

Oregon Eastside Forests Restoration, Old-Growth Protection and Jobs Act of 2011
(S.220.IS, 112th Congress)

How The Revised Legislation Would Work

It will take at least three years for the legislation to come fully into effect. During that time, interim projects (timber sales, stewardship projects, etc.) may proceed, but only under many of the protective and directive provisions of the revised legislation—which would be far stronger than current administrative policy and practice. The revised legislation has 11 sections:

- Sec.1. Short title; table of contents.
- Sec.2. Purposes.
- Sec.3. Definitions.
- Sec.4. Land management.
- Sec.5. Watershed management.
- Sec.6. Eastside forest scientific and technical advisory panel.
- Sec.7. Assessment and strategy.
- Sec.8. Ecological restoration projects.
- Sec.9. Collaboration.
- Sec.10. Administration.
- Sec.11. Authorization of appropriations.

<i>Protections and Directions under Revised Eastside Forest Legislation</i>			
Protection and/or Direction	Before Enactment: <i>The Status Quo Unless Modified by Forest Plans or New Administration</i>	First Phase: <i>Until Completion of Landscape Forest Restoration Assessment</i>	Second Phase: <i>Ecological Restoration Projects</i>
INFISH and PACFISH Level of Protection (as a floor)	✓	✓	✓
Larger Tree Protection	✓	✓	✓
Prohibition of New Forest Service Roads and Restrictions on Temporary Roads	✓	✓	✓
All Sawlogs are A Byproduct of Ecological Restoration		✓	✓
All Vegetation Management Projects Must Comply With Scientific and Technical Advisory Panel Guidance to Meet the New Management Goals for Eastside Forests		✓	✓
Ecological Restoration Projects Must Fully Comply With Landscape Forest Restoration Assessment to Meet the New Management Goals for Eastside Forests			✓
(✓) Administrative Policy versus (✓) Congressional Statute.			

Here's generally what is to happen under the revised legislation:

- National Forest System lands in Eastern Oregon would have new *goals* for their management that require:

(b) LAND MANAGEMENT GOALS.—

(1) In general.—In the covered area, the Secretary shall, considering the best available science, seek—

(A) to conserve and restore forest health, watershed health, and other ecosystems;

(B) to reduce the risk of, and increase the resistance and resiliency of the land to, uncharacteristic disturbances;

(C) to allow for characteristic natural disturbances; and

(D) to harvest wood to maintain adequate levels of industry infrastructure to accomplish the goals in subparagraphs (A), (B) and (C). (Sec. 4(b))

- All projects must improve forest health and watershed health (both defined in Sec. 3), which are defined as:

FOREST HEALTH.—The term “forest health” means conditions that enable forested land—

(A) to be durable, resilient, and less prone to uncharacteristic wildfire, insect, or pathogen outbreaks, while—

(i) supporting ecosystem services and populations of native species; and

(ii) allowing for natural disturbances;

(B) to maintain or develop species composition, ecosystem function and structure, hydrologic function, and sediment regimes that are within an acceptable range that considers—

(i) historic variability; and

(ii) anticipated future conditions; and

(C) to be resistant and resilient to uncharacteristic events.

WATERSHED HEALTH.—The term “watershed health” means landscape conditions that enable riparian and aquatic ecosystems—

(A) to capture, store, and release water, sediment, wood, and nutrients;

(B) to provide for water temperatures that are within the range of variability of the natural regimes for the processes described in subparagraph (A); and

(C) to create and sustain functional riparian, aquatic, and wetland habitats that are capable of supporting diverse populations of native aquatic- and riparian-dependent species.

- A *Science and Technical Advisory Panel* (STAP) is established to make recommendations—*based on the best available science—to the Forest Service on how to implement the revised legislation. (Sec. 6)*

- An *Eastside Landscape Forest Restoration Assessment* (LFRA) would be completed by the Forest Service that *compiles the best available scientific assessments* characterizing and prioritizes restoration needs and project areas. The LFRA would have to be consistent with the protections and directions in the revised legislation, STAP recommendations, and all other applicable law (including regulations). (Sec. 7)

- The Forest Service would be directed to prepare large-scale multi-year *Ecological Restoration Projects* (ERPs) that would be developed after the completion of the *Landscape Forest Restoration Assessment* (LFRA). (Sec. 8)

- ERPs would be developed by the Forest Service in close consultation with *Collaborative Groups*. Such groups are in place in for many areas and will likely form for the rest. The legislation strongly encourages the maintenance and establishment of local collaborative groups. (Sec. 9).
- The LFRA must be consistent with the protections and directions in the revised legislation and all other applicable law (including regulations). (Sec. 7)
- ERPs would include a full range of needed restoration activities to improve both *forest health* and *watershed health*. (both defined in Sec. 3)
- \$50 million dollars would be authorized to be appropriated to carry out this revised legislation.
- The Forest Service would carry out the mandates of the revised legislation using the *National Environmental Policy Act* (and its *regulations*) and be *fully subject to judicial review* as they are now.

The final legislation sets certain deadlines or benchmarks that the Forest Service would have to meet. The table below summarizes the major ones.

<i>Milestones and Timelines for Revised Eastside Forest Legislation</i>	
Milestone	Timeline
Choosing of the National Forests to be Managed by the Legislation	“Not later than 1 year after the date of enactment of this Act, the Secretary may select all or part of 1 or more National Forests in the State as part of the Initiative.”
Appointment of Eastside Forest Scientific and Technical Advisory Panel	“Not later than 120 days after the date on which the Secretary selects the covered area, the Secretary shall establish an advisory panel.”
Recommendations Report of the Eastside Forest Scientific and Technical Advisory Panel	“Not later than 180 days after the date on which the Secretary appoints the members of the advisory panel ...”
Report of Eastside Forest Scientific and Technical Advisory Panel to Committees in Congress	“Not later than 5 years after the date on which the Secretary appoints the members of the advisory panel ...”
Eastside Landscape Forest Restoration Assessment	“Not later than 2 years after the date on which the Secretary selects the covered area ...”
Ecological Restoration Projects Possible	“As soon as practicable after the date on which the Secretary selects the covered area, the Secretary shall, considering the opportunities described in section 4(b)(2), implement ecological restoration projects in the covered area to further the goals described in section 4(b).”
Ecological Restoration Projects Required	“Subject to the availability of appropriations in accordance with section 11, the Secretary shall, to the greatest extent practicable, implement 1 or more ecological restoration projects for each National Forest in the covered area that provide landscape-scale work within a watershed area by the earlier of the date that is— (A) 1 year after the date of completion of the restoration assessment; or (B) 3 years after the date on which the Secretary selects the covered area.”
Experimental Ecological Restoration Projects	“As soon as practicable after final agency action, but not later than 5 years after the date on which the Secretary selects the covered area, the Secretary shall implement experimental ecological restoration projects in the covered area that are designed to use an age limitation that prohibits the cutting or removal of any tree older than 150 years.”
Statutory Sunset	“The authorities under this Act shall terminate on the date that is 15 years after the date of enactment of this Act.”