at the same time providing vital ecosystem services necessary to protect drinking water and maintain healthy and resilient watersheds critical to fish, wildlife and downstream communities. Mindful of the economic distress many of our communities experience today, we must be cautious not to adopt measures that impose long-term static solutions on a dynamic and changing landscape. Simply put, we will not be able to restore historic county revenues from timber production alone.

The process has also reinforced our collective support for the Northwest Forest Plan (NWFP). In our view the NWFP is arguably one of the most ecologically sound, multiple-use forest management plans in the nation.

For this reason, we urge Congress to continue supporting the NWFP goals of working landscapes, networks of reserve areas and functional corridors and watersheds without losing sight of the need to link to strategies to improve habitat conditions on private lands affecting many of the same resources. Continued inadequate protection measures on state and private lands impedes the protection and recovery of threatened and endangered species and makes more likely further

listings of species currently benefitting from the NWFP. This disparity between protections on federal and nonfederal lands also reduces management flexibility on federal lands, which overwhelmingly shoulder the burden of providing healthy watersheds and habitat at a sufficient scale to provide resilience from major disturbances, including climate change. In this spirit the Conservation Caucus introduced and supported mechanisms to reduce the disparity between private and federal land protection standards, including land exchange in priority landscapes with a conservation (and timber) benefit, and a private conservation fund to focus on priority watersheds.

The Conservation Caucus also supports strategies to increase sustained and sustainable harvests of timber as an important component of a diversified economic strategy, including through careful use of ecological forestry. However, to preserve Oregon's natural heritage for future generations, we urge Congress to consider these strategies *only* in concert with full compliance with existing federal laws, including but not limited to the Endangered Species Act (ESA) and Clean Water Act. We cannot support approaches that override or limit ESA critical habitat or section 7 consultation, or seek to evade these and other provisions of federal law through sufficiency language or new governance structures.

Specific Considerations include:

1. Provide Statutory Protection for Aquatic Resources – Statutory protection should be provided for the highly effective Aquatic Conservation Strategy (ACS) standards of the NWFP, including existing key watersheds, salmon strongholds, and areas with one or more “strong populations” or high intrinsic potential for salmonids or other target species. The ACS as written has proven effective for protecting vital drinking water sources for over 1.8 million Oregonians and supporting watershed health for myriad purposes, including recreation and fish and wildlife habitat. Restrictions on new road development and road density thresholds should be retained and remediation of roads in priority landscapes should be accelerated.
2. Maintain Protections for the Late Successional Reserves – The network of Late Successional Old Growth Reserves (LSRs) was established to protect and enhance old growth forest conditions and provide habitat for species dependent on these systems. It has been largely successful in achieving this goal and any legislation should not undermine its current effectiveness.
3. Comply with the Northern Spotted Owl Critical Habitat Designation – The 2012 designation of critical habitat essential to the continued existence and recovery of the owl is unquestionably based on the best available biological data. The U.S. Fish and Wildlife Service took 3 years to develop a rigorous, scientifically sound method of identifying the most important owl habitat for use first in the owl's recovery plan and then in the critical habitat designation. The methodology made use of data and analytical techniques collected and developed over more than 20 years and was subjected to extensive scientific peer review. In the 40 years the ESA has been in existence, Congress has never enacted legislation to modify or override the designation of a species' critical habitat. Congress should not take such an extraordinary step in its attempt to find a durable O&C solution. To do so would undermine the integrity of the ESA, compromise the law's ability to achieve its goals, and shift the responsibility for compliance with the ESA to other lands and land ownerships in Oregon as well as to lands in Washington and California.
4. Explore Regeneration Harvest on Matrix Lands Using Ecological Forestry – We share the goal of generating stable and sustainable timber harvest without compromising our key ecological values or undermining protection of water, forests, and threatened and endangered species under federal law. One promising route to attaining this balance on O&C lands is through the use of the ecological forestry principles proposed by Drs. Jerry Franklin and Norm Johnson (two of the “Gang of Four” who originally crafted the NWFP) in lieu of traditional regeneration harvest of timber. Implementation of these new approaches on matrix lands within a rigorous adaptive management framework and in compliance with ESA rules is more likely to protect the sensitive ecological values of these federal lands than traditional regeneration harvests while still generating substantial timber revenues. Additionally, thinning and other restorative treatments can provide further harvest opportunities in selected areas.
5. Provide Legislative Protection for Old Growth – Old growth forests warrant protection beyond the current LSR network of the NWFP. Today's old growth forests represent less than 10% of historic levels yet these treasured natural assets are focal centers of biodiversity and endemism. Oregonians support protecting old growth, and O&C lands support ecologically important old growth stands throughout Western Oregon. While emergent carbon markets were not considered in our discussions, we must remind ourselves that in years to come the benefits of carbon sequestered from our O&C forests is likely to increase in importance and economic value.

6. Wild and Unique Places – O&C lands support many unique and special places, several of which are already recognized and managed for ecosystem and recreational values in BLM management plans. These places generate economic benefits to nearby communities and preserve Oregon’s natural legacy. The Conservation Caucus has developed detailed lists of Special Places, including Wilderness Areas, Wild and Scenic Rivers, Areas of Critical Conservation Concern, Key Watersheds, Salmon Strongholds and other places. These places should be permanently protected or managed explicitly to protect economically and ecologically important values.
7. Collaborative Watershed Conservation Areas – This new legislative designation would establish six Collaborative Watershed Conservation Areas: the N. Santiam, McKenzie, Umpqua, Rogue/Illinois, Nestucca; Sandy/Clackamas. Federal lands in these areas would have as a primary goal the restoration and maintenance of ecological processes and functions, including old growth and structurally complex forest, water quality, and native fish and wildlife habitat. Private lands within these areas would be given the highest priority for collaborative conservation efforts, conservation incentive programs, and land exchanges.

By convening the O&C lands Panel, Governor Kitzhaber laid a foundation of trust and information that can make it possible to forge a solution that preserves Oregon’s natural legacy for the social, economic and ecological wellbeing of our communities. Our experience as members of that panel strengthened our understanding of the important contributions the O&C lands can make to a diversified economic strategy for Oregon. These unique lands provide vital ecosystem services to our communities and citizens, including drinking water, flood control, recreation and fish and wildlife habitat not available on private lands. Harvesting timber from these lands also can make a positive contribution to the economy, as long as it occurs in a manner that does not significantly diminish the non-timber values and does not further exacerbate the checkerboard pattern of these lands.

Thank you for your attention to this important issue. We look forward to working with you to find an enduring solution to the management of public O&C lands. Do not hesitate to contact any one of us if we can provide you or your staff with any additional information.

Sincerely,

Bob Davison
Defenders of Wildlife

John Kober
Pacific Rivers Council

David Dreher
The Pew Charitable Trusts

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Cc:
Governor John Kitzhaber, State of Oregon
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