

# Oregon Forest Restoration and Old Growth Protection Act

## I. Permanent Protection for all of Oregon's Mature and Old Growth Forests

A. Moist Forests – The following would be prohibited under the bill:

- Cutting any tree currently 120 years or older
- Cutting any tree that achieves the age of 120 years in a LSR
- Cutting any trees in stands currently dominated by trees of over 120 years

B. Dry Forests – Cutting any tree older than 150 years would be prohibited.

II. **New Forest Restoration Guidance for Oregon's Federal Land Agencies** – The Forest Service and BLM in Oregon would be re-directed to focus their management activities toward landscape-level project planning to address fire and insect risk, protect environmentally-sensitive and significant lands, restore ecological function, and promote ongoing, sustainable production of wood fiber for economic use from Federal forests.

A. Protect environmentally-sensitive and significant lands

- Require the agencies to incorporate aquatic conservation strategies to provide watershed protections with five main components: riparian conservation zones, key watersheds, watershed analysis, watershed restoration, monitoring.
- No clearcutting – restored areas must leave a minimum of 35% of the initial stand basal area.

B. Moist Forests Restoration Directives

- Retain old growth stands and old growth trees
- Restore large, continuous blocks of forests with late-successional characteristics in the Late Successional Reserves
- Manage young forests in Matrix and Adaptive Management Areas for ecological and economic objectives

### C. Dry Forests Restoration Directives

- Retain existing old growth trees
- Restore ecologically sustainable stands by reducing the basal areas in overstocked stands and promoting more fire- and drought-tolerant species
- Maintain sustainable conditions through active management
- Produce ecologically appropriate spatial complexity

**III. Expedited Restoration Projects for Oregon's Forests** -- Directs the Forest Service and BLM to prioritize and develop one landscape-scale forest restoration project (up to 25,000 acres) in each of Oregon's Federal forests and BLM districts to lessen the risk of unnaturally severe fires and insect infestation, protect communities, or improve biological diversity. The projects could only apply to:

- restoration forestry on previously-managed plantations in moist forest sites in Matrix, Late Successional Reserves, or Adaptive Management Areas established by the NWFP; or
- in dry forests, restoration forestry to achieve science-based restoration, improved forest health, and reduced fire risk.

A. Prohibited Activities -- The restoration projects authorized under this act could only take place under specific environmental safeguards. These safeguards include:

- Absolute prohibition on cutting in inventoried roadless areas
- Absolute prohibition on clearcutting
- Aquatic protections – ensuring that aquatic conservation strategies are applied in the project

B. Preference and Incentives for Achieving Local Collaboration

- A collaborative group would be assembled including representatives from labor, conservation, county government, state government, and industry. The group would be charged with designing the Agency-prioritized project within 12 months.
- If collaboration is achieved within 12 months with a three-fourths majority and sign-off from at least one member of each required category of represented groups, the project could restore an area of up to 25,000 acres and proceed under a Categorical Exclusion (which would eliminate both duplicative environmental analysis on non-controversial areas) with no administrative appeals allowed.

- If collaboration is not achieved within 12 months, the Agency can only move forward with a project of up to 10,000 acres.
- C. Opportunities for Public Comment and Participation Retained – Public participation would be sought by the agencies in the scoping process for potential projects. Non-collaborators would be encouraged to comment and help define the project in the early stages, before a specific project announcement is issued.
- D. Appropriate Funding – Authorizes \$50 million annually to implement projects. Also provides for the retention of funds from project receipts for planning and implementing further projects. This will have no effect on other receipt laws.

#### **IV. Restoring Trust in Federal Land Agencies**

- A. Observer Program -- The Inspectors General for Agriculture and Interior will establish an independent observer program to verify that no old growth is being cut, and that no cutting occurred in roadless areas.
- B. Transparency -- Observer reports are to be made available online for public review as soon as completed.
- C. Accountability – Forests found to have permitted more than de minimus violations of the ban on cutting old growth would be banned from project authority available under this act for a period of two years. Forests found to have conducted projects properly would be allowed to increase the size of the next project by 50%. At no time shall the size of the project conducted under these authorities exceed 50,000 acres.

#### **V. Miscellaneous Provisions**

- Expedited Review for Non-CE Projects – management projects conducted under the guidance and prohibitions in Section 4 would receive expedited review and administrative appeals would be limited to people who were meaningfully involved in the public comment or collaborative process.
- Biomass -- Allow forests to write a 20-year biomass contract to defray the costs of restoration contracts. Also restores the pre-Energy bill definition of biomass to specifically allow biomass from Federal forests.

- Monitoring and Scientific Review -- The authorities under this act, and the projects conducted under those authorities, shall be reviewed by an independent panel of scientists and forest scientists at the end of five years and the reports submitted to the relevant congressional committees.
- Local and Rural Employment Directives -- The Agencies are directed to use stewardship contracts when possible for restoration work, and provisions are made for counties to receive a percentage of stewardship contract. Local businesses are given extra consideration for receiving stewardship contracts.
- Small Diameter Log Incentives -- Provide a 35% federal income tax credit toward the purchase of state-of-the art, low-impact logging, yarding, hauling and milling equipment to encourage greater utilization of small diameter trees