



May 22, 2019

Senator Lisa Murkowski, Chairman  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Joe Manchin, Ranking Member  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Mike Lee, Chairman  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and  
Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Ron Wyden, Ranking Member  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and  
Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Manchin:

I write to express the concerns and recommendations of the American Forest Resource Council (AFRC) and its members regarding S. 1262, the so-called “Oregon Recreation Enhancement” (ORE) Act.

### **AFRC’s Concerns**

Our primary concern with the ORE Act relates to overlaying fire-prone landscapes with congressional designations that limit, prohibit, and/or complicate management activities intended to improve forest health and resiliency, reduce wildfire and smoke, protect forested communities, and maintain public and emergency personnel access to public lands. While we support the intent of “boost[ing] recreation opportunities in Southwestern Oregon and in rural Clackamas County,” S. 1262 would likely undermine that stated goal in its current form.

In a May 1, 2019 [press release](#) announcing the introduction of the ORE Act, Senators Ron Wyden and Jeff Merkley tout recently passed legislation that “added wildfire protections for Crooked River Ranch in central Oregon.” The referenced “protections” were accomplished by legislatively **removing** hundreds of acres from a Wilderness Study Area adjacent to the Crooked River Ranch community.

By contrast, S. 1262 would **add** approximately 60,000 acres of wilderness to the Rogue Canyon. Nearby forested communities such as Merlin, Redwood, Grants Pass, New Hope, and Williams have been identified by the Forest Service as among the 50 communities in Oregon with the

greatest cumulative housing-unit exposure to wildfire, with Merlin and Redwood ranking first and second, respectively. If wilderness was deemed to be too dangerous near Crooked River Ranch, how could additional wilderness designations help “protect” other at-risk forested communities in fire-prone Southwest Oregon? The proposed legislation would ensure the forested communities of Marial, Rand, and Galice will be surrounded by, or immediately adjacent to, new wilderness.

The same press release also claims the “proposed recreation and wilderness designations would *allow current* forest management, forest health, wildfire resiliency and other wildfire prevention strategies to continue” (emphasis added). This statement is inaccurate and misleading. Language in the bill authorizing the agencies to respond to wildfires will not allow the Forest Service or BLM to proactively reduce hazardous fuels and overstocking (Sections 2(c)(3) and 2(c)(4)). The Wilderness Act explicitly bans any mechanical treatments within a wilderness boundary. 16 U.S.C. § 1133. So, activities on these lands that are currently permitted and even statutorily required under the O&C Act and the 2016 Resource Management Plans (RMP) would be prohibited indefinitely.

In written testimony before this Committee on May 14, both the [Forest Service](#) and [BLM](#) highlight this conflict and the BLM explains that the designations included in S. 1262 “involve O&C lands within the harvest land base (lands specifically designated for sustained-yield timber management) established under the 2016 RMP.” In its testimony, the BLM requested additional time to “conduct the detailed analysis necessary to evaluate the extent of potential impacts to timber harvest levels.”

We strongly support the BLM’s request for time to calculate the expected loss in O&C acres and potential future timber harvests and associated revenue to support essential services in rural communities like law enforcement, search and rescue, and mental health. Rural communities and local businesses that depend on these lands deserve to understand the financial implications of S. 1262 and have time to plan accordingly.

It is also worth pointing out the ORE Act would add designations that may confuse and complicate management on the ground. In February, the Congress passed, and the President signed S. 47, the Natural Resources Management Act. This legislation, now law, included new protections for tens of thousands of acres in Clackamas County and Southwest Oregon – including tributaries of the Rogue River. Many of the new Congressionally designated acres are also included in the ORE Act and would receive new, additional, and potentially contradictory designations.

For example, many if not most of the proposed Rogue wilderness expansion would receive “quadruple” restrictions on management under the Wild and Scenic Rivers Act (added by S. 47), the Wilderness Act, as a National Recreation Area, and under the 2016 RMP as Late Successional Reserve (LSR) or Riparian Area. Each of these designations include specific management direction and goals and are not necessarily complementary or compatible with the stated forest resiliency and recreation goals of the legislation. We do not envy the federal land managers tasked with determining which of the four (or more) overlapping land designations to

follow, nor a member of the general public trying to determine what activities and uses are allowed where.

In its testimony before this Committee on May 14, the Forest Service picked up on this serious challenge: “Restrictive land use designations can post [sic] significant challenges for land managers’ ability to actively manage forest lands and reduce hazardous fuels around communities, create access issues for diverse land users and have impacts on rural economies.” The BLM expressed similar concerns: “...we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, impede management and harvest of timber and other forest products...” The BLM added “the bill’s language related to road construction may also limit public access to any potential new or existing trailheads and scenic opportunities, and limit the extent to which forest health and wildfire resiliency activities could be implemented, especially where these activities necessitate decreasing the density of commercially viable materials.”

### **AFRC’s Recommendations**

If, despite these warnings, the Congress is insistent about adding more restrictive designations to fire-prone landscapes in Clackamas County and Southwest Oregon, we offer the following recommendations to help minimize risks to forest communities, public health, access, and forest resources:

- 1) Remove the proposed Rogue wilderness expansion (Section 4). The ORE Act already proposes to protect the exact same acres – and thousands more – as a Recreation Area. As mentioned, most of these acres were already congressionally designated under the Wild and Scenic Rivers Act just a few months ago. Adding a wilderness overlay over nearly 94 square miles would legally prohibit any needed mechanical treatments to improve forest resiliency, reduce fuel loads, preserve access, and protect nearby communities.
- 2) Ensure a no net loss of O&C acres by directing the BLM to reclassify an equal number of Public Domain lands as O&C lands. This is important to maintaining the number of O&C acres, which are required under the O&C Act to be managed for sustained-yield timber harvests to generate revenues for county governments. 43 U.S.C. § 2601. The recent Western Oregon Tribal Fairness Act (PL 115-103) includes a similar provision for O&C acres being transferred to tribes in western Oregon.
- 3) Remove any acres within Oregon Recreation Areas designated as Harvest Land Base (HLB) under the 2016 RMP. As mentioned in previous letters to this Committee, the 2016 RMP severely restricts active management on the statutorily unique O&C Lands in Western Oregon and AFRC is challenging the Plan’s adequacy in court. Under the new plan, less than 20 percent of the O&C Lands are available for sustained-yield timber management and only a small fraction of those lands is available for timber harvest each year. S. 1262 would reduce the available acres for active management even further, impacting timber supply, reducing revenue to Oregon counties and the U.S. Treasury, and eliminating family wage jobs. Harvest Land Base acres – lands specifically identified for

timber production under the Obama Administration – should be removed from the legislation.

- 4) Direct the Forest Service and BLM to map the acres with the greatest fire risk within the ORE Act and require the management agencies to produce a five-year action plan to treat those acres – including through mechanical treatments. The Forest Service and BLM should use available data and mapping tools, such as the wildfire hazard potential (WHP) map, to depict wildfire risk and help prioritize fuels management needs. The plans should include the recommended action/treatment, timeline, and estimated costs for completing the work. The legislation should also include language explicitly authorizing any ongoing needed, science-based treatments regardless of the congressional or administrative designation.
- 5) Direct the Forest Service and BLM to work with local communities, rural fire districts, and other emergency management personnel to develop wildfire suppression and evacuation plans before wildfires inevitably start and spread within the boundaries of any new designations. The Forest Service and BLM should have specific plans for initial attack and containment for fires starting within the proposed wilderness expansion or Recreation Area. It will be critical for residents of nearby communities – especially Marial, Rand, and Galice – to participate in the development of emergency plans and designation of evacuation routes.
- 6) Consult, coordinate with, and solicit feedback from Oregon Governor Kate Brown’s Council on Wildfire Response. The Council was established on January 30, 2019 by executive order and is tasked with reviewing “Oregon’s current model for wildfire prevention, preparedness and response...” and to “provide recommendations to strengthen, improve, or replace existing systems.” [The Council](#), made up of a diverse group of state leaders representing a wide spectrum of public and private interests including staff from Senators Wyden and Merkley, will be reviewing, analyzing, and discussing policies that apply to these same Federal lands. S. 1262 could influence the Council’s work and recommendations.

Thank you for the opportunity to share our concerns and recommendations on S. 1262, the ORE Act.

Sincerely,



Travis Joseph  
President/CEO

cc: Oregon Congressional Delegation  
Oregon Governor Kate Brown