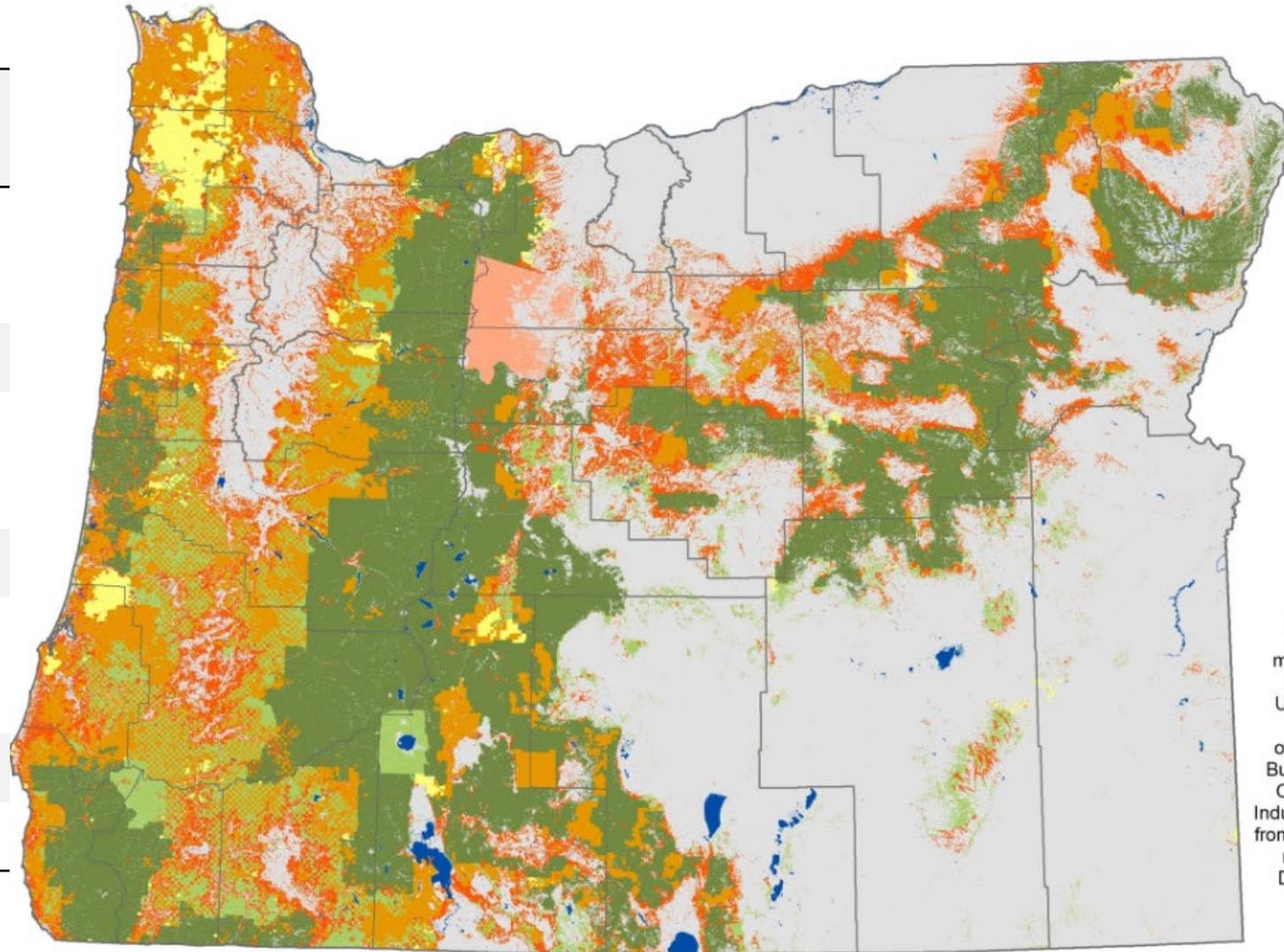


Federal Environmental Rule Changes

Oregon Forest Management Considerations

Oregon – Forest Lands

Oregon (acres)	Forestland (acres)
~ 61.6 M	~ 29.6 M
Federal	
~ 32.2 M	~ 17.8 M
Private	
~ 24.3 M	~ 10.2 M
Other	
~ 5.1 M	~ 1.6 M



Forest Ownership

- USDA Forest Service
- Bureau of Land Management or Other Federal
- State or Local Government
- Tribal
- Corporate Private
- Non-Corporate Private
- Water
- Nonforested Land
- County Boundaries

Forested area from Gradient Nearest Neighbor (GNN) structure maps (30 meter resolution), produced by LEMMA Team, Oregon State University and USDA Forest Service Pacific Northwest Research Station (2012). Land ownership/management polygons from Bureau of Land Management, revised by Oregon Department of Forestry (2015). Industrial (corporate) management polygons from Oregon Department of Forestry (2006, rev. 2013). Map produced by Oregon Department of Forestry, Partnership & Planning Program, March 2019.



Recent Federal Policy and Rule Changes

CEQ rescission of NEPA Regulations – Interim Final Rule February 2025, in effect

Executive Order: Immediate Expansion of American Timber Production – March 2025

Executive Order: Empowering Commonsense Wildfire Prevention and Response – June 2025

Roadless Rule Rescission - NPRM August 2025, Final 2026

BLM Conservation Rule Rescission – Conservation Rule Final 2024, NPRM September 2025, Final 2026

ESA 4(b), 4(d), and 7 rules – 4 NPRMs mid-late 2025, comments closed December 2025, Final 2026

NWFP Amendment/Re-Amendment – Amendment Halted 2025, Re-Initiating early 2026, DEIS Fall 2026

Federal Rule Making Process

Notice of Proposed Rulemaking is the start of the public rulemaking process under the Administrative Procedure Act (APA)

The NPRM:

- Establishes the administrative record
- Signals policy intent and scope
- Determines what issues the agency must respond to in the final rule

NPRM → Public Comment → Agency Response to Comment → Final Rule and Effective Date → Implementation/Litigation

Council on Environmental Quality (CEQ) NEPA Rescission

Timing

- Interim Final Rule April 2025

Nature of Change

- CEQ rescinded NEPA procedural rules how agencies conduct environmental reviews
- Rescission eliminates the unified rules federal agencies followed in conducting NEPA
- Agency NEPA procedures and practices now based on agency regulations

Revised USDA procedures in effect with changes to:

- Streamline NEPA analyses
- Include deadlines/page limits for EAs and EISs and clarification of where NEPA does and does not apply in decision making
- Scoping documents, early public notice, and Draft EIS comment periods not mandated

USFS Roadless Rule Rescission

Timing

- NPRM August 2025 → Comment Response and EIS → Final Rule 2026

Nature of Change and Effect

- Rescind the 2001 Roadless Area Conservation rule for inventoried roadless areas
- Remove prohibitions on road construction in inventoried Roadless areas
- Apply to ~45 M acres of inventoried roadless areas within the NFS nationally

Oregon Context

- Approximately 2 M acres of Inventoried Roadless Area in Oregon NFs
- Rescission would change where and how USFS projects could occur

BLM Conservation/Landscape Health Rule Rescission

Timing

- Conservation rule issued 2024, Rescission NPRM September 2025 → Comment Response and EIS → Final Rule late 2026

Nature of Change and Effect

- Removes provisions that defined conservation as a primary use commensurate to grazing, mining, recreation
- Rescission or weakening of BLM conservation leasing authority

Oregon Context

- Reduces BLM's ability to consider non-commodity management choices in Oregon RMPs and project-level decisions

ESA Sections 4 and 7 Rules

Four Separate ESA NPRMs, August to October 2025

- Listing and Delisting Procedures Section 4(b)
- Critical Habitat Designation and Exclusion Section 4(b)(2)
- Rules for Threatened Species Section 4(d)
- Interagency Consultation Section 7

Final Rules expected 2026

ESA Rule 1 – Listing / Delisting Procedures Section 4(b)

Nature of Change

- Restores regulatory text for listing, delisting, and related determinations including how services define and apply concepts in listing decision

ESA Administration Effect

- Foreseeable future would be narrowed in consideration of risk and listing
 - Long term conditions less significant
- Economic impact considerations could be included in listing decisions
- Higher bar for listing species as threatened - Require more evidence that species is likely to become endangered
- Streamlined delisting

ESA Rule 2 – Critical Habitat Designation 4(b)(2)

Nature of Change

- Expanded use of habitat exclusion considerations
 - Allows broader use of economic, land use, or national security justifications in habitat consideration

ESA Administration Effect

- Narrow/Restricts how “unoccupied habitat” is designated
 - Limits designations to areas currently containing most essential habitat features
 - Restores stepwise approach: Services must find that occupied habitat alone is inadequate before considering unoccupied areas
- Encourage coordination with states and landowners in habitat designation, stewardship plans could allow exclusions
- Critical habitat exclusions could be increased for marginal habitat, fragmented ownership, high economic impact

ESA Rule 3 – Section 4(d) Protections for Threatened Species

Nature of Change

- Ends “blanket 4(d)” approach to Threatened species
 - No longer an automatic extension of many Take prohibitions to new listed threatened species
 - Require species specific 4(d) rules

ESA Administration Effect

- Protections become a case-by-case consideration
 - Potential for tailored take allowances
 - Increased likelihood of allowance for project exemptions

ESA Rule 4 – Interagency Consultation (Section 7)

Nature of Change

- Reinstating key definitions “effects of the action” and “environmental baseline,” and removing 2024 “offset” provisions related to reasonable and prudent measures.

ESA Administration Effects

- Revised “adverse modification” standard and “cumulative effects”
 - Makes adverse modification determination harder to trigger
 - Allows agencies to focus on project level impacts rather than landscape scale cumulative effects
- Consultations would become more bounded in what is analyzed as an “effect of the action,”
 - Narrow the scope of impacts considered
 - Reduce the range of RPMs/terms and conditions, and
- Narrows consultation triggers and reinitiation of consultation thresholds tightened
 - Less likely to redo consultation when, new species listed, new habitat designated, new science emerges, plans change
- Agencies would have more discretion to decide
 - Whether an action “may affect” a species
 - Whether effects are “reasonably certain to occur”
- Reduces likelihood for formal consultation on projects, fuels, thinning, roads, restoration harvest

Executive Order: Immediate Expansion of American Timber Production – March 2025

Directs federal land-management agencies to increase domestic timber production and accelerate forest management

Key Directives

Instructs the U.S. Forest Service and Bureau of Land Management to:

- Reduce delays in planning and implementation of timber projects
- Update guidance to streamline project delivery
- Improve certainty and pace of federal timber offerings

Implementation Tools

- Good Neighbor Authority (GNA)
 - Encourages expanded use of state partnerships to plan and implement forest management
- Stewardship Contracts
 - Promotes using long-term stewardship contracting authorities
- Increased use of agreements with Tribes

Northwest Forest Plan Amendment (2026)

Timing

- Amendment halted 2025, restart 2026, DEIS Late 2026

New NWFP amendment expected to:

- Shift LSR definitions toward older age classes
- Reduce Survey & Manage requirements and constraints
- Increase emphasis on timber supply and fuels reductions

Oregon Context

- Direct priority and breadth of timber management for NWFP forests
- Inform interaction with ESA and Roadless Decisions
- Influence GNA and Shared Stewardship operability

USDA Oregon Shared Stewardship / GNA (2026)

Current Agreement

- 2019 MOU between Oregon (GO and ODF) and USDA Forest Service
- Explicitly nonbinding (funding/resources/commitment to specific projects) implementation happens through Separate Project Agreements (SPAs)
- Formalizes “all-lands, all-hands” partnership framework for cross-boundary forest and fire work
- Developed to align with a 20-year strategic plan for risk reduction and the Oregon Forest Action Plan

USDA Oregon Shared Stewardship / GNA (2026)

Consideration for a new Shared Stewardship Agreement in 2026

Recent MT Template – 20-year Montana Agreement (2026 Implementation)

- Developed to advance restoration, risk reduction, and timber production leveraging GNA
- Priority landscape selected in NW Montana of ~200,000 acres
- Informs MT DNR participation in NFS project implementation
- Accountability instruments: maintain five-year plans of work and interactive dashboard
- Production Emphasis through MT DNR GNA projects

Oregon Agreement could range from restatement of existing to a MT informed agreement

- 2–3 priority landscapes with tool bundle (GNA + stewardship contracting + planned CE/programmatic NEPA approach where appropriate), initial workplan
- Shared dashboard (acres planned/cleared/implemented; contracting status; NEPA status; capacity constraints)

Modernizing Federal Wildfire Response

- Executive Order 14308: Empowering Commonsense Wildfire Prevention and Response
 - Establishment of the US Wildland Fire Service which will unify DOI agencies and align operations with Dept of Agriculture
- Streamlining Federal Wildland Fire Governance
- Encouraging Local Wildfire Preparedness and Response
- Strengthening Wildfire Mitigation
- Modernizing Wildfire Prevention and Response