



June 21, 2021

The Honorable Joe Manchin III, Chairman
Senate Energy and Natural Resources
Committee
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 Angus King, Chairman
Senate National Parks Subcommittee
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: AFRC Comments on S. 192

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

Thank you for the opportunity to share our perspective on S. 192 sponsored by Senators Ron Wyden and Jeff Merkley.

We share your commitment to clean water and resilient, healthy public forests. We continue to believe the greatest threat to Oregon's watersheds, wildlife populations, clean air, recreational opportunities, and community safety are catastrophic wildfires.

The 2020 Labor Day fires in Oregon were a sober reminder about the urgent need for strategic, science-based, forest management – including precommercial thinning, prescribed burning, and timber harvests – to make our watersheds, forests, and surrounding communities more resilient to a changing climate, wildfires, drought, and other stressors.

We stand ready and willing to work with you and your colleagues on comprehensive forest management and conservation legislation to address the financial, regulatory, legal, personnel, and administrative barriers impeding a 21st Century approach to our federal forest health crisis.

As you know, more than 80 million acres of our federal forests – and the extraordinary social, cultural, environmental, and economic benefits of these forests – are at imminent risk of fire, disease, and mortality. The status quo is not working.

We are encouraged by the bipartisan leadership of Chairman Manchin and Ranking Member Barrasso in calling for an “orders of magnitude” change in federal forest management. In a June 14th letter to President Biden, the top Democratic and Republican leaders of this Committee stated:

“The science is clear. Proactive management is far better for our forests, our economies, and the safety of our communities than simply being reactive. We can prevent further carbon emissions and increase carbon absorption if we proactively manage for healthy and resilient forests, especially through significantly increasing the use of practices such as reforestation, hazardous fuels reduction, thinning treatments, and prescribed fire. Such practices can also protect American lives and livelihoods.”

We could not agree more. AFRC and its members are eager to work with you and members of the Oregon Congressional Delegation to answer this call for bipartisan, pragmatic, and science-based forest management solutions.

Comments on S. 192 Process

S. 192 was introduced in February 2021. AFRC submitted written requests to Senator Wyden’s office for detailed maps of the proposed designations included in S. 192 on February 5, April 26, and by phone on May 5. To date, detailed maps for the approximate 4,700 miles of rivers, tributaries, gulches, and “draws” included in the legislation have not been made publicly available.

We hope you agree that providing detailed maps to the public is essential to a transparent process, and critical to understanding, evaluating, and providing meaningful feedback to you and the Committee. At a minimum, detailed maps would help the public and Committee answer basic questions about the proposal:

- What are the current conditions of the segments and acres being proposed for permanent, legislative protection?
- Do the segments meet the definition of the Wild and Scenic Rivers Act and are they eligible for designation?
- What risks or threats, if any, do the proposed segments face and what actions, if any, are necessary to mitigate those risks?
- What is the current management paradigm for the proposed designations under Federal law (e.g., existing Forest Plans and the Northwest Forest Plan)?
- How would a Wild and Scenic Rivers Act designation for the proposed segments change current management direction and existing or planned projects on the ground?

Maps would also help communities and policymakers understand the scale and scope of S. 192. Based on our understanding and calculations, 4,700 miles of new designations with proposed *half mile* “buffers” could impact more than 3,000,000 acres (Half mile buffers on each side = 640 acres per square mile X 4,700 miles = 3,008,000). An exact acreage figure has not been provided by the bill sponsors. Using a half mile buffer on both sides of all proposed areas – including gulches and draws without water – doubles the acreage impact of S. 192 compared to the traditional one-quarter mile buffers provided to Wild and Scenic rivers.

By comparison, the 2020 Labor Day fires in Oregon burned one million acres and resulted in an estimated economic impact of \$18 billion. This proposal is more than three times larger than the entire footprint of the 2020 Labor Day fires, which remains an emergency for impacted communities and the State of Oregon. We also note that some of the proposed segments for designation were severely burned by the 2020 Labor Day fires and need stabilization, restoration, and replanting.

We strongly encourage the Committee to obtain basic data about the proposed segments before taking permanent, legislative action. As discussed below, our initial findings in the field indicate that many of the segments are not consistent with the intent of the Wild and Scenic Rivers Act.

Recommendation: Once detailed maps have been made available for public review and analysis, we recommend the Committee or bill sponsors hold additional field hearings on S. 192, ideally in the rural communities closest to, and most impacted by, the proposed designations.

Observations from the Field

We commend Senators Wyden and Merkley for seeking public input on potential Wild and Scenic River Act designations through a nomination process. However, most of the waterways identified in S. 192 are not classified as rivers by the authors of the bill. The bill notes that only 15 percent of the proposed segments for designation under the Wild and Scenic Rivers Act are actual rivers, while the remaining 85 percent are streams, gulches, draws, and unnamed tributaries.

It is unclear if the proposed designations included in S. 192 have been visited in the field or verified through virtual maps and available technology. Even with the limited information currently available, AFRC staff have identified numerous segments proposed for designation that are small enough to stand over. Many did not contain flowing water during site visits and are nearly indistinguishable from nearby features.



To date, AFRC has visited proposed segments – from the Coast Range in Northwest Oregon to the Umpqua Basin in the Cascades to the Applegate Valley in the Siskiyou Mountains – and has documented over a dozen creeks, gulches and draws such as those photographed above. We are confident that additional site visits to other regions would generate similar findings.

The Wild and Scenic Rivers Act of 1968 was enacted to preserve certain rivers with “outstanding natural, cultural, and recreational values in a free-flowing condition.” While detailed maps will be needed to complete field reviews, it appears that many of the proposed non-river segments do not meet the intent or definition of the Wild and Scenic Rivers Act.

There are two study provisions in the Wild and Scenic Rivers Act. Congress may direct the study of select rivers through Section 5(a) of the Act, or it may utilize Section 5(d)(1) to direct federal agencies to identify potential additions to the National Wild and Scenic Rivers System through federal agency plans.

Recommendation: We recommend the Congress use Section 5(a) of the Wild and Scenic Rivers Act to further study and analyze river segments proposed for designation in S. 192 and Section 5(d)(1) to direct the responsible federal land management agencies (U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park

Service) to study and analyze the streams, gulches, and unnamed tributaries for potential inclusion in the National Wild and Scenic Rivers System.

We have concerns that diverting limited financial and human resources to Wild and Scenic River studies for 4,700 miles of potential designations will distract federal land managers from the most immediate and pressing threat to our watersheds and communities: responding to and preventing catastrophic wildfires. However, these studies will provide the most accurate information and expert recommendations on potential inclusion. These legally sound and tested processes are also inclusive, transparent, and democratic.

Technical Comments

Based on our initial analysis of the bill as introduced, S. 192 will limit or prohibit proactive forest management on up to three million acres of public land. A vast majority of these acres are in fire-prone forested landscapes in Northeast and Southwest Oregon, and are in need of science-based treatment.

Wildfire Risks

We appreciate Senator Wyden and Merkley's public recognition that S. 192 may increase wildfire and unhealthy smoke risks for federal lands, nearby communities, and vulnerable populations. Section 5(a)(6) – Reducing Catastrophic Wildfire Risks – directs the responsible land management agency to develop comprehensive river management plans for all proposed segments including an assessment of “the probable risk of high intensity wildfires degrading river values,” “the risk of high intensity wildfires to public safety,” and “the role of fire in meeting long-term resource management objectives...”

Recommendation: We recommend that catastrophic wildfire and public safety assessments for the proposed designations be analyzed, completed, and disclosed to the public before the Congress takes permanent, legislative action that could limit or prohibit proactive management of at-risk acres. These analyses could be completed consistent with Section 5(a) and Section(d)(1) of the Wild and Scenic Rivers Act (study sections, see above Recommendation).



The Reducing Catastrophic Wildfire Risks section of S. 192 directs the responsible federal agency to only “determine the appropriate use of *prescribed fire* to meet long-term resource management objectives.” Prescribed fire is an important management tool. However, prescribed fire alone will not address unnatural fuel loads on already fire-prone landscapes. In many cases and locations, prescribed fire would only be appropriate after mechanical treatments are completed to improve access and safety, and to increase the likelihood of a successful burn without harming neighboring lands. The photograph below shows an unmanaged riparian area in the North Umpqua drainage burnt at high severity in the Archie Creek fire in 2020.



It is important to note that Section 5(a)(6) does not direct the agencies to implement fuel reduction activities and limits federal agencies to considering only prescribed fire as a management tool, rather than thinning or other science-based silvicultural treatments.

If this is the intent of S. 192, the bill effectively eliminates proactive forest management – including thinning – on the entire footprint of the legislation, or approximately three million acres. We believe this “fire only” approach imposes an unnecessary and unacceptable risk to federal forests, public safety, and community health.

Recommendation: If this is not the intent of S. 192, Section 5(a)(6) should be amended and clarified to include explicit language directing the federal agencies to utilize all available and legal management tools – including mechanical thinning – to reduce the risk of catastrophic wildfires and to meet the management goals of the proposed designation. We also recommend that the bill be amended to clarify that post-fire restoration work – including the removal of dead and dying trees after a wildfire – be explicitly allowed. Keeping roads, bridges, and access routes open and safe will be critical to first responders, firefighters, and the public when fire events inevitable occur within these corridors.

Management and Legal Conflicts

Over the last few years in Oregon alone, we have identified multiple management and legal conflicts between Wild and Scenic River designations and science-based forest management. We hope the Committee will consider the following on-the-ground examples when evaluating the implications of S. 192 on approximately three million acres of fire-prone forests. These examples help provide context for our conclusion that S. 192 will dramatically increase management costs and complexity on-the-ground, create conflicts between user groups, and distract and overload federal agencies already overwhelmed by catastrophic wildfire management and response:

In 2015 the National Fire burnt from Crater Lake National Park onto the Rogue River-Siskiyou National Forest, including portions of the Upper Rogue Wild and Scenic River Corridor. The High Cascades District initiated assessments to recover dead and dying trees on those areas impacted by the National Fire that overlaid the Northwest Forest Plan Matrix designation where sustainable timber management is an objective. The goal was to recover timber value, facilitate effective reforestation, and reduce fuels that could contribute to future fire risk of reburn. These assessments were halted after the District reviewed an amendment to the management plan for the Upper Rogue Wild and Scenic River. The segment burnt by the wildfire included a directive stating that “no forms of vegetation management will be allowed, including salvage operations.”

In 2016, the Bureau of Land Management (BLM) proposed a thinning project that included units that overlapped the *proposed* Molalla River Wild and Scenic River corridor. The purpose of the project was to reduce stand densities. As the corridor was not finalized, the BLM issued a [decision](#) to move forward with the thinning treatments, including those that overlapped the proposed Wild and Scenic corridor. In response, the agency received 178 letters from the public claiming that the density reduction treatments were “not consistent with (proposed) Molalla

River Wild and Scenic designation” and claimed that the thinning treatments would result in “degradation” that is inconsistent with the Wild and Scenic River designation.

In 2018, the BLM’s Siuslaw Field Office began planning a large-scale density reduction project on lands designated as Late Successional Reserve by the 2016 BLM Resource Management Plan completed by the Obama Administration. The purpose of the [project](#) was to improve stand complexity and to accelerate the development of late seral habitat through density management treatments. The initial planning area included all stands north of Highway 126 that the BLM determined were in need of treatment to meet these objectives.

The final [Environmental Assessment](#) (EA) was published in 2020 following the designation of Lobster Creek as a Wild and Scenic River. That EA stated that “lands within ¼ mile of segment A of Lobster Creek were removed from the project area after it was designated as a wild and scenic river for recreation by the U.S. Congress.” The EA indicated that this deferral amounted to 600 acres (approximately one square mile) of stands in need of density management treatment that would reduce fuels and reduce the likelihood of high-severity wildfire.

In another example, the Equine Project, on the Rogue River-Siskiyou National Forest, was located in an area described in the [EA](#) as “not in or immediately adjacent to Wild and Scenic corridors.” It went on to describe that the Rogue River Wild and Scenic corridor was three to four air miles north of the project area and the Illinois Wild and Scenic corridor was eight miles east of the project area. Despite this distance, the Forest Service was still compelled to modify its treatment units to mitigate “view quality” related to the Wild and Scenic corridors. The EA stated that “Thinning the stands within the project area would minimally decrease view quality, because post-thinning tree densities would remain above 60 trees per acre. Those densities would also satisfy user demand for scenic quality within the Wild and Scenic Rogue River viewshed, and those portions of Units 1 through 3 and 22 through 24 where land is visible from major or secondary travel routes, rivers or other high use recreation areas.”

In this example, the Forest Service’s management flexibility was constricted by the Wild and Scenic River corridors despite the project not being located within the ¼ mile corridor and the project being located *over three miles from that corridor*.

Recommendation: In order to increase public trust and transparency, we recommend the bill sponsors utilize the Forest Plan revision processes underway in the Pacific Northwest and Oregon to prioritize and develop an action plan for priority river segments included in S. 192. The Forest Plan revision process for all national forests in Oregon would help land managers and interested stakeholders identify specific risks/threats to the proposed designations and develop an appropriate action plan to meet the unique circumstances identified on-the-ground through a collaborative, transparent, public process.

Conclusion

AFRC and its members recognize and value the meaningful protections afforded by the Wild and Scenic Rivers Act to iconic rivers in Oregon and throughout the United States. Our members live by, recreate on, help steward, and derive a living from our rivers, streams, and tributaries.

Rivers such as the Lower Rogue, photographed below, are truly remarkable and outstanding, and warrant designation under the Wild and Scenic Rivers Act. Waterways such as Mina Creek near Tillamook, also photographed below, likely do not.



We remain extremely concerned about the unhealthy trajectory of our federal forests, watersheds, and public lands and their ability to continue to provide the social, cultural, environmental, and economic values due to catastrophic wildfires. Our federal forests and surrounding communities are facing an emergency. For the reasons outlined above, we believe S. 192 in its current form would compound that emergency.

We hope the Committee will prioritize practical, bipartisan, science-based legislation focused on a 21st Century approach to forest health, resiliency, and community safety. You have AFRC's commitment as a willing and constructive partner to help solve our forest health crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph".

Travis Joseph
President/CEO