

April 17, 2024

Jacque Buchanan  
Regional Forester, PNW Region  
1220 SW 3rd Avenue  
Portland, Oregon 97204

RE: Large Tree Protections in Eastern Oregon

Dear Regional Forester Buchanan,

On behalf of the Eastside Forest Coalition, we are writing to urge the Forest Service to abide by the letter and spirit of the recent ruling reinstating protections for large trees popularly known as the 21-inch Rule. Rather than perpetuate unnecessary conflict, we urge you not to appeal the decision and instead instruct your staff to work in good faith with all members of the public including conservation groups, tribes, and independent scientists to arrive at strong, defensible, and durable protections for large, mature, and old-growth trees in line with direction from President Biden.

The 21-inch Rule was one of several scientific recommendations intended to protect wildlife until more comprehensive protections were enacted.<sup>1</sup> The promise of those protections never came. Meanwhile, the need for them has only increased.<sup>2</sup> While once far more common, a legacy of logging means the 21-inch Rule protects just the largest 3% of trees on over 7 million acres of public lands. For thirty years, they helped safeguard fish and wildlife habitat, water, soils, and cultural values. They produced the conditions for previously antagonistic stakeholders to try to work together. Recent science has also shown these trees sequester nearly half the carbon in Eastern Oregon's forests.<sup>3</sup>

Under tremendous political pressure, and in the early days of the pandemic, the Forest Service began a rushed and predetermined process that undermined protections. The process was opposed by over one hundred independent scientists, thousands of citizens, former agency leadership, and dozens of conservation, public health, indigenous, and climate groups.<sup>4</sup>

The decision - signed by a political appointee hours before leaving office - was challenged in court in two separate cases representing a total of seven conservation organizations with the Nez Perce Tribe filing in support. On March 29, 2024, citing the controversial nature of the decision, uncertain effects, and overwhelming public interest, Judge Aiken adopted two magistrates' findings that the Amendment was unlawful under NFMA, NEPA, and the ESA. She ordered the amendment be vacated and reinstated the 21-inch Rule.<sup>5</sup>

This unnecessary four-year fight came at great cost to taxpayers and stakeholders alike. It undermined years of collaborative efforts, eroded trust in the agency, and left a confusing mess for staff. Now that no less than three judges have weighed in, it is time to stop defending an illegal and divisive effort.

Unfortunately, we understand the agency is continuing to consider logging large trees through site-specific amendments that were deemed illegal in the *Snow Basin* case and are being re-litigated in the *Camp Lick* case. We are also deeply concerned to know leadership has been working with an exclusive group of interests for over six years to undermine the Rule through Forest Planning on the Malheur, Umatilla, and Wallowa Whitman National Forests.

We can have resilient communities and local economies without sacrificing the irreplaceable values provided by large trees and mature and old-growth forests. Repeating past mistakes will only waste more resources and further degrade public trust. Our organizations have spent years making good faith efforts and offers to work with the Forest Service and other stakeholders to achieve durable solutions that achieve the agency's goals and are in line with the best science, public values, and the administration's direction. The offer still stands.

Very Sincerely,

Rob Klavins  
Northeast Oregon Field Coordinator  
Oregon Wild

Paula Hood  
Co-Director  
Blue Mountain Biodiversity Project

Amy Stuart  
Leadership Team  
Great Old Broads for Wilderness  
Bitterbrush Broadband

Jeremy Austin  
Wildlands & Water Program Director  
Central Oregon LandWatch

Emily Cain  
Executive Director  
Greater Hells Canyon Council

Mathieu Federspiel  
Executive Committee  
Sierra Club, Juniper Group

Adam Bronstein  
Oregon Director,  
Western Watersheds Project

Chris Krupp  
Public Lands Attorney,  
WildEarth Guardians



Juniper Group



Cc: The Honorable Senators Ron Wyden and Jeff Merkley  
Blue Mountain Forest Plan Revision Team  
Malheur, Umatilla, Wallowa Whitman, Deschutes, Ochoco, and Fremont Winema Forest Supervisors

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<sup>1</sup> Henjum, M. G., et. al, 1994. *Interim protection for late-successional forests, fisheries, and watersheds: National forests east of the Cascade crest, Oregon and Washington.* The Wildlife Society, Bethesda, MD.  
<sup>2</sup> DellaSala, D. A., et. al, 2020, *Large Trees; Oregon's Bio-Cultural Legacy Essential to Wildlife, Clean Water, and Carbon Storage*, available at <https://tinyurl.com/3v42carbon>  
<sup>3</sup> Mildrexler DJ, et.al., 2020, *Large Trees Dominate Carbon Storage in Forests East of the Cascade Crest in the United States Pacific Northwest.* *Front. For. Glob. Change* 3:594274. doi: 10.3389/fgc.2020.594274  
<sup>4</sup> <https://tinyurl.com/Screens21>  
<sup>5</sup> <https://tinyurl.com/AikenFR>