

## Management Federal Lands under the Northwest Forest Plan in Washington State

A Position Statement by the Washington State Society of American Foresters

**August 1, 2015**

**The Northwest Forest Plan (NWFP) in Washington State needs clarifying federal legislation and implementing regulations to achieve healthy and sustainable management of our National Forests to provide a balance of social, ecologic and economic values and services.** Social benefits include recreational activities that require an extensive road and trail system. Ecological benefits include landscape level habitat diversity from all successional stages. Economic benefits include opportunities for timber resources sufficient to restore and maintain economically healthy rural communities.

In order to attain and maintain healthy forests, silvicultural practices—including determination of tree species composition, using climate adapted planting stock, commercial and precommercial thinning, prescribed burning and regeneration timber harvests—can be planned and implemented recurrently and perpetually in previously harvested areas while retaining important old growth and riparian areas. For both early and **late successional habitats, and other unique habitat features**, silvicultural tools can play a valuable role in helping restore and maintain **them**—especially as forest conditions continuously change over time. Where appropriate, road systems can be restored and maintained to provide recreational and management access while restoring and maintaining water quality. (New clarifying federal legislation and accompanying regulations are needed to achieve primary goals of providing habitat diversity at each forest successional stage, clean water, a sustainable wood supply, and revenue to cover management costs while minimizing both administrative and legal delays. (See WSSAF Position Statement “No-Net-Loss of Working Forests”) Federal legislation should emphasize hiring and using natural resources professionals in the application of silvicultural and other management activities in order to provide these forest benefits. National Forest and BLM employed professional fish, wildlife and forestry staff should have the skills and latitude to work collaboratively across disciplines in order to fulfill this broad legislative goal.

***Issue***

For many decades, timber harvesting on federal lands contributed to rural community health as well as a key means for natural resources managers to meet diverse resource management objectives. However, “sue and settle”, the chilling effect of the threat of litigation on collaborative planning, and budget restrictions have greatly reduced the ability of natural resource managers to meet those objectives. Furthermore, budgets and current harvest levels on national forest and other federal lands remain insufficient to: 1) maintain forest health and resiliency, 2) reduce fuels to limit wildfire hazard, 3) mitigate the effects of catastrophic wildfire, 4) improve habitat for special status plants and animals, 5) maintain multiple use road systems that protect water quality, 6) fund forest administration and management costs, 7) prepare forests for climate change, 8) sequester and store atmospheric carbon in building materials, 9) reduce atmospheric carbon release by providing sustainable wood as an alternative building material, and 10) provide long –term log supply certainty in order to maintain and encourage rural community capital investment.

### ***Background***

The federal Organic Act of 1897 directs federal forest managers “to improve and protect the forest, [secure] favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the U.S.”

Congress passed the Transfer Act in 1905 that established the United States Forest Service to manage America’s National Forests to provide sustained yield of renewable resources such as water, forage, wildlife, timber and recreation for the Nation’s benefit.<sup>2</sup>

Congress passed National Forest Management Act of 1976 with the intent of protecting and improving the environment, conservation of natural resources and offering greater involvement to those interested in the federal planning process. National Forest System resource management plans were expected to provide for multiple uses and sustained yield through an “integrated consideration of physical, biological, economic and other sciences.”

The 1973 Endangered Species Act (ESA) exerts broad discretion over Forest Service land and resource management activities. ESA requires the Forest Service to, “...utilize their authorities in furtherance of the purpose of this act by carrying out programs for the conservation of endangered species and

threatened species,” in consultation with the US Fish and Wildlife Service and the National Marine Fisheries Service.

The Clinton administration adopted the Northwest Forest Plan (NWFP) in 1994 in order to protect critical habitat for the Northern Spotted Owl. Note that the NWFP allows for both the preservation and production of late seral habitat through Late Successional Reserves and early seral stage habitat through Matrix Forest (Note however, that the Olympic National Forest has no Matrix Forest).

The Omnibus Public Land Management Act of 2009 established the Collaborative Landscape Restoration Program (CLRP). One of the goals of the CLRP is to “encourage utilization of forest restoration by-products to offset treatment costs, to benefit local rural economies and to improve forest health.”

Federal forest lands comprise approximately 15 percent of the forest land base in western Washington State and almost 32 percent of the forest land base in eastern Washington. As a result of legislative and administrative mandates the harvest levels from federal forests are currently 14 percent of annual growth in eastern Washington and 2 percent of annual growth in western Washington. These low harvest levels have contributed to increased wildfire fuel loading and outbreaks in insect and disease attacks. The reduction in timber harvest revenue does not provide the Federal natural resource managers adequate opportunities to repair and maintain many forest roads which, in turn, has resulted in increasing threat to water quality and local community frustration as limited revenues are frequently earmarked for road decommissioning rather than maintenance. Additionally, the low harvest levels continually challenge rural community economic health and the existence of a robust infrastructure of mills, logging companies and trucking companies necessary to provide the family wage jobs critical for rural economic vitality— including from state and private forest lands.<sup>3</sup>

### ***Some concepts for new legislation***

New and improved Federal legislation should assist in achieving the overarching goal of providing for multiple uses, goods, and services, using the best management practices and science available, while protecting and enhancing these lands for future generations. However, in an attempt to add more and more laws to accomplish more and more things society has lost sight of that clear single goal, and the

continuing need to allow our natural resource managers to use their training and professional judgment to collaborate with others to achieve it. There has been too much focus on process—the paralysis of analysis—rather than on desired outcomes and the result has been a loss of ability to sustainably manage the federal forests. Planning and environmental analyses have become burdensome and do not result in their intended purposes. Silviculture can no longer be implemented across adequate time and place to respond to the continuing needs of sustainable forest management and the growing threats posed by wildfires, insects and diseases, and climate change—just to name a few challenges. The Washington State Society of American Foresters recommends the following concepts for new federal legislation:

- Federal forest lands have a unique role in providing old-growth and mature forest habitats and other environmental values. But, habitat diversity at all seral stages is necessary for a balance of ecologic, social and economic benefits. Active management in previously harvested areas can help promote and sustain these benefits—particularly in light of climate change and other major environmental influences and uncertainties.
- Regardless of human influence, forest ecological functions and habitat diversity are inherently dynamic over space and time, given that forests are affected by wind, fire, insects and disease. It is thus appropriate, from an ecological basis, that forest management be similarly dynamic, with treatments that allow for shifting vegetation conditions, stages and diversity around the landscape. Rather than permanently fixing the various desired successional/habitat features in specific locations, these features should be carefully evaluated and assigned percentages of the forest land base. Natural resource managers should then have the flexibility to collaborate with others to create and shift these features around the landscape.
- For some key native forest types of the Pacific Northwest (PNW), regeneration harvests, that allow full sunlight to ground vegetation, are necessary to achieve valuable ecological and habitat diversity.<sup>4</sup> For efficient and effective harvest and regeneration, these harvests often may include regeneration harvesting that will include retention trees, snags and down wood for diversity and ecological functions. In addition, attention can and should be given to harvest layout and design to reduce aesthetic impacts and enhance landscape integration.
- Forest products are arguably among the greenest of the resources needed to sustain society. From the basis of both existing federal law and a visionary approach to meeting future human needs, federal

forest lands should play a key role in providing sustainable green products. Management that includes some outputs of commercial forest products is highly compatible with the maintenance or enhancement of environmental values. The BLM and Forest Service need more authority to collaboratively work with other federal and state agencies, citizen organizations –especially local communities— to develop workable plans.

- To achieve the desired objectives and benefits of active management of federal forest lands, both expertise and experience are essential. “All forestry is local,” i.e., site-specific, and therefore empowered natural resource managers with substantial local experience must play a leading role in stakeholder collaboration in developing and implementing strategies (broader principles and approaches) and tactics (projects and prescriptions) for resource management. Relevant science and expert input (scientists) are essential to assist in the development of these strategies and tactics in order to address the existing array of forest and site conditions.
- Improved legal clarity and assurances are needed to reduce the high number of frivolous lawsuits and appeals (especially in the PNW) that have significantly slowed and undesirably altered the nature of federal forest management projects— even when plaintiffs do not prevail in court.<sup>5</sup> The current expanses of undesirable conditions on our western federal forests, while local communities suffer both environmental (e.g., severe wildfires) and economic impacts, provide compelling evidence for the need to significantly ease rather than maintain or increase opportunities for litigation as a major impediment to responsible forest management. Clarifying legal standing for appeals and requiring arbitration as an alternative to litigation should be considered.
- Efforts to increase active and responsible management of federal forest lands can substantially improve forest resource and community health, diversity and sustainability. Active management, as specified in forest plans and as working forests, including outputs of commercial forest products, represents an opportunity rather than a threat to achieving and sustaining forest health and ecological diversity.

1 The June 2013 WSSAF position statement on Working Forests the following characteristics of Working Forest:

- A working forest must be an actively managed sustainable forest as measured in ecological, economic, and social terms.
- A working forest must include a management plan that identifies objectives that will provide a balance of social, ecologic, and economic products and values and a schedule for management activities that will accomplish them.
- Active management on working forests means that silvicultural practices—including determination of tree species composition, stocking control, thinning, prescribed burning, and timber harvest—are planned and implemented recurrently and perpetually over most of the forestland area, causing a different balance of benefits than would occur naturally.
- A working forest must maintain the intrinsic value of the land. These values may include; soil productivity, historical or cultural resources, or other ecological or conservation values.

2 On February 1st 1905, under the Leadership of Gifford Pinchot, the National Forest Reserves were transferred from the Department of Interior to the Department of Agriculture. Gifford Pinchot was the head of the Division of Forestry which was part of the Department of Agriculture. This transfer included over 63 million acres (250,000 km<sup>2</sup>) of forest reserves and over 500 employees. This legislation was the first forestry law to be passed. This act was significant because it caused the National Forest Reserves to shift roles from a recreational role to a more economic role using on science-based management. In March 1905, the Division of Forestry was renamed the United States Forest Service.

3 McKetta, C.W., 2013. Testimony to the March 13, 2013 US House of Representatives Agriculture Committee.

4 Franklin, J.F. Johnson, K.N. 2012. A Restoration Framework for Federal Forests in the Pacific Northwest. *Journal of Forestry* 110(8):429-439.

5 (see Miner et al. 2014, Mortimer and Malmshiemer 2011, Mortimer et al. 2011 for further background)