



November 12, 2014

The Honorable Mary Landrieu, Chairwoman  
The Honorable Lisa Murkowski, Ranking Member  
Committee on Energy & Natural Resources  
United States Senate  
Washington, DC 20510

Dear Chairwoman Landrieu and Ranking Member Murkowski:

We write in opposition to S. 1784, the Oregon and California Land Grant Act of 2014, on behalf of hundreds of forest products companies that comprise a key segment of Oregon's \$12.7 billion, 76,000-employee forest sector and play a crucial role in the economic and social fabric of small communities in rural Oregon. Collectively, our organizations represent nearly every forest products company that relies on timber from the Bureau of Land Management (BLM) O&C lands. Our members, the local rural economies they support, and the BLM have been hamstrung by two decades of relentless environmental litigation and regulatory analysis paralysis surrounding the management of the O&C lands, which will only get worse under S. 1784. We urge you to oppose the legislation.

Over 2 million acres of largely checker-board O&C grant lands were established by Congress with a dominant-use mandate to be managed for sustained-yield timber production to benefit local industries and communities under the O&C Act of 1937. The unique mandates of the O&C Act have been affirmed by several court decisions, including a June 2013 ruling from the DC District court requiring the BLM to offer more timber for sale in Southwest Oregon. For decades the O&C lands were managed in compliance with the sustained-yield mandate of the O&C Act, whereby the approximate 1.2 billion board foot annual growth of these lands was sustainably harvested. Decades of environmental litigation, conflicting regulations, and agency paralysis has reduced harvest levels by nearly 90 percent. There is broad agreement that these meager harvest levels must be significantly increased to restore the health of rural communities and local industry.

The primary test for any O&C legislation is whether it addresses the obstruction paralysis currently crippling these forests and communities by providing legal certainty for sustainable timber harvests. S. 1784 does not provide increased certainty against the lawsuits, conflicting regulations, and the never-ending procedural maze of federal environmental laws that are the root cause of the BLM's inability to manage 2 million acres of O&C lands. Instead, the legislation permanently bars timber management on a large majority of these lands, subjects the remaining acreage to additional administrative burdens for the BLM without corresponding funding, and provides additional avenues for litigation. It is no wonder the environmental

activists that have made it their singular mission to block timber harvest on these lands now support this latest version of S. 1784.

S. 1784 does not represent a balanced approach to securing the future of the O&C lands and Western Oregon's rural communities. The legislation designates nearly 1.7 million acres of Wilderness, conservation areas, and other set-asides that permanently bar timber production within the 2.8 million acres included in the legislation. The remaining acreage is then further limited by the legislation's prohibitions on harvesting forest stands over 85 years old, individual trees over 150 years old (dead or alive), and trees found in expanded riparian and aquatic zones, and by so-called "ecological forestry" requirements. The land available for harvest is further reduced by existing vast areas of designated critical habitat and other endangered species constraints, as well as continued imposition of all but one of the many requirements of the Northwest Forest Plan, which will still apply after the bill becomes law.

S. 1784 would replace the clear, unambiguous dominant-use mandate of the O&C Act and replace it with the meaningless mandate for timber production found in Section 8(a)(3) and Section (9)(a)(3):

*The Secretary shall maintain the highest consistent timber production levels that can be sustained under ecological forestry principles and other provisions described in this Act.*

Claims that the legislation would increase timber harvest levels just don't square with the facts. S. 1784 permanently puts an overwhelming majority of the lands off-limits to harvest, fails to address the many barriers to timber sales that exist today, and mandates "ecological forestry" principles, which are unsustainable. Harvest calculations conducted by the BLM under the direction of Senator Wyden's office rely on volumes achieved through an unsustainable, short term liquidation of standing timber volumes to show increased harvests on the limited land base that will only decline over time. Not only is this practice unsustainable, but is specifically prohibited under the sustained-yield principles of the Federal Land Policy and Management Act (FLPMA).

Another dangerous precedent for federal land management is S. 1784's prohibitions on harvesting any tree over 150 years old as well as any tree within a forest "stand" ¼ acre or larger that is comprised of trees over 85 years old. This is unsupported by science, opposed by professional foresters, and will subject the BLM to more litigation and paralysis, not less. These restrictions are imposed on planned timber sales 90 days after the bill becomes law, putting the existing timber sale program at risk of gridlock. Finally, provisions in the bill could result in a reduction of timber volume from private lands, on which our members also rely, due to lack of access and increased fire risk.

There is broad agreement that S. 1784 does not represent a real solution for hard-hit forested communities in Western Oregon. Despite months of negotiations, it continues to lack the support of Representatives Peter DeFazio, Greg Walden, and Kurt Schrader, as well as Governor Kitzhaber. It is opposed by the local counties that are heavily federally-owned and

The Honorable Mary Landrieu, Chairwoman  
The Honorable Lisa Murkowski, Ranking Member  
November 12, 2014  
Page 3

rely on timber harvest revenues and job creation from these forests. It is unanimously opposed by the affected forest products industry.

Our organizations remain supportive of efforts to find a balanced, effective compromise for the management of the BLM O&C lands. Any compromise proposal must substantially increase sustainable timber harvest levels and timber revenues for local governments, avoid harming private land management, and provide equal levels of legal certainty for conservation areas and timber management areas. S. 1784 only accomplishes one of these goals: certainty for nearly 2 million acres of new set-asides. We hope you will recognize the inequity in this approach and join us in opposition to it.

Sincerely,



Tom Partin  
American Forest Resource Council  
[www.amforest.org](http://www.amforest.org)



Jim Geisinger  
Associated Oregon Loggers  
[www.oregonloggers.org](http://www.oregonloggers.org)



Bob Ragon  
Douglas Timber Operators  
[www.dougtimber.org](http://www.dougtimber.org)



Daniel Dructor  
American Loggers Council  
[www.americanloggers.org](http://www.americanloggers.org)