Public Forest Protection 201

Reminder: Law and policy
Agency analysis/NEPA
Defining “projects”

How to Participate:
- Comments
- Collaboration
- Monitoring

Walk through an example!
One of Oregon Wild’s key goals is promoting public forest management that keeps old forests standing, wild areas intact, and prioritizes ecological restoration – not timber production for its own sake.
Common Sense Vision for Forest Management

- Protect all remaining mature and old-growth forests.
- Protect intact unroaded areas and core wildlife habitat from further fragmentation.
- Focus management efforts on ecological restoration of dense young forests, crumbling roads, degraded streams, weeds, and native fire regimes.
  - Timber production should only be a by-product of such restoration, not the primary driver.
- Reduce fuels where needed near homes and communities.
The Legacy of Past Logging (NOT common sense...)

Umpqua National Forest, Oregon

Willamette National Forest, Oregon

The Destruction of your public forests by the timber industry and the forest service
Federal Laws that Apply to Public Lands

Protective laws like the **Wilderness Act** or **Wild & Scenic Rivers Act, Clean Water Act**

**Endangered Species Act (ESA)**—requires plan for recovery of species, protection of habitat, mitigation of harm

**National Forest Management Act (NFMA)**—applies to USFS

**Federal Land Policy & Management Act (FLPMA)**—applies to BLM which require comprehensive management plans;

**National Environmental Policy Act (NEPA)** - requires disclosure of environmental impacts, consideration of alternatives to a proposed action, and public input
Policy Highlight: Northwest Forest Plan

- Policies must integrate and comply with federal laws.
- Northwest Forest Plan is a policy for management of certain public lands in Oregon, Washington, and northern California.
  - Consists of 4 land allocations, which dictate what management actions can be taken in each type of area:
    - Late Successional Reserves (LSRs)
    - Matrix
    - Adaptive Management Areas (AMAs)
    - Riparian Reserves
  - And 3 mitigation measures/processes:
    - Watershed Analysis
    - Aquatic Conservation Strategy
    - Survey and Manage mitigation measures
BLM’s Resource Management Plans for Western Oregon

Laws that apply: FLPMA, ESA, NEPA, O&C Act

Process begun 2012 with scoping, public input sessions.

DEIS released in April 2015, with 90 day comment period.

FEIS and Proposed RMP released April 2016, with 30 day protest period.

Decision summer 2016.

Litigation ongoing

New management plan:
• shrinks streamside buffers,
• increases clear-cut style logging,
• reduces protections for wildlife.
**The NEPA Process**

1. **Initiate the planning process**
   - Develop a proposal
   - Determine appropriate level of environmental review

2. **Categorical Exclusion (CATEX)**
   - Is the Action outside the bounds of the possible CATEX?  
   - Are there Extraordinary Circumstances that merit further review?

3. **Environmental Assessment (EA)**
   - Involve the public to the extent possible
   - Will the Action have significant environmental effects?

4. **Environmental Impact Statement (EIS)**
   - Issue Notice of Intent (NOI)
   - Conduct public scoping and engage the public
   - Publish Draft EIS for public review and comment
   - Sign Record of Decision (ROD)
Levels of Analysis

Environmental review under NEPA can follow one of three alternate pathways, which involve increasing levels of analysis and public involvement depending on how much impact they are likely to have:

- **Categorical Exclusions (CE or CX):** A very rudimentary analysis that is used when the agency finds there are no “extraordinary circumstances” and if the proposed action falls under defined categories of activities.

- **Environmental Assessments (EA):** A mid-level of analysis for proposals that are unlikely to cause “significant impact.” Most projects follow this path. One of the purposes of an EA is to determine whether effects might be “significant” thereby triggering an EIS.

- **Environmental Impact Statements (EIS):** The highest level of analysis for proposals expected to cause significant environmental impacts.
What type of “projects”?

• Commercial Thinning
• Regeneration harvest
• Variable retention harvest
• Ecological forestry
• Pre-commercial thinning
• Fuels reduction
• Post-fire salvage
• Hazard reduction
• “Early seral” habitat creation
• Shelterwood harvest
What type of “projects”? 

- Stream restoration 
- Road decommissioning 
- Riparian thinning or restoration 
- Invasive species treatments 
- Prescribed fire 
- Grazing 
- Recreation trails & facilities 
- Pipelines and energy development
How does a timber sale work?

- After the NEPA analysis and decision, federal agencies offer timber volume associated with a project for sale to companies.

- The winning bidder gets a contract with the agency to implement the timber sale based on the criteria laid out in the NEPA analysis.

- The company or contractors then do the logging and associated road construction/maintenance.

- Some contracts include associated restoration activities.
How much logging happens on public forest land?

On average in recent years, across the state of Oregon, about 600 million board feet of timber are harvested on forests managed by the BLM or Forest Service annually.

(That’s about 120,000 log trucks full, which would stretch 1,250 miles.)

Associated work includes road building and maintenance, treating invasive weeds, and getting rid of “slash” created by logging.
Weighing in matters!

Oregon Wild participation in 2016-2017:

• Commented on 224 projects (half of what we saw)
• Unquantifiable number of changes made through process to address our concerns
• Filed 35 objections, protests, or appeals
• 18 positive outcomes of challenges where changes were made to address our concerns
• Asked supporters to weigh in on a mere dozen proposals
Public Process Demystified

It’s about knowing when to plug in... Oregon Wild does this on behalf of our supporters, but individuals can participate too!

• Collaboration
• Scoping comments
• Public meetings/field trips
• Comments on draft proposal
• Objection to draft decision (USFS)
• Protest & appeal of decision (BLM)
• Resolution, litigation, or live with it
How to Get Information About Projects

• Get on **mailing or e-mail notification lists** by contacting the local agency office

• Monitor **local newspapers** for legal notices of timber sales or decisions

• Monitor the EPA section of the **Federal Register** for notices for Environmental Impact Statements (as well as rules and regulations) ([https://www.federalregister.gov/](https://www.federalregister.gov/))

• Monitor **agency websites** for information

• Just ask us at Oregon Wild!
Welcome

Welcome to the Bureau of Land Management’s (BLM) national register for Land Use Planning (LUP) and National Environmental Policy Act (NEPA) documents. The register allows you to review and comment online on BLM NEPA and planning projects. This site also makes finding documents easier by allowing you to search for projects by geographic location, project resource type, year, and other project-specific fields.

If you have questions about the BLM NEPA Planning process, please use the links at the top of the page to find more information about your topic of choice.

All BLM states will be using the ePlanning NEPA Register and LUP Register by the end of 2017 per BLM policy. If a NEPA or LUP project cannot be located through this page, please visit the corresponding BLM Field Office website to obtain project location and information.

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How to find project information on National Forests

- Go to a National Forest website.
- Click on “Land & Resource Management” on the left side.
- Click on “Projects” under that heading to get a list.
Tips for Comments

• Address comments to the right person, at the right address
• Be clear about what project or activity you are addressing
• Be clear about what you’d like the agency to do differently
  • Suggest an additional alternative, for example
• Focus on specific elements of the proposal – not just general issues
• Raise specific issues as early in the process as possible
• Be supportive of stuff you like
• Speak from experience – how are YOU impacted by the project?
• Back up your information with citations to reliable sources if possible

Concerns to Consider bringing up

• Water quality
• Recreation and scenery
• Fish and wildlife habitat
• Protecting mature and old-growth forests
• Carbon storage & climate change mitigation
• Using best available science
• Not fragmenting intact wild areas
Collaboration around Forest Management

• New trend in public lands management.
• Public invited to participate in many cases. Good way to go in-depth into an area you care about.
• Collaboration can have good outcomes, leading to greater acceptance and utilization of common sense vision.
• Collaboration can also have some pitfalls, and needs to be done right to be effective.
Public Field Trips

• Agencies often hold a public field trip in the early stages of project development to get input.

• GREAT opportunity to see the area, and have direct access to specialists working to plan the project and doing NEPA analysis.

• Ask questions (there are NO BAD ONES)! You’ll find out a lot more than by reading documents.
Ground-truthing (aka monitoring)

Why do it?
◦ See what makes an area special
◦ See if documents are accurate
◦ Gain legal standing
◦ Hold agency accountable for actions after the fact

When do it?
◦ Preferably before comments or protest is due so can add place-specific issues to our comments.
◦ After a project is implemented

Tools you’ll need
◦ Agency documentation and other context
◦ Maps
◦ Camera

*Know what you’re looking for: big trees, forest structure, road condition, recreation use, wildlife

Other groups who lead organized ground-truthing trips:
• Bark (Portland)
• Cascadia Wildlands (Eugene)
• Blue Mountains Biodiversity Project (Eastern Oregon)
• Scoping comments on proposed EIS were due Sept. 19
• Draft EIS expected March 2019, with comment period
• Final EIS expected August 2019, with objection period to follow
• Objection resolution and decision
• More info at https://www.fs.usda.gov/project/?project=53966
Plantation forest proposed for commercial thinning in Flat Country Project
Past commercial thinning in plantation in Flat Country Project area
Past “gap creation” in Flat Country Project area
Natural, 150 year old forest proposed for “shelterwood” harvest in Flat Country Project.
Past “shelterwood harvest” unit in Flat Country Project area
Flat Country – past harvest in area

Source: https://logging.oregonhowl.org
What else can you do? There are plenty of ways to raise awareness!

• Alerts to organizational networks – raise awareness!
• Earned media – connect with reporters!
• Letters to the editor – people read them!
• Congressional action – doesn’t hurt to ask for their help!
• Visit the place of concern – with friends!
Thank you!

- How do you want to be more involved? We are here to help share information, answer questions, etc!
- Contact Chandra LeGue, Western Oregon Field Coordinator
  - cl@oregonwild.org
  - 541-915-2363
- Feedback appreciated!