



The Forest Emergency
Recovery & Research Act

HR 4200

Information
Packet



The Forest Emergency Recovery & Research Act

OVERVIEW

- The Forest Emergency Recovery and Research Act would provide our federal land managers the tools and resources necessary to complete a swift and thorough evaluation of forest conditions after an ice storm, wildfire or other catastrophic event and allow for expeditious plans to recover the health of these lands. It encourages public participation, follows an overwhelmingly bipartisan (and congressionally approved) appeals and litigation process, and requires collaboration with states, local governments, tribes, colleges and universities, and other interested parties.

COMPLIES WITH ALL ENVIRONMENTAL LAWS

- The Forest Emergency Recovery and Research Act requires an expedited National Environmental Policy Act procedural review and complies fully with all other environmental laws, including the Wilderness Act, the Endangered Species Act, the Wild and Scenic Rivers Act.

SECURES PUBLIC'S RIGHT TO APPEAL AND LITIGATE PROJECTS

- The Forest Emergency Recovery and Research Act secures the public's right to appeal and litigate federal forest recovery projects using the Healthy Forests Restoration Act (HFRA), which was approved with overwhelming bipartisan support in Congress. (HFRA was passed in the Senate by a vote of 80-14 and in the House by a vote of 286 – 140)

INCREASES PEER REVIEWED SCIENCE AND RESEARCH

- The Forest Emergency Recovery and Research Act would increase the amount of peer reviewed scientific research conducted and made available to the public, federal land managers, and policymakers, ensuring that post catastrophic federal forest recovery projects are based on peer reviewed science.

IMPROVES PROJECT REVIEW PROCESS

- The Forest Emergency Recovery and Research Act requires an expedited National Environmental Policy Act (NEPA) procedural review used successfully in 1998 by the Clinton Administration in Texas on the Sabine, Angelina and Sam Houston National Forests to recover them and habitat for the red-cockaded woodpecker, a federally-listed endangered species, after a severe windstorm.

DRAMATICALLY DIFFERENT FROM THE 1995 SALVAGE RIDER

- The Forest Emergency Recovery and Research Act, unlike the 1995 Salvage Rider, secures the public's right to appeal and litigate federal forest recovery projects, requires an expedited NEPA procedural review and complies with other environmental laws, specifically limits and defines the conditions for tree removal, does not apply to green tree timber sales on federal forests, requires that any recovery project adhere to the approved forest management plan, and will be introduced as a stand-alone bill vetted fully in Congress.

TIMELY ACTION REPAIRS DAMAGED FORESTS AND REDUCES COSTS

- The Forest Emergency Recovery and Research Act requires that funds received from the removal of trees for recovery projects be used to help repair the catastrophic damage to our federal forests which would help offset the cost of critical watershed and wildlife habitat restoration.

STRONG BIPARTISAN SUPPORT

- The Forest Emergency Recovery and Research Act will be introduced by Congressmen Greg Walden (R-OR) and Brian Baird (D-WA) along with a strong bipartisan group of original cosponsors from across the country.

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or Congressman Greg Walden's office (202.225.6730).



The Forest Emergency Recovery & Research Act

OVERVIEW

Natural catastrophes such as tornadoes, wind storms, and insect epidemics are frequent occurrences in the forests of the United States. Large-scale catastrophic wildfires have become more common in recent years and are expected to continue until the health of our forests is restored. With approximately 190 million acres of federal land at high risk of catastrophic fire, restoration of forests will take many years. Because of catastrophic events, there are now over one million acres on our national forests in need of reforestation - and this number is increasing. Rapid assessment of damage, quick action, and funding are needed following catastrophic events to restore landscapes and prevent additional reforestation backlog. Furthermore, peer reviewed research is needed on the effects and effectiveness of some post catastrophic treatments.

The Forest Emergency Recovery and Research Act would address these concerns. It would require that any catastrophic event over 1,000 acres must be quickly evaluated and restoration recommendations made. At that point, the Secretary could use existing law to address the problem, or if expedited restoration work is needed, expedited environmental review of proposed actions would be performed by the agencies and would include full public notice and participation. In forest types that have been significantly researched, pre-approved management practices could be implemented immediately after an environmental review. Emergency reforestation and restoration projects would then commence. Administrative appeals and litigation would follow the guidelines established under the overwhelmingly bipartisan Healthy Forests Restoration Act (HFRA). Adjacent non-federal lands would also be included in the evaluation when desired by tribal, local government, and private landowners. The evaluation would determine if expedited reforestation and other recovery work are needed in the area and would also identify research opportunities.

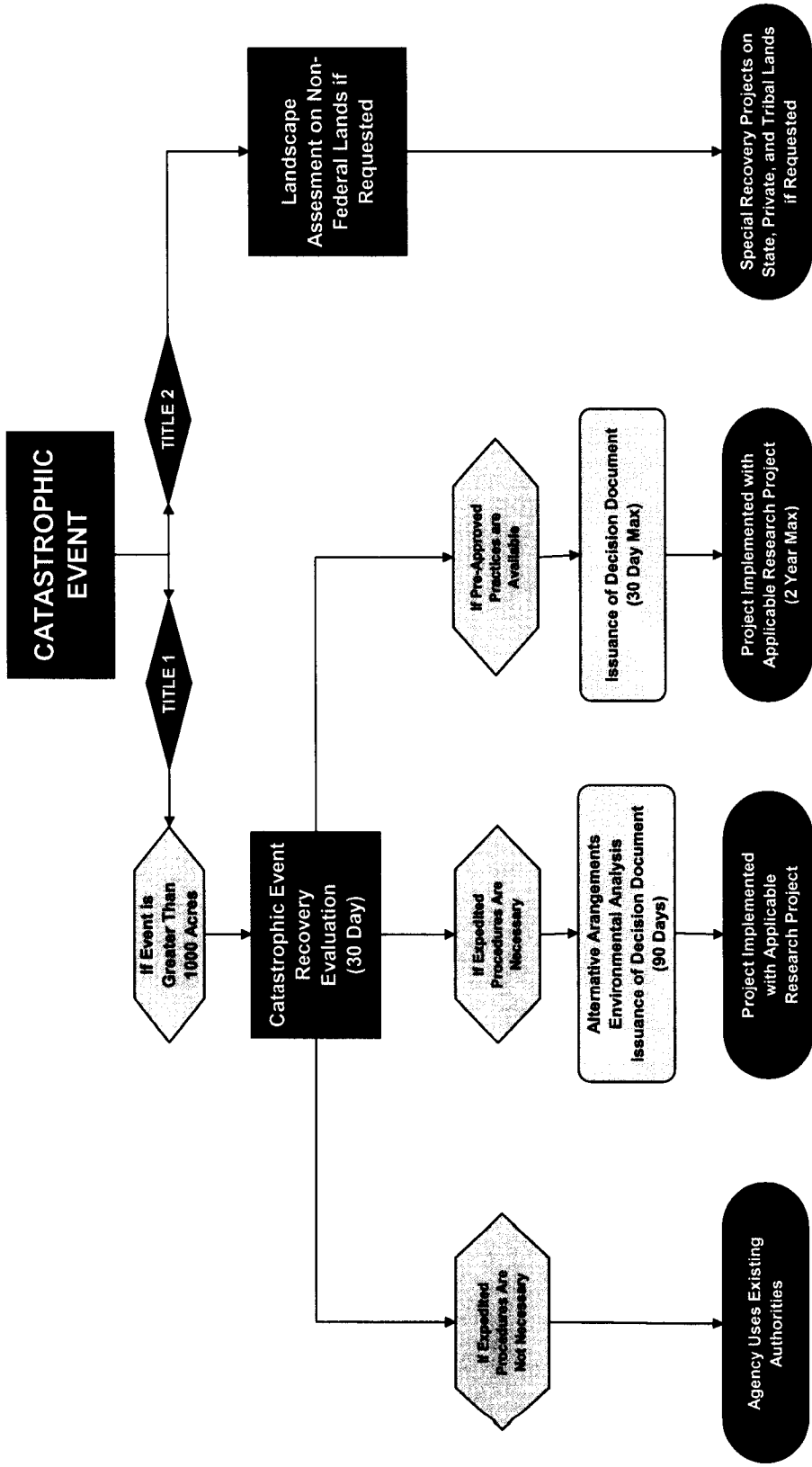
Research would be strengthened by: 1) requiring forest health partnerships with colleges and universities when establishing post catastrophe research projects; 2) requiring development of peer reviewed research protocols; 3) allowing peer reviewed research projects to be established in areas affected by catastrophe, and; 4) authorizing research projects on existing Forest Service Experimental Forests.

The Forest Emergency Recovery and Research Act would expand authorized uses of several funding sources for both federal and non-federal land, including annual appropriations, the United States Forest Service Knutson-Vandenberg timber trust fund dollars and salvage sale receipts, Bureau of Land Managements Forest Ecosystem Health and Recovery fund account, and federal Emergency Management Administration funds. The Act would also authorize technical assistance from federal employees for private landowners.

In summary, applying authorities similar to those allowed through the HFRA, the Forest Emergency Recovery and Research Act could greatly help to reestablish forests after catastrophic events. Rapid assessment of conditions, quick action to assist in recovery, and additional funding sources would all be employed to protect forests from further degradation and to speed reforestation efforts. In addition, research activities would improve the state of knowledge about post catastrophic treatments and help the congressionally authorized National Forest Experimental Forests accomplish their mission. Finally, while facilitating quick action in the wake of catastrophic events and strengthening research, The Forest Emergency Recovery and Research Act would ensure collaboration with tribes, state and local governments, colleges and universities, and other interested people.

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or Congressman Greg Walden's office (202.225.6730).

The Forest Emergency Recovery and Research Act



PROCEDURAL TIMELINE

FOREST EMERGENCY RECOVERY AND RESEARCH ACT

SECTION BY SECTION ANALYSIS

Section 1: Short Title: “Forest Emergency Recovery and Research Act”

Section 2: Findings

Section 3: Definitions (key definitions only)

(2) Catastrophic Event: Regardless of cause, any fire, flood, explosion or natural disaster (including a hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect and disease outbreak) that has or will cause significant damage to federal or non-federal land.

(3) Catastrophic Event Recovery: The emergency stabilization, rehabilitation, restoration and reforestation that is undertaken in response to a catastrophic event. Reforestation is limited to native or beneficial plants (consistent with the land management plan) to avoid the creation of plantation forests.

(4) Catastrophic Event Recovery Evaluation: The evaluation conducted in accordance with Section 102.

(5) Catastrophic Event Recovery Proposal: The list and brief description of a catastrophic event recovery projects or research projects and pre-approved management practices that are recommended to rehabilitate the land.

(6) Catastrophic Event Recovery Project: The activities identified in the catastrophic event recovery proposal that will be implemented to promote recovery of the affected land.

(7) Catastrophic Event Research Project: The scientifically designed study of the effects and effectiveness of catastrophic event recovery and emergency stabilization treatments for an area affected by a catastrophic event.

(10) Federal Land: National Forest or Bureau of Land Management Land. Wilderness areas are not included.

(16) Pre-approved Management Practice: A management practice under Section 104(a) that may be immediately implemented as part of a catastrophic event recovery or research project to facilitate recovery of the affected land. Such pre-approved management practices would be created through a rule making process for certain forest types or geographic areas where extensive research has been conducted resulting in generally agreed upon best management practices.

(18) Special Recovery Project: For non-federal land, the activities proposed to promote recovery of the affected area.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON PUBLIC LANDS

Section 101: Development of Research Protocols and use in Catastrophic Event Research Projects

Directs the Secretary to develop research protocols (rule making) through improved knowledge and research (which may be done independently or in conjunction with a catastrophic event recovery project) on catastrophic event recovery and emergency stabilization. The objective of the protocols is to increase the long-term benefits of management activities and decrease short-term impacts of the catastrophic event. The protocols would undergo peer review, must be reported to Congress 180 days after enactment and must be made available to the public. The Secretary must also enter into cooperative agreements with land-grant universities for research.

Section 102: Catastrophic Event Recovery Evaluations

Catastrophic events over 1,000 acres *require* a catastrophic event recovery evaluation (referred to as the “evaluation”). Catastrophic events of more than 250 acres but less than 1,000 acres *may* (but are not required) be evaluated.

The evaluation must be completed in 30 days from the conclusion of the event and include a description of the event and recovery needs, a determination of research projects or protocols that best fit the event, a proposal containing the recovery and/or research project, map of the affected area, a preliminary funding estimate, a preliminary estimate of the receipts, and a preliminary schedule showing the timing of the project.

The Secretary must then determine if pre-approved management practices can be implemented (Section 104) or if the use of alternative arrangements (Section 105) is needed. In making the determination the Secretary must consider (but is not limited to) the need for prompt response, the recovery needs and opportunities, the threat to public health and safety and the likelihood of substantial loss to adjacent private or federal property or other economic loss. The Secretary has sole discretion for the determination, but is required to notify and may consult with the Council on Environmental Quality.

The Secretary is required to use an interdisciplinary approach ensuring the use of both natural and social sciences, may coordinate with other landscape assessments for adjacent non-federal land in need of recovery and must collaborate with State and local governments, Indian Tribes, land-grant universities, and interested persons in the development of the evaluation and proposal.

The Secretary is required to provide public notice of each evaluation (including the recovery proposal) and must also provide notice of public meetings in a manner determined by the Secretary (such as publication in the Federal Register).

Section 103: Compliance with the National Environmental Policy Act (NEPA)

Except as provided by alternative arrangements (Section 105) and pre-approved management practices (in which a post catastrophic event evaluation must be done) (Section 104) all projects must comply with NEPA. For alternative arrangements, Section 105 would satisfy NEPA (this includes the evaluation, project proposal, notice, and appeals).

Section 104: Availability and Use of Pre-Approved Management Practices

The Secretary is directed to prepare a list of management practices that may be immediately implemented (after a post catastrophic evaluation) as part of a recovery or research project to rehabilitate the affected land. The list must be peer reviewed and developed using standard notice and comment rule making. The Secretary may amend or revise the list as necessary.

The Secretary may use the pre-approved management practices for up to two years after the evaluation has been completed. The authority may not be used after the two year time frame.

Permanent road building is prohibited; only temporary roads may be constructed and must be removed upon completion of the project. Timber harvesting is limited to trees that are down, dead, broken, or severely root sprung, where mortality is highly probable within five years of the event and where removal is necessary for worker or public safety.

For compliance with consultation under the Endangered Species Act, the Secretary may use emergency procedures as provided under ESA regulations. Consultation required under other laws (such as the National Historic Preservation Act or the Federal Water Pollution Control Act) may proceed simultaneously with the implementation of the pre-approved management practice. Results of the consultation must be immediately incorporated into the project. No laws are exempted.

A decision document must be issued not more than 30 days after the completion of the evaluation and must be immediately implemented. The decision document shall include: a description of the pre-approved management practice to be implemented, the rationale for the agency decision, an economic analysis and justification, and an analysis of the environmental effects of the management practice and how the effects will be minimized or mitigated consistent with the land management plan. The Secretary may establish interested-party monitoring.

Section 105 Availability and Use of Alternative Arrangements

If the Secretary utilizes alternative arrangements to conduct a recovery or research project, the Secretary is not required to study or develop more than the proposed agency action and the alternative of no action under NEPA. Alternative arrangements may not

be used to construct permanent roads and timber harvesting is limited to down/dead/severely root sprung trees etc. (as described earlier in Section 104). ESA consultation and other consultations are the same as described in Section 104.

A decision document must be issued and immediately implemented no later than 90 days after the evaluation has been completed. The decision document must contain: a rationale for the agency decision, an economic analysis and justification, and a statement of the significant environmental impacts of the action and how such impacts will be minimized or mitigated consistent with the land management plan. The Secretary may establish interested-party monitoring.

Section 106 Administrative and Judicial Review

Except as provided for in Section 106 (b), nothing in this title affects the Administrative Reform Act (notice, comments and appeals) or any legal action under the law.

A person may seek administrative review through the pre-decisional appeals process under the Healthy Forests Restoration Act (HFRA) on pre-approved management projects (Section 104) and catastrophic event recovery or research projects (Section 105).

A person may seek judicial review under HFRA authorities (only after administrative review has been exhausted). Any attorney's fees awarded to prevailing parties under the Equal Access to Justice Act may not exceed the hourly rates of a venue's public defenders.

Section 107 Guidance Regarding Reforestation in Response to Catastrophic Events

The Secretary is required to standardize the collection and reporting of reforestation needs in response to catastrophic events through guidance (guidance must be consistent with agency goals and budget).

Section 108 Effect of Title

Nothing in Title I affects the Secretary's use of other statutory or administrative authorities (including those under NEPA) to conduct a catastrophic event recovery project or catastrophic event research project, that is not conducted under alternative arrangements (Section 105). The Federal Advisory Committee Act shall not apply for the peer/independent review (Section 101 (b)), the monitoring process (Section 104(h) or 105 (f)) and the preparation of a catastrophic event recovery or research evaluation.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

Section 201 Assistance Under Cooperative Forestry Assistance Act of 1978 to Restore Landscapes and Communities Affected by Catastrophic Events

Amends the Cooperative Forestry Assistance Act of 1978 by authorizing the Secretary to cooperate with an eligible entity at their request (State Forester, Indian Tribe, local government, community based organization or person) on a landscape assessment on non-federal land (affected by a catastrophic event) or for a community wildfire protection plan. The Secretary may provide both technical and financial cost-share assistance as well as assistance for special recovery projects (revegetation, tree planting, product development from fire timber harvest, local workforce training and repair of public facilities).

Subtitle B—Department of the Interior Assistance

Section 211 Restoring Landscapes

Authorizes the Secretary of the Interior to cooperate with an eligible entity at their request (State Forester, Indian Tribe, local government, community based organization or person) on a landscape assessment for an area affected by a catastrophic event. The Secretary may provide both technical and financial cost-share assistance as well as assistance for special recovery projects (revegetation, tree planting, product development from fire timber harvest, local workforce training and repair of public facilities).

The Secretary may cooperate with an eligible entity to assist in the preparation of a community wildfire protection plan and may provide technical and financial cost-share assistance as well as assistance for special recovery projects.

TITLE III—EXPERIMENTAL FORESTS

Section 301 Findings

Section 302 Availability and Use of Pre-Approved Management Practices on National Forest Experimental Forests

Authorizes the use of pre-approved management practices on experimental forests.

Section 303 Availability and Use of Alternative Arrangements for Projects on National Forest Experimental Forests

Authorizes the use of alternative arrangements (Section 105) in experimental forests.

TITLE IV—GENERAL PROVISIONS

Section 401 Regulations

The Secretary is not required to promulgate regulations to implement this Act.

Section 402 Funding Sources

The Secretary concerned is authorized to use unobligated balances (appropriated within their department) to implement post catastrophic event research and projects. Wildland fires management funds could be used for pre-approved management practices and catastrophic event recovery/research projects related to wildland fire. The Knutson-Vandenberg Fund (from green timber sales), the Forest Service Salvage Fund (from salvage sales), and the BLM's Revolving Fund Derived from Disposal of Salvage Timber (salvage sales) are amended to allow the agencies the flexibility to use those funds for pre-approved management practices and post catastrophic event recovery and research projects. Additionally, FEMA may reimburse the Secretary concerned for any assistance provided to non-federal land designated as a federal disaster area.



The Forest Emergency Recovery & Research Act

MYTHS / FACTS

Myth: The Forest Emergency Recovery and Research Act guts environmental review, public comment requirements and weakens judicial review.

Fact: The Forest Emergency Recovery and Research Act requires thorough environmental review, including full evaluation of the environmental effect of a catastrophic event recovery project and how those effects will be minimized and mitigated in the short-term to promote quick recovery, restoration and reforestation in the long-term. Public notice, appeals and judicial review are required using the exact same process as required in the overwhelmingly bipartisan Healthy Forests Restoration Act. Furthermore, the agencies are required to work with state and local governments, Indian tribes, land-grant universities and interested persons in the development of projects.

Myth: The Forest Emergency Recovery and Research Act would provide a new mechanism for logging old growth while also creating new roads and massive clear cuts.

Fact: Permanent roads are strictly prohibited in the Forest Emergency Recovery and Research Act. Any temporary roads created in the restoration process must be removed upon completion of the project. Timber removal is limited to trees that are down, dead, broken or severely root sprung, where mortality is highly probable within five years of the event or where removal is necessary for worker or public safety. All recovery projects must comply with the desired outcomes in the approved forest plan – meaning habitat snags will remain, as will other necessary debris to prevent erosion and begin the recovery process.

Myth: Administrative appeals do not currently hold up restoration projects.

Fact: Appeals and litigation hold up hundreds of projects on public lands each year. The Forest Emergency Recovery and Research Act uses the exact same administrative appeals process as the overwhelmingly bipartisan Healthy Forests Restoration Act, which includes pre-decisional appeals during the project planning process. This pre-decisional appeals process provides critical information from the public and concerned groups to the agencies at the beginning of the planning process, creating an environment of collaboration to help the agency make better decisions.

Myth: The Forest Emergency Recovery and Research Act would result in artificial "replanting" and/or "restocking," creating forest plantations.

Fact: The Forest Emergency Recovery and Research Act strictly prohibits the replanting of forest plantations and requires the establishment of native or beneficial plants according to the approved forest or resource management plan – including the establishment of biologically diverse forests and plants.

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or Congressman Greg Walden's office (202.225.6730).

Myth: You don't need to remove dead trees to help pay for the restoration of forests.

Fact: According to scientists published in the peer reviewed Journal of Forestry, science and experience have shown that removing dead and dying trees does help repair the damage to forests and its associated values while offsetting the cost of these critical activities. For example, in the aftermath of the 2001 Gap Fire on the Tahoe National Forest, a two year delay in action due to appeals resulted in a \$1.35 million loss in value to the dead and dying trees. This loss in value, if retained through authority authorized in the Forest Emergency Recovery and Research Act, would have more than covered the \$739,000 spent for watershed restoration, resource enhancement and hazardous fuel removal at the Gap Fire site.

Myth: There is no reforestation backlog due to increased forest fires and other natural disturbances.

Fact: In an April 2005 report, the nonpartisan Government Accountability Office conservatively estimated that the reforestation backlog on public lands currently exceeds one million acres. For example, the 2002 Biscuit Fire in southern Oregon burned 499,965 acres of which 178,051 acres are within the Kalmiopsis Wilderness area and congressionally withdrawn from recovery projects. Of the total area burned, 321,914 acres were outside the wilderness with recovery projects authorized on only 49,215 acres. Today, three years later, 9,461 acres have been replanted, representing recovery on less than 20 percent of the total burned area proposed for restoration. This type of painstakingly slow response is adding to an ever increasing reforestation backlog taking place across the country on federal lands.

Myth: The Forest Emergency Recovery and Research Act is a new taxpayer-subsidized campaign to log on public lands for economic return.

Fact: The Forest Emergency Recovery and Research Act would expand authorized uses of several funding sources for both federal and non-federal land, including annual appropriations, the United States Forest Service Knutson-Vandenberg timber trust fund dollars and salvage sale receipts, Bureau of Land Managements Forest Ecosystem Health and Recovery fund account, and federal Emergency Management Administration funds. Any funds received from the recovery of dead and dying timber would be used to offset the costs of reforestation and rehabilitation, thus maximizing taxpayer dollars. Furthermore, the bill would increase the amount of public land that is rehabilitated, preventing future wildfires, insect infestation and disease outbreak, which would save taxpayer dollars, ensuring America's national forests are healthy for future generations.

Myth: Many salvage logging sales have sold for a single minimum bid at high cost to taxpayers.

Fact: Due to procedural delays, including administrative appeals and litigation, the dead or dying wood deteriorates quickly thereby reducing the value of wood. As a result, many sales go unsold or sell for very little. In some cases, the trees hold little to no value by the time the sale is offered, making the recovery projects too expensive to implement – resulting in no restoration.



The Forest Emergency Recovery & Research Act

HR 4200

CURRENT COSPONSOR LIST

- | | |
|------------------------------------|------------------------------|
| 1. Greg Walden (R-OR)
(sponsor) | 25. Dennis Rehberg (R-MT) |
| 2. <i>Brian Baird</i> (D-WA) | 26. JD Hayworth (R-AZ) |
| 3. Wayne Gilchrest (R-MD) | 27. Mike Rogers (R-MI) |
| 4. <i>Stephanie Herseth</i> (D-SD) | 28. Steve Pearce (R-NM) |
| 5. Jeff Flake (R-AZ) | 29. Jim Gibbons (R-NV) |
| 6. <i>Bennie Thompson</i> (D-MS) | 30. Nathan Deal (R-GA) |
| 7. John Peterson (R-PA) | 31. Barbara Cubin (R-WY) |
| 8. <i>Allen Boyd</i> (D-FL) | 32. Chris Cannon (R-UT) |
| 9. Chip Pickering (R-MS) | 33. Henry Brown (R-SC) |
| 10. <i>James Oberstar</i> (D-MN) | 34. Cathy McMorris (R-WA) |
| 11. John Shadegg (R-AZ) | 35. Charles Taylor (R-NC) |
| 12. <i>Marion Berry</i> (D-AR) | 36. George Radanovich (R-CA) |
| 13. Roger Wicker (R-MS) | 37. Mike Simpson (R-ID) |
| 14. Jerry Lewis (R-CA) | 38. Rick Renzi (R-AZ) |
| 15. <i>Mike Ross</i> (D-AR) | 39. Don Young (R-AK) |
| 16. Doc Hastings (R-WA) | 40. Louie Gohmert (R-TX) |
| 17. <i>Collin Peterson</i> (D-MN) | 41. Jim McCrery (R-LA) |
| 18. Bob Goodlatte (R-VA) | 42. Robin Hayes (R-NC) |
| 19. Lee Terry (R-NE) | 43. Wally Herger (R-CA) |
| 20. Richard Pombo (R-CA) | 44. Joel Hefley (R-CO) |
| 21. Thelma Drake (R-VA) | 45. John Doolittle (R-CA) |
| 22. Butch Otter (R-ID) | 46. Jo Bonner (R-AL) |
| 23. Charlie Norwood (R-GA) | 47. Tom Tancredo (R-CO) |
| 24. John J Duncan (R-TN) | |

(List as of 11/02/05)

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or
Congressman Greg Walden's office (202.225.6730).



The Forest Emergency Recovery & Research Act

COMPLIES WITH ALL ENVIRONMENTAL LAWS

The Forest Emergency Recovery and Research Act requires an expedited National Environmental Policy Act procedural review and complies with all other environmental laws, including:

- The Wilderness Act of 1964 (16 U.S.C. 1131 et seq.)
- The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)
- The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
- The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1273 et seq.)
- The Federal Water Pollution Control Act of 1987 (33 U.S.C. 1251 et seq.)
- The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.)
- The Clean Air Act of 1965 (42 U.S.C. 7401 et seq.)
- The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.)
- The Safe Drinking Water Act of 1974 (42 U.S.C. 300j et seq.)
- The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)
- The National Historic Preservation Act 1966 (16 U.S.C. 470 et seq.)
- The Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515 et seq.)



The Forest Emergency Recovery & Research Act

IMPROVES PROJECT REVIEW PROCESS

The Forest Emergency Recovery and Research Act requires an expedited National Environmental Policy Act (NEPA) procedural review.

- The Forest Emergency Recovery and Research Act codifies the authority for agencies to use alternative arrangements, a procedure authorized by NEPA, and successfully used in 1998 by the Clinton Administration in Texas on the Sabine, Angelina and Sam Houston National Forests to recover federal forests and habitat for the red-cockaded woodpecker, a federally-listed endangered species, after a severe windstorm.
- Alternative arrangements may not be used to construct permanent roads and timber removal is limited to down, dead, broken or severely root sprung trees or where mortality is highly probable within five years of the event or where removal is necessary for worker or public safety. (Section 104)
- If the agencies utilize alternative arrangements to conduct recovery or research projects, they will be required to study or develop a proposed agency action and the alternative of “no action”. (Title I, Section 105)
- Further, agencies must prepare and implement a decision no later than 90 days after the environmental evaluation has been completed. The rationale for the agency decision must include an economic analysis and justification, and a statement of the significant environmental impacts of the action and how impacts will be minimized or mitigated consistent with the land management plan. (Title I, Sec. 105)
- All recovery projects must comply with the desired outcomes in the forest plan—meaning habitat snags will remain, as will other necessary debris to prevent erosion and promote the recovery process.
- Public notice, appeals and judicial review are required using the exact same process as required in the overwhelmingly bipartisan Healthy Forests Restoration Act.



The Forest Emergency Recovery & Research Act

SECURES THE PUBLIC'S RIGHT TO APPEAL AND LITIGATE FEDERAL FOREST RECOVERY PROJECTS

- **Under the Forest Emergency Recovery and Research Act the public will be able to appeal federal forest recovery projects.**
 - The Forest Emergency Recovery and Research Act appeals process is identical to that of the Healthy Forests Restoration Act (HFRA), which was approved with overwhelming bipartisan support in Congress. (HFRA was passed in the Senate by a vote of 80-14 and in the House by a vote of 286 – 140)
 - The Forest Emergency Recovery and Research Act appeals process would implement an appeals process for forest recovery projects which has been used for years by the Bureau of Land Management.
- **Under the Forest Emergency Recovery and Research Act the public will be able to litigate federal forest recovery projects.**
 - The process for litigation is identical to HFRA, requiring those who wish to litigate projects to provide substantive comments at the beginning of the project planning period.
 - The Forest Emergency Recovery and Research Act would require preliminary injunctions granted by a federal court against a project implemented under this legislation to be reevaluated every 45 days. The court may extend the injunction an unlimited number of times
 - Every time a federal court extends an injunction, the Forest Service or the Department of the Interior must provide an update to the court on the status of the conditions of the forest, ensuring an evaluation of the balance of harms.
 - The Forest Emergency Recovery and Research Act encourages, in a non-binding manner, a federal court to decide on the merits of a legal challenge to a restoration project within 100 days.



The Forest Emergency Recovery & Research Act

INCREASES PEER REVIEWED SCIENCE AND RESEARCH

The Forest Emergency Recovery and Research Act would increase the amount of peer reviewed scientific research conducted and made available to the public, federal land managers, and policy makers, ensuring that post catastrophic federal forest recovery projects are based on peer reviewed science.

Partnerships (Title I, Section 101):

- Federal land management agencies would be required to enter into cooperative agreements with land-grant colleges and universities to conduct research on catastrophic events on federal forests.
- Federal agencies would be required to form forest health partnerships with land-grant colleges and universities, including regional institutions, utilizing the education, research, and outreach capacity of universities to address the recovery of forested land after a catastrophic event.
- These forest research partnerships may be aligned with the current network of Cooperative Ecosystem Studies Units (CESU), an extensive coalition of 12 federal agencies, 160 universities and 39 partner institutions (state, tribal, non-governmental organization) linked together to provide research, technical assistance and education in support of federal land management and environmental research.

Research Protocols (Title I, Section 101):

- The Forest Emergency Recovery and Research Act calls for the establishment of research conduct protocols for all catastrophic event research projects to collect and analyze scientific data on the effectiveness and ecological impacts of catastrophic event recovery projects and emergency treatments.
- Research protocols must be designed to improve knowledge, understanding, and predictive capabilities. They must include an experimental design or sampling procedures and methods of data analysis and interpretation.
- The research protocols and any modification would be subject to peer review and must be available to the public.



The Forest Emergency Recovery & Research Act

DRAMATICALLY DIFFERENT FROM THE 1995 SALVAGE RIDER

SALVAGE RIDER FACTS:

- Attached as a rider to the Emergency Supplemental Appropriations and Rescissions Act (P.L.104-19) in 1995.
- No public hearings were held on this specific provision.
- Waived environmental laws (National Environmental Policy Act, Federal Land Policy and Management Act, etc.)
- Expedited salvage *and* green sales contracts.
- Overrode court injunctions, restraining orders and decisions.

FOREST EMERGENCY RECOVERY & RESEARCH ACT FACTS:

- Multiple public hearings held by the House Resources Subcommittee on Forests and Forest Health seeking input on forest recovery issues.
- Stand alone bill drafted and public hearing on the bill scheduled for November 10, 2005 in the proper authorizing committee.
- Recovery specifically limited to trees that are “down, dead, broken, severely root sprung, which mortality is highly probable in five years, or that are required to be removed for worker or public safety.” Habitat snags will remain, as will other material to diminish erosion and restore habitat. (Title 1, Section 105).
- “Catastrophic event” specifically defined and recovery evaluation required. Underlying land management or forest plan must be followed. (Section 3)
- Public collaboration required. (Title 1, Section 102)
- Public allowed to participate in “pre-decisional appeals” process to help shape the final plan and may seek judicial review under the appeals procedures of the overwhelmingly bipartisan Healthy Forest Restoration Act. (Title 1, Section 106)
- Requires peer-reviewed research to improve post-catastrophic management practices. (Title 1, Section 101)

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or Congressman Greg Walden’s office (202.225.6730).



The Forest Emergency Recovery & Research Act

TIMELY ACTION REPAIRS DAMAGED FORESTS AND REDUCES RECOVERY COSTS

- According to scientists published in the peer reviewed Journal of Forestry (Dr. John Sessions, Dr. George Ice, Dr. Paul Adams), science and experience have shown that removing dead and dying trees can help repair damage to forests and its associated values while offsetting the cost of these critical activities.
- In the aftermath of catastrophic events, the merchantable value of dead and dying trees diminishes rapidly due to weather conditions, bug infestations, and natural decay.
- Examples include the catastrophic 2001 Gap Fire on the Tahoe National Forest, in which a two year delay in removing dead and dying trees due to appeals resulted in a \$1.35 million loss in the marketable value of the timber.

This loss in value, if retained as authorized in the Forest Emergency Recovery and Research Act for recovery projects, would have more than covered the \$739,000 spent at the Gap Fire site for watershed restoration, resource enhancement and hazardous fuel removal.



(Gap Fire - 2001)

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or Congressman Greg Walden's office (202.225.6730).



The Forest Emergency Recovery & Research Act

RECOVERY PROJECTS ENCOURAGE NATIVE PLANT DIVERSITY NOT TREE PLANTATIONS

Tree Plantations:

- Trees are typically monocultures as opposed to a natural forest, where the trees are usually of diverse species and diverse ages.
- Plantations may include introduced trees not native to the area.
- Plantations are also sometimes known as "man-made forests."

Forest Emergency Recovery and Research Act Facts:

- This bill clearly states that in response to the catastrophic event, reforestation of damaged federal lands will be conducted, to the extent practicable, with native or beneficial plants to avoid creation of plantation forests. (Section 3)
- Restoration and recovery activities are prohibited in Wilderness, Monuments, National Parks, and other areas excluded by approved federal forest plans. (Section 3)
- The bill clearly states in numerous locations that the underlying land management or forest plan must be followed when conducting recovery activities. (Section 3)
- Habitat snags will remain as will other material to diminish erosion and restore habitat. (Title 1, Sec. 105)



The Forest Emergency Recovery & Research Act

DRAFT LETTER TO CONSTITUENT(S)

Dear (X),

Natural catastrophes impact our nation's treasured forests on a regular basis. Wildfires, tornadoes, ice storms, bug infestation and windstorms are frequent occurrences which often leave our federal forests dead and in need of recovery and restoration. In fact, as a result of these events, there are now more than one million acres of national forest in need of reforestation – and the number is growing. It is critical to the future of these forests that federal land managers are able to rapidly assess damage, determine environmentally sound action plans and get to work recovering damaged forests.

I wanted to let you know about a piece of bipartisan legislation I have cosponsored to help us accomplish that goal. The Forest Emergency Recovery and Research Act, sponsored by Congressman Greg Walden from Oregon, requires that any catastrophic event, such as the (EVENT) we are so familiar with in (STATE), impacting more than 1,000 acres be quickly evaluated by the federal agency responsible for that land. Upon completing evaluation, federal land managers would make recommendations as to whether pre-approved forest management practices will work to restore the forest, or if the agency needs to engage in an expedited recovery effort. It's important to note that any expedited efforts would still comply with all environmental laws including the Wilderness Act, the Endangered Species Act, the Clean Air Act and others.

Why do we need to act quickly? By leaving dead timber in our federal forests we create excessive fuel loads for wildfire, risk long term damage to water and air quality, leave forests vulnerable to bug infestation and diseases, and quickly, we can lose all potential economic value that the destroyed timber could have provided to local economies.

As projects to restore the health of damaged forests move forward on federal lands, action would be prohibited in Wilderness areas, National Parks or National Monuments. Additionally, any harvesting of trees would be limited to trees that are already dead, or those that are down, broken or severely root sprung where mortality is highly likely within five years. The Forest Emergency Recovery and Research Act calls for the restoration of forestlands to be in line with the original environment of a forest, using native species in replanting efforts, and adhering to the approved forest management plan.

The Forest Emergency Recovery and Research Act would provide our federal land managers the tools and resources necessary to complete a swift and thorough evaluation of forest conditions after an ice storm, wildfire or other catastrophic event and allow for expeditious plans to recover the health of these lands. It encourages public participation, follows an overwhelmingly bipartisan (and congressionally approved) appeals and litigation process, and requires collaboration with states, local governments, tribes, colleges and universities, and other interested parties.

When it comes to the health of our national forests for generations to come, we have a responsibility to get to work restoring lands damaged by catastrophe. The Forest Emergency Recovery and Research Act would help do just that.

For additional information, please contact the Subcommittee on Forests & Forest Health (202.225.0691) or Congressman Greg Walden's office (202.225.6730).



FOREST RECOVERY AND REFORESTATION AFTER CATASTROPHIC EVENTS

FREQUENTLY ASKED QUESTIONS:

Q: Is it always necessary for forest managers to intervene after catastrophic events and promptly recover the area?

A: Active recovery is not always necessary but the professionals in the field can make that determination based on science, management objectives, and experience. Today, the courts often end up making these decisions instead of the trained and experienced natural resources professionals. By giving professionals the discretion to act quickly when necessary, Congress will enable these professionals to do what is best for the forest and the communities that rely on it.

Scientific Reference

Dale VH, Crisafulli CM, Swanson FJ. 2005. 25 Years of Ecological Change at Mount St. Helens. *Ecology* Vol 308, Issue 5724, 961-962.

Sessions, J., R. Buckman, M. Newton, and J. Hamann. 2003. *The Biscuit Fire: Management Options for Forest Regeneration, Fire and Insect Risk Reduction and Timber Salvage*. College of Forestry, Oregon State University, Corvallis, OR. 63 p.

Q: Won't forests hit by catastrophic events come back on their own without assistance from forest managers?

A: Indeed, some forests can regenerate on their own without assistance. However, after wildfires in particular, available seed sources are diminished and it can take decades for forests to come back on their own. In many cases competing brush and invasive species can suppress seedlings, hindering natural regeneration. Additionally, we cannot ignore the needs of humans and wildlife and in many cases quick recovery efforts will help improve forests to meet the needs of communities, rehabilitate watersheds and habitat for wildlife and fish.

Scientific Reference:

Carlton, GC. & Bazzaz, FA. 1998. Resource congruence and forest regeneration following an experimental hurricane blowdown. *Ecology*. 79:1305-1319.

Elliot, KJ., Hitchcock, SL., and Kruger, L. 2002. Vegetation response to large scale disturbance in a southern Appalachian forest: Hurricane Opal and salvage logging. USDA Forest Service, Southern Research Station, Coweeta Hydrologic Laboratory

Hobbs, S.D., S.D. Tesch, P.W. Owston, R.E. Stewart, J.C. Tappeiner II, and G.E. Wells. (Eds.). 1992. *Reforestation practices in southwestern Oregon and northern California*. Forest Research Laboratory, Oregon State University, Corvallis. 465 p.

Q: Are there other reasons in addition to economic reasons to remove dead and dying trees?

A: Science and experience have shown that in many cases, removing dead and dying trees can help improve the forest and its associated values. While removing the dead and dying trees can provide economic benefits, these benefits are often incidental to the environmental benefits such as reducing wildfire risk, insect, or disease threats, and rehabilitating watersheds and habitat for wildlife species that depend on the forest. In some cases, the revenue from harvesting dead and dying trees can help offset the costs of reforestation and restoration work.

Scientific Reference:

Ice, G., D. Neary, and P. Adams. 2004. Effects of wildfire on soils and watershed processes. *Journal of Forestry* 102(6): 16-20.

Ice, G. 2003. Can active forest management benefit water supply systems? In *Proceedings of the American Water Resources Association 2003 International Congress: Water Management for Water Supply Systems*- CD. Pfeffer, M.J., D.J. Abs, and K.N. Brooks [Eds.]. AWRA, Middleburg, VA. 9 p.

Q: Doesn't removal of dead and dying trees after catastrophic events cause additional harm to the forest, such as stream sedimentation and soil disturbance?

A: The professionals in the field can take steps to minimize environmental damage in recovery efforts, using harvesting techniques and best management practices that have been proven to mitigate negative affects. In the short term, recovery efforts can cause some temporary stream sedimentation but usually far less and of shorter duration than the sedimentation that can result if the forest cover is not rapidly restored.

Scientific Reference:

Klock, G. 1975. Impact of five postfire salvage-logging systems on soils and vegetation. *Journal of Soil and Water Conservation* 30(2): 78-81.

McIver, J., L. Starr. 2001. A literature review on the environmental effects of postfire logging. *Western Journal of Applied Forestry* 16(4): 159-168.

Poff, R.J. 1989. Compatibility of timber salvage operations with watershed values. 137-140 in *Proceedings of the Symposium on Fire and Watershed Management*. USDA Forest Service, General Technical Report PSW-109. Pacific Southwest Forest and Range Experiment Station, Berkeley, CA.

Q: Why is timeliness so important to recovery efforts following catastrophic events?

A: Timeliness is important for a variety of reasons. First, dead and dying trees can quickly degrade to the point where they lose all value. When these trees lose value it becomes much more expensive to remove them and federal money is then needed to pay for restoration and reforestation work. Secondly, removing dead and dying trees quickly can reduce wildfire risk and insect and disease threats. If fuels are left on the ground, the potential for a more devastating wildfire or insect and disease outbreak is magnified. Additionally, if timely recovery efforts are completed, the values and benefits people derive from forests are more quickly restored.

Scientific Reference:

Sessions, J., P. Bettinger, R. Buckman, M. Newton, J. Hamann. 2004. Hastening the return of complex forests following fire. *Journal of Forestry* 102(3): 38-45.

Prestemon, JP., Pye, JM., Holmes, TP. 2001. Timber economics of natural catastrophes. Southern Forest Economics Workshop pg132-141

Aho, PE., Cahill, JM. 1984. Deterioration rates of blowdown timber and potential problems associated with product recovery. Gen. Tech. Rep. PNW- 167 Portland, OR. USDA FS.

The Oregonian

Poll: Restore scorched forests

A survey finds three-quarters of Oregonians favor the logging of wildfire areas and planting of seedlings, an issue long debated

Monday, August 29, 2005

MICHAEL MILSTEIN

The Oregonian

Some three-quarters of Oregonians want federal forests restored after severe wildfires such as the 2002 Biscuit blaze by logging burned trees and replanting slopes with seedlings, a new poll has found.

The June survey of 607 registered voters across the state centered on how fast and how far land managers should go to replace scorched stands. It's a long-standing issue in Oregon: The Tillamook Burn decades ago prompted a massive restoration effort, but recent work has been slowed by debate over whether logging burned lands does more harm than good.

The poll was sponsored by a group with a strong position on the issue but was conducted by the independent Portland polling company Davis, Hibbitts & Midghall Inc.

It comes ahead of expected moves in Congress -- led by two Oregon lawmakers -- to push more rapid forest recovery. Some fear that could limit environmental and court reviews often blamed for delays.

The issue has been driven by planned salvage logging, planting and other projects that remain unfinished following the Biscuit fire, which swept over 500,000 acres in Southern Oregon three years ago. Environmental groups have fought logging in protected older forests and roadless areas.

The limited logging leaves the government with less timber revenue to pay for replanting and reclamation.

Rep. Greg Walden and Sen. Gordon Smith, Oregon Republicans, are crafting legislation to give land managers a freer hand after wildfires or other catastrophic events. Walden, who heads the House of Representatives Subcommittee on Forests and Forest Health, will attend a hearing in Colville, Wash., today to discuss the issue.

A spokesman for Smith said the Biscuit delays have been "a very big lesson that post-fire recovery efforts are in crisis right now."

The new poll was sponsored by the Roseburg group Communities for Healthy Forests, which advocates more rapid reclamation of burned lands. Executive Director Sue Kupillas said many people are surprised more burned areas are not replanted to speed forest recovery.

The group is funded through private donations and federal money channeled through county governments for forest-related education.

The survey did not delve into a central Biscuit issue: How much logging of charred trees is appropriate on undeveloped lands such as roadless areas. Cutting makes way for faster replanting and regrowth, but environmentalists argue intensive salvage and replanting can replace diverse forests with unnatural tree farms.

Many findings were not startling. Nine of 10 Oregonians said that protecting forests from catastrophic wildfires, protecting fish and wildlife habitat and providing forest industry jobs is either very important or somewhat important.

But other results -- not always tied to forests -- stood out:

The timber industry is seen more favorably than environmental organizations often at odds with the industry. The timber industry was viewed favorably by 67 percent of Oregonians, and unfavorably by 19 percent. Environmental groups were viewed favorably by 53 percent and unfavorably by 30 percent.

The Oregon Legislature received the most unfavorable rating of any group by far. About 45 percent viewed it somewhat or very unfavorably.

Oregonians valued forests most highly because they help protect water quality, with 99 percent citing that as an important factor. Economic factors such as tax revenues were also important, but less so.

About three in four strongly or somewhat support restoring federal forests after wildfires by removing dead trees and planting seedlings. More than half said fires are growing out of control and cause too much damage, and everything possible should be done to restore burned forests.

Most did not buy arguments against logging burned lands. For instance, 56 percent thought it was a poor argument to say forests should be left alone because fires have occurred for centuries and more damage would be done by equipment and road construction.

The margin of error was 4 percent.

Conservation groups say it's the kind of restoration that is most important. If the goal is to prevent future fires, it's more important to remove smaller tinder than the large, more fire-resistant trees timber companies like to cut, said Francis Eatherington of Umpqua Watersheds in Roseburg.

"We would support restoration to a certain extent after fires, and replanting has a place," she said. "It's a question of what kind of restoration. Is it the type of restoration that benefits the forest, or is it the type of restoration that benefits the timber industry."

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The Oregonian

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Get to work on salvage

A poll finds that Oregonians support a careful policy of salvage and replanting on burned-over federal forests

Wednesday, August 31, 2005

A new poll shows that three out of every four Oregonians want federal forests restored after wildfires by salvaging burned trees and replanting with seedlings. The fourth, no doubt, wants to sue to stop the Forest Service from doing anything.

A June survey of 607 registered voters by an independent polling firm showed that a large majority of Oregonians still holds to the common-sense view that after fire sweeps across a forest, some blackened timber should be put to productive use, and in many cases seedlings should be planted to replace the dead trees.

But that is not how it works now. The Forest Service launches an environmental review and salvage planning process that can drag on as long as two years. The fire-killed trees start rotting. Environmental groups appeal the Forest Service salvage and recovery plan. Then they sue. By the time a judge rules, all but the largest trees are rotten to the core.

Current post-fire policy is a failure. The Forest Service spends millions of dollars writing plans for salvage and restoration projects, many of which will never happen, often because there's no money left to pay for them. Meanwhile, hundreds of millions of board feet of marketable timber are left to topple over and rot, even though rural Northwest communities are dying for jobs, even though the global demand for wood and pulp continues unabated.

It has come to this: A dead tree in the Northwest is now considered more precious than a live one about to be cut down in a poorly protected rain forest somewhere else in the world.

This page is not for a radical salvage program. The few timber industry calls for taking 2 billion board feet out of the Biscuit fire were just as ridiculous as the environmental claim that any helicopter logging of blackened trees there amounted to "clear-cutting paradise."

There are many places where timber salvage is a bad idea, where soil compaction, erosion or other damage from logging causes environmental harm that exceeds its economic benefits. Respected scientists disagree about how best to help forests recover from wildfires, and many now argue that a leave-it-alone approach is often best.


Yet there must be a thoughtful middle ground somewhere on salvage and recovery of federal forests. When a fire burns a hundred thousand acres of an Oregon forest, surely a small percentage of the burned area can be safely and promptly salvaged — before the trees rot — and certainly much of it ought to be reseeded or replanted.

The Northwest members of Congress who led the effort to pass healthy forest legislation — including Rep. Greg Walden and Sen. Gordon Smith, both R-Ore. — are now working on a similar bill to expedite timber salvage.

Skeptics keep saying that Congress won't be able to work out a deal because post-fire salvage is much more controversial than thinning to prevent forest fires. There is no public consensus on salvage, they claim.

The recent poll suggests otherwise. Oregonians know very well that fire salvage policy on federal lands is now a big waste of time, money, wood and jobs. Their elected leaders know it. The only question left is whether anybody is going to do anything about it.

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OUR AFFILIATES



EDITORIALS

What Oregonians want

A lot of environmental groups these days object to the practice of logging and replanting federal forests devastated by wildfire. Chainsaws and saplings aren't always the proper recipe for forest regeneration, of course. But the idea that we should sit by and work on our macramé while valuable timber topples to the ground is shared by so few people that it could accurately be called a fringe view.

Like most people, environmentalists don't like to be called fringe dwellers. But don't take our word for it. Consider the results of a forest management survey involving hundreds of registered voters across the state. The survey, according to *The Oregonian*, found that 77 percent of Oregonians believe logging and replanting should follow wildfires. It should be noted that the group sponsoring the survey — Communities for Healthy Forests — would be very happy with this result. Still, it was conducted by an independent polling company, Davis, Hibbins & Midgall Inc., of Portland.

Oregon is a state that voted solidly for John Kerry last year. It is a state in which the governorship and four of five House seats are held by Democrats. It is a state whose voters opted to give salmon and parks a constitutionally dedicated chunk of Lottery revenue. If three-quarters of people here consider the leave-it-don't-log-it method of wildfire recovery a little nutty, you can only imagine what people in the rest of the country think. And their opinions matter, too, because we're talking about the management of federal lands here, and federal lands belong to everybody, whether they're in Oregon or Mississippi.

Which brings us to Rep. Greg Walden and Sen. Gordon Smith, a pair of federal lawmakers who've suddenly found themselves linked, in bizarre fashion, to a forest service blunder that led recently to the logging within a botanical reserve near Grants Pass. Federal foresters schematically marked the boundaries of the Packer Timber Sale, which included trees killed by the 2002 Beatty Fire. As a result, loggers cut 10 to 17 acres of the 354-acre Babyfoot Lake Botanical Area. The blunder was minuscule, it isn't a policy matter, and Walden and Smith had nothing at all to do with it.

But that hasn't stopped a coalition of environmental groups called the United Forest Defense Campaign from drawing some dots and trying to connect them. Smith and Walden have fished the group because they want to speed up the wildfire-recovery process, which now can take years. And the Babyfoot blunder, according to UFDC Communications Coordinator Steve Holmer, is exactly why such legislation — legislation that would "give the government carte blanche to expedite logging in the wake of wildfires" — shouldn't happen.

What does it say about this coalition's position that the most potent recent argument in its favor is a mapping and marking blunder that affected about a dozen acres? Talk about a stretch.

Meanwhile, evidence of the need for legislation speeding up the recovery process abounds. Two years ago, the B&L and Link fires burned more than 90,000 acres in Central Oregon, most of them within the Deschutes National Forest. The final environmental impact statement for the recovery was released this June, almost two years after the fires began, and includes plans to conduct salvage logging on only 10 percent of the burned area within the national forest. Environmentalists appealed the plan unsuccessfully, and a record of decision was signed this month. Since then, three timber sales have been awarded. And just last week, a number of environmental groups, including the Blue Mountains Biodiversity Project, the Sierra Club and the Sisters Forest Planning Committee, filed a motion for a preliminary injunction in U.S. District Court in Portland.

It looks to us that Smith and Walden, by defending a fire-recovery process three out of every four Oregonians support, are doing exactly what they're supposed to do. They're advocating on behalf of their constituents. Groups like the United Forest Defense Campaign and the Sisters Forest Planning Committee, meanwhile, are doing exactly what they so often do. They're speaking for the fringe. It's no wonder many environmentalists polled this summer thought favorably of the timber industry (67 percent) than environmental groups (53 percent). And it's with an appreciation for irony that we await the characterization of whatever legislation Smith, Walden and like-minded lawmakers produce as extreme.

Wish Walden' good luck in thinning forest bureaudracy

3.26.05

A repeat of the almost total waste of wood occurring on the 500,000-acre Biscuit Fire may not happen again, if U.S. Rep. Greg Walden has his way.

Walden said during a stop in Grants Pass on Wednesday he plans to introduce legislation to speed up development of forest fire recovery plans, so there's more chance to salvage trees before they rot.

U.S. Forest Service employees were so entangled in red tape it took them two years to sell any wood from the 2002 Biscuit Fire. A total of 370 million board feet was scheduled to be harvested on a mere 3.8 percent of the land, but probably only 20 percent of that will be cut. That's because rot and bugs are expected to make the rest of the wood useless to mills after this logging season ends with November and December rains.

Other major fires that burned in federal forests in 2002 have similar recovery timelines. Each year, between 2 million and 8 million acres of federal forest burn in wildfires.

Had loggers had a year or more of that two years spent planning the Biscuit recovery, the outcome might have been considerably different. More wood could have been cut, supporting more Southern Oregon jobs — and not as many green trees would have had to be harvested to keep the mills buzzing.

Also, more acreage could have been replanted to grow into healthy forest relatively quickly, rather than left to turn into tinder-dry brush fields or slowly and haphazardly return to green forest.

Of course, changing forest management these days is about as easy as sailing the Queen Mary 2 down the Rogue River, because of environmentalists and other special interests that have a stake in the woods.

However, Walden, a Republican who represents Grants Pass, Jackson County and Eastern Oregon, has had remarkable success in this area. He wrote the Healthy Forests Restoration Act, which was passed by Congress in 2003 and streamlined the process for thinning 20 million acres of federal forest. Hopefully, this will help reduce chances of fires such as Biscuit.

Walden is also chairman of the House Resources Subcommittee on Forest and Forest Health, which shapes the nation's forest policy.

Walden said he hopes to introduce this fall his bill to streamline planning after forest fires. That may be overly ambitious, given the difficulty in changing forest management and absence of fires that might catch legislators' attention, such as the Southern California fires did two years ago.

Whenever the congressman introduces his bill, good luck to him. A precious resource shouldn't have to rot in the name of bureaucracy. And "management" that allows millions of acres of this nation's forests to turn into brush fields mustn't be allowed.

Dennis Roler