



July 24, 2021

The Honorable Joe Manchin III, Chairman  
Senate Energy and Natural Resources  
Committee 304 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Angus King, Chairman  
Senate National Parks Subcommittee 304  
Dirksen Senate Building Washington, D.C.  
20510

The Honorable John Barrasso, Ranking  
Member Senate Energy and Natural  
Resources Committee 304 Dirksen Senate  
Building Washington, D.C. 20510

The Honorable Steve Daines, Ranking  
Member Senate National Parks  
Subcommittee 304 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Ron Wyden 221 Dirksen  
Senate Building Washington, D.C. 20510

The Honorable Jeff Merkley 531 Hart  
Senate Building Washington, D.C. 20510

RE: Oregon Society of American Foresters (OSAF) Comments on S. 192

Dear Senators Manchin, Barrasso, Wyden, King, Daines, and Merkley:

The Oregon Society of American Foresters (OSAF) has reviewed Senate Bill 192 - River Democracy Act of 2021 and commend Senator's Wyden and Merkley in their efforts to assure that Oregon streams and rivers continue to provide invaluable and critical ecosystem benefits for the many Oregon generations to come. The introduced legislation proposes to expand Wild and Scenic protection to assure clean water, climate and wildfire resiliency, endangered species habitat, recreational opportunities and tribal sustenance for thousands of miles of rivers and streams. Oregon Society of American Foresters fully shares your commitment for clean water and resilient, healthy public forests.

It is our understanding that the Committee is accepting comments for the next 30 days after the hearing on June 24<sup>th</sup>. As a long-standing Oregon professional society of 800 scientists, land managers, public and private foresters, and natural resource specialists from all backgrounds, we respectfully request the Committee to consider the following comments below related to S.192.

Specifically, S. 192 raises at least 4 important questions for the Committee to consider:

- 1. Does S.192 sufficiently address current threats to Oregon's forests?** Oregon's forests are threatened by catastrophic wildfires, insects and disease and there is a pressing need for active forest management to mitigate those threats. Section 5(a)(6) specifically directs the agencies to develop a comprehensive management plan to reduce catastrophic wildfires in

covered segments only. As we all observed last fall during the 2020 Oregon Labor Day fires, there are no distinguishable boundaries (segments) during a raging and catastrophic wildfire regardless of land ownership, riparian versus upland habitat, land allocation, current land management plan or designation, etc... Raging and catastrophic wildfires like we have experienced over the past several years go where and when they want irrespective of what is in front of them. Federal land management agencies, primarily the USFS and BLM, are already facing and addressing the tremendous backlog of high-risk lands vulnerable to wildfire and insect attacks. For years now, under the current NEPA planning processes scheduling forest management treatments, the USFS and BLM have been developing extensive landscape level strategies and plans that prioritize when, where and how to treat high risk wildfire prone areas in both riparian and upland areas. S. 192 appears to be duplicative of what our public land managers are already challenged to do and are doing but at a much greater landscape scale to address wildfire prone landscapes. In fact, many requirements of S. 192 are currently incorporated and part of the federal land managers everyday NEPA planning process and authorities including:

- 4(c) & 5(h) – Entering into Cooperative Agreements with Indian Tribes and the State of Oregon.
- 5(h) – Consulting with Native Indian Tribes
- 5(a)(7) – Managing culturally significant native species
- 5(a)(8) – Assuring Bull Trout Conservation
- 5(a)(9) – Assuring Ecological Function
- 5(b)(6) – Developing and implementing Fire Management Plans to meet resource objectives.
- 5(d) – Restoring riparian habitat

Our federal land management agencies already face a tremendous task addressing the almost insurmountable task of reducing wildfire risk. The agencies are currently and successfully navigating the layers of environmental planning regulations in place to assure cooperative and collaborative public, private, state and tribal participation to assure ecosystem resiliency and protection of not only the Wild and Scenic River segments designated in this bill but every riparian and wetland habitat in Oregon. The question thus arises whether this bill is necessary given that the agencies are already strategically addressing catastrophic wildfires risk at both the site specific as well as the landscape scale. OSAF believes that this expansive WSR proposal will complicate active management to reduce threats to forests, and likely lead to substantially fewer actions to mitigate those threats.

## **2. Will S.192 increase the planning workload on federal land managers**

We are greatly concerned that S.192 will increase the planning workload on federal land managers, slow the current pace and scale of treatments and lead to even more backlogs. It is our understanding under the Wild and Scenic River Act that a new layer of planning will be necessary since a WSR plan is required for all designated rivers and streams (Sec. 5(a)). In reviewing some of the existing WSR plans, it often takes years to develop and finalize as the plans go through a thorough public review process similar to an Environmental Assessment or Environmental Impact Statements (Note: Sec. 5(a)(2)(B) allows 6 years for the agencies

to develop plans for each segment). OSAF anticipates that the proposed legislation could significantly increase the planning workload for the federal agencies (USFS & BLM) to develop, finalize and implement.

Currently many of the fire prone National Forest lands in Oregon have been the beneficiary of a successful Collaborative Forest Restoration Landscape Program (CFLRP) where thousands and thousands of acres have already been successfully treated to reduce the risk of catastrophic wildfires. In addition, currently there are thousands of acres already in the NEPA planning pipeline with the purpose to increase forest resiliency and reduce wildfire risk. The CFLRP already requires years of planning and collaborative efforts by agency staff working with the public, private landowners, Indian Tribes and the State of Oregon to assure successful implementation. For example, because of the outstanding collaborative and successful efforts to reduce wildfire risk on the Fremont/Winema National Forest, the Fremont/Winema National Forest recently received approval for extended funding for their CFLRP efforts. With thousands of acres still needing treatment, OSAF wants to assure that the agencies continue to use their limited planning staff to continue to focus on their on-going CFLRP priority efforts with minimal delays. OSAF encourages the Committee to consult the respective agencies responsible for developing and implementing WSR plan to assess the increased workload that will likely be necessary to implement S.192.

- 3. Do the current US Forest Service Forest Plans and BLM Resource Management Plans (RMPs) already provide the necessary riparian protection?** It is our understanding that the guidelines developed in the Northwest Forest Plan (NFP) and subsequently incorporated into both US Forest Service and Bureau of Land Management (BLM) Forest and Resource Management Plans are already designed to assure the necessary and critical protection of riparian areas. The Northwest Forest Plan twenty-year monitoring report [https://www.fs.fed.us/pnw/pubs/pnw\\_gtr932.pdf](https://www.fs.fed.us/pnw/pubs/pnw_gtr932.pdf) indicates improving watershed conditions throughout the region of the Northwest Forest Plan as a result of riparian protective measures that were put in place in 1994.

In reviewing the maps of the proposed new WSR rivers and streams, it appears that many of the proposed streams are already located in Late Successional Reserves or Riparian Reserves allocated under the Northwest Forest Plan. Management activities within these land allocations are already constrained and directed to meet critical ecosystem objectives similar to those stated in S.192. In addition, eastside National Forests and BLM Districts have similar riparian protection measures in place. S. 192 provides very little GIS information to the public on how much of the proposed river and stream segments already lie within constrained management areas (Late Successional Reserves, Riparian Reserves, Withdrawn Areas). OSAF recommends that the committee request and review GIS information to determine where management activities are already constrained to meet the Endangered Species, water quality, and riparian habitat objectives. OSAF believes that the additional protection measures as proposed in this WSR expansion bill are unnecessary given the protection measures already in place to protect most of Oregon's rivers and streams on federal lands.

4. **How will the current and underlying land use allocations be modified?** In reviewing the legislation and map, it appears that most of the protection (approximately 85%) is directed to Oregon streams rather than Oregon rivers (approximately 15%). With a proposed half (½) mile protection on each side of all proposed rivers and streams, it is unclear how much of the existing land allocations will be amended under the current USFS and BLM management plans. Under Sec 4 (c)(3), any component under the National Wild and Scenic Rivers System shall subsequently become part of the respective agency's conservation management System e.g. . . . National Park Service, National Wildlife Refuge System or National Landscape Conservation System (BLM). While S.192 would have minimal impact on the National Park or National Wildlife Refuge System lands, S.192 could significantly impact USFS and BLM lands allocated for sustained timber production. If the ½ mile river and stream segments are located in existing Late Successional Reserves designated under the Northwest Forest Plan and/or BLM current RMPs, these lands are already allocated for constrained management to protect endangered species. If, however, the ½ mile river and stream segments are on each side of a proposed stream through Northwest Forest Plan Matrix or BLM's Harvest Land Base lands, the current sustainable timber production flow could be significantly impacted. Under the existing Northwest Forest Plan and the BLM's current Resource Management Plan, approximately 20% of the lands are presently allocated for sustainable timber production with the remaining land base allocated for Riparian, Late Successional Forest, or Withdrawn for various purposes. S. 192 has the potential to further reduce the sustainable amount of timber production from federal lands, thereby impacting critical manufacturing infrastructure and employment in rural communities as well as essential receipts to the counties. OSAF requests that additional GIS information be provided to help the public and the Committee to assess what impacts will the WSR designation have on those lands allocated to produce a sustainable flow of timber under current USFS and BLM plans.
5. **Do all the segments proposed meet the definitions and intent of the Wild and Scenic River Act?** Waterways designated under the WSR Act must meet some accepted definition of a river AND have outstanding natural, cultural, and recreational values. SB 192 appears to violate that standard by listing many perennial and ephemeral creeks and streams with no obvious outstanding values. While some rivers in this proposal surely meet the standards of the Wild and Scenic River Act, overall this proposal seems to greatly expand the original intent of the Act, and sets a new precedent.

OSAFs fully supports your efforts to ensure clean water, wildfire resiliency, endangered species habitat, recreational opportunities and tribal sustenance for thousands of miles of rivers and streams. Considering the requirements of the Northwest Forest Plan in 1994 and the current USFS Forest Management Plans and BLM Resource Management Plans, it is unclear whether additional WSR protective measures are necessary and whether S. 192 is duplicative of ecosystems resilient objectives already in place. Oregonians have been the beneficiaries of remarkable success by the agencies working with their respective

Collaboratives and public to assure successful implementation of ecosystem treatments to meet the very objectives your bill is designed to achieve. With the immense backlog of fire prone acres at risk on federal forest lands, OSAF supports any and all efforts to increase the pace and scale for strategic, science-based, forest management – including precommercial thinning, prescribed burning, and timber harvests – to increase the resiliency of our watersheds, forests, and surrounding communities to a changing climate, wildfires, drought, and other stressors. Any delays to proposed treatments already in the NEPA pipeline as a result of a new layer of planning criteria will only increase the backlog of high-risk acres.

Thank you for the opportunity to share our perspective on S. 192.

OSAF is willing to work with the Committee to address this and any other subsequent forest management legislation to assist with the national forest health crisis.

Sincerely,

A handwritten signature in black ink that reads "Jeremy P. Felty". The signature is written in a cursive, flowing style.

Jeremy Felty  
2021 Chair, Oregon Society of American Foresters