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TO: Interested Parties  
FROM: Andy Kerr  
RE: Comparing and Contrasting the Levels and Kinds of Logging Proposed for Western Oregon Federal Public Forestlands Administered by the Bureau of Land Management<sup>1</sup>  
DATE: 17 November 2012

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Controversy abounds about the kinds and levels of logging proposed for federal public forestlands administered by the USDI Bureau of Land Management (BLM) in western Oregon. The Northwest Forest Plan (NWFP) was approved in 1994. During the first five full years of the plan, both the BLM and the Forest Service continued to log older (mature and old-growth) forests. After 2000, both agencies generally switched to thinning younger managed stands, which is much less controversial. However, certain BLM districts have continued to offer high levels of log sales in mature and old-growth forests. Many—but alas, not all—such log sales have been successfully challenged by the conservation community. Various Western Oregon BLM stakeholders recommend various levels and kinds of logging of various kinds of forest. Most still recommend logging of older (mature and old-growth) forests, even though such logging has become socially unacceptable. This memorandum compares and contrasts the various recommendations.

### **The Acres in Question**

The BLM administers 2.6 million acres of federal public forestlands in western Oregon. Of these holdings, 2,085,886 acres are so-called Oregon and California (O&C) lands, 74,547 acres are so-called Coos Bay Wagon Road (CBWR) lands and 408,548 acres are so-called public domain (PD) lands in 18 western Oregon counties.<sup>2</sup> O&C and CBWR lands are generally managed under the O&C Lands Act of 1937, which has historically been interpreted by the BLM such that these lands have been more intensively managed for the production of logs (more so under Republican administrations and less so under Democratic ones) than other federal public forestlands

<sup>1</sup> I am indebted to Chandra LeGue, Doug Heiken and Steve Pedery of Oregon Wild for helpful suggestions, reviews and edits. Of course, any remaining errors are mine.

<sup>2</sup> All counties west of the Cascade Crest except for Clatsop County, and also Klamath County.

managed by BLM or that are in the National Forest System, managed by the USDA Forest Service.<sup>3</sup>

<b>Major Stakeholder Positions in re Western Oregon BLM Logging Levels</b>		
<i>Stakeholder</i>	<i>Primary Method of Logging and in What Forest Types</i>	<i>Recommended Logging Level (Million Board Feet/Year [Long Logs])</i>
O&C Counties*	Industrial-strength clearcutting (until they run of trees to cut) in all forest stand ages.	1,335
Timber Industry*	Industrial-strength clearcutting in all forest stand ages.	960
The Three Clearcutters (3 members of Congress from Oregon)*	Industrial-strength clearcutting in forest stands averaging less than 125 years of age (would include old-growth trees that that survived the stand-replacing event).	518
Aborted 2008 BLM Western Oregon Plan Revision (WOPR)	Clearcutting with minimal protections in all forest stand ages.	402
Johnson and Franklin**	Variable retention harvest (though not a “clearcut” as defined by the forestry profession, it <i>looks</i> a lot like a clearcut to most) in <i>potentially</i> all forest stand ages.	98-338
BLM Northwest Forest Plan (as <i>envisioned</i> )	Clearcutting with a bit more than minimal protections in all forest stand ages.	214
BLM Northwest Forest Plan (as <i>implemented</i> )	Generally density management (ecological restoration thinning) in reserves and commercial (industrial spacing) thinning in matrix in previously managed stands.	161
Conservation Organizations	Variable density thinning to accelerate the onset of late-successional characteristics in previously managed stands in reserves and matrix land allocations.	At least 132
201X BLM WOPR II	?	?
* It should be noted that both the O&C counties and the timber industry support the Three Clearcutters proposal.		
** Not a recommendation per sé, but an analysis of options.		

### **The Board Feet Baseline**

In evaluating various proposed levels of logging, it is useful to compare what has *actually* occurred (“as implemented”) to what various interests believe *should have* (“as envisioned”) occurred under the Northwest Forest Plan. As *implemented*, Western Oregon BLM lands under the NWFP produced an average of **161 million board feet (MMBF) per year for the first 15 full years** that plan was in existence (1995 to 2010). The quantity of logs sold under the NWFP has varied by administration, amounting to an average of 152, 158 and 201 MMBF/year

<sup>3</sup> Kerr, Andy. 2007. Transferring Western Oregon Bureau of Land Management Forests to the National Forest System. Occasional Paper #2, The Larch Company, Ashland, OR (<http://www.andykerr.net/storage/other-matters-uploads/LOP%20%20%20Small%201.0.pdf>).

respectively for Presidents Clinton, Bush and Obama.<sup>4</sup> The primary limiting factor has been the lack of congressional funding, not challenges by conservationists.

### The Various Stakeholder Recommendations

**O&C Counties.**<sup>5</sup> Rather than the volume of trees sold and cut down, the overriding interest of the O&C counties is the amount of money received from BLM log sales. The O&C counties' position is that they are owed \$110 million annually—either in direct payment or through a cut of logging proceeds—by the U.S. taxpayers who own BLM lands in western Oregon.<sup>6</sup> Assuming that the future log market would support the 2006–2010 (two years before and after the housing bust of 2008) average stumpage price of \$109.90 per thousand board feet (MBF),<sup>7</sup> BLM would have to cut **1,335 MMBF/year** and share 75 percent of gross logging revenues with the counties to meet their revenue demand. *However*, flooding the market with so much logs would very likely drive down prices, so the revenues would not be adequate to meet the counties' demand (so one would have to log even more to meet the counties' demand). Such massive overcutting could not be sustained for long. (The O&C Counties are on record supporting the Three Clearcutters proposal [see below], which suggests that they could live with less than half the amount of logs they are effectively demanding.)

**Timber Industry.**<sup>8</sup> Various members of the timber industry advocate a cutting level of at least **960 MMBF/year** from western Oregon BLM holdings. Pro-logging plaintiffs are presently litigating the matter again in the District of Columbia Judicial Circuit,<sup>9</sup> having previously lost similar claims in the 9<sup>th</sup> Judicial Circuit. Conservation organizations believe the industry plaintiffs' claim that the O&C Lands Act of 1937 creates a discrete nondiscretionary duty to sell a specific quantity of logs is bullshit (a term often invoked by legal counsel to informally characterize the merits of a case).<sup>10</sup> If the industry were to win its claim, the BLM would have to log a huge number of old and large trees that are no longer socially acceptable to log. (The

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<sup>4</sup> Kerr, Andy. 2011. Northwest Forest Plan Timber Volumes by Federal Administrative Unit—1995 to 2010 (<http://www.andykerr.net/storage/conservation-uploads/NorthwestForestPlanTimberVolumesbyFederalAdministrative%20Unit-1995to2010.xls>)

<sup>5</sup> Recommendation is for the BLM O&C and CBWR lands, as the PD lands are relatively minor in acreage and only 4 percent of timber revenues from such lands are shared with counties.

<sup>6</sup> Association of O&C Counties. August 22, 2011. Proposed O&C Lands Conservation and Management Trust. Memorandum to Staffs of Senators Wyden and Merkley, Representatives DeFazio, Walden and Schrader, and Governor Kitzhaber. Enclosure 1.

<sup>7</sup> Warren, Debra. 2011. Production, Prices, Employment and Trade in Northwest Forest Industries, All Quarters 2010. USDA Forest Service Pacific Northwest Forest Research Station, Portland, OR. Figure converted from short log scale to long scale for consistency herein.

<sup>8</sup> Recommendations are for the O&C and CBWR lands only. Of course, they are happy to take as much timber as they can get from the PD lands as well. As BLM uses the “short-log” Scribner scale on its western Oregon lands, 500 MMBF short-log Scribner scale translates to 400 MMBF in long-log Scribner scale, which is what everyone else in the Pacific Northwest uses.

<sup>9</sup> American Forest Resource Council et al. v. Ken Salazar. 27 June 2011. Complaint in the United States District Court for the District of Columbia. No. 11-1174-RJL (D.D.C.).

<sup>10</sup> Goldman, Patti, Kristen L. Boyles (Earthjustice) and Susan Jane Brown (Western Environmental Law Center). 25 May 2012. Defendant-Intervenors' Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of Cross-Motion for Summary Judgment in the matter of Swanson Group Mfg. LLC, Rough and Ready Lumber LLC, Washington Contract Loggers Association, American Forest Resource Council and Douglas Timber Operators vs. Ken Salazar, Secretary of the Interior and Tom Vilsack, Secretary of Agriculture.

timber industry is on record supporting the Three Clearcutters proposal [see below], which suggests that they could live with nearly half the amount of logs they are demanding.)

***The Three Clearcutters.***<sup>11</sup> In draft legislation entitled the “O&C Trust, Conservation and Jobs Act,”<sup>12</sup> Oregon congressmen Peter DeFazio, Greg Walden and Kurt Schrader are proposing a return to widespread clearcutting and to effectively privatize and severely industrialize 1.5 million acres of America’s public lands to fund the 18 O&C counties. The proposed legislation would effectively throw out the Northwest Forest Plan, severely fragment existing older forests and eliminate any significant protection for streams on these lands. The Members never said, but it is estimated that the Three Clearcutters’ proposal would yield **518 MMBF/year**.

***Bureau of Land Management.*** As envisioned, the Northwest Forest Plan (NWFP) called for **214 MMBF/year** from BLM lands but Congress never provided the necessary funds to support that level of logging. The estimated log production from the aborted Western Oregon Plan Revision (WOPR) would have been **402 MMBF/year**.<sup>13</sup> However, the estimated logging levels would not be attainable, for a host of reasons in addition to the lack of congressional funding. BLM is beginning to revise its Western Oregon Resource Management Plans, but it has yet to reveal proposed levels and kinds of logging. Recovery plans for Endangered Species Act-listed species, including the northern spotted owl, marbled murrelet, and coho salmon will likely reduce estimated logging levels, as will requirements under the Clean Water Act.

***Johnson and Franklin.***<sup>14</sup> At the request of Interior Secretary Ken Salazar, Dr. K. Norman Johnson (College of Forestry, Oregon State University) and Dr. Jerry F. Franklin (School of Forest Resources, University of Washington) have made volume estimates for various programs of logging that would range between **98–242 MMBF/year in the long term** or **174–338 MMBF for the next 15 years**.<sup>15</sup> These options to the Secretary of the Interior are summarized in the table below. To achieve the increased log sales and meet a politically desired level of logging, BLM would have to do the following to the degrees necessary:

- Diminish and fragment currently protected Late Successional Reserves and Riparian Reserves by moving previously logged stands to Matrix.
- “Final[ize]” Riparian Reserve boundaries by decreasing or increasing them as appropriate, but with the expectation of a significantly smaller acreage of Riparian Reserves, as the current requirement that also provides for the needs of terrestrial species would be relaxed.

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<sup>11</sup> Does not include Public Domain lands. It also includes ~218,000 acres of National Forest System lands that are subject to the revenue formula of the O&C Lands Act of 1937 (USFS O&C).

<sup>12</sup> [http://defazio.house.gov/index.php?option=com\\_content&view=article&id=759&Itemid=81](http://defazio.house.gov/index.php?option=com_content&view=article&id=759&Itemid=81)

<sup>13</sup> USDI Bureau of Land Management. 2008. Final Environmental Impact Statement for the Revision of Resource Management Plans of the Western Oregon Bureau of Land Management. Table S-2 (Data originally in short logs.)

<sup>14</sup> Did not evaluate O&C or PD lands in the Klamath Falls Resource Area of the Lakeview BLM District (all in Klamath County).

<sup>15</sup> Johnson, K. Norman and Jerry F. Franklin. 2012. Southwest Oregon Secretarial Pilot Projects on BLM Lands: Our Experience So Far and Broader Considerations for Long-term Plans. [Figures originally in “short” logs.] (<http://www.blm.gov/or/news/files/pilot-report-feb2012.pdf>)

- Diminish existing conservation protections for the red tree vole, a primary food source for the threatened northern spotted owl.<sup>16</sup>
- Generally accept a higher risk of extirpation or extinction of species such as the northern spotted owl, marbled murrelet or various imperiled stocks of Pacific salmon.

Johnson and Franklin Alternative*	What It Means	Long-Term Sustained Yield (MMBF)	First 15 Years (MMBF)**
Matrix*** <80 years	Only logging young forest stands, mostly plantations. This is closest to the Northwest Forest Plan (as implemented).	98	174
Matrix <120 years	Additionally logging “young” mature forest. Senator Wyden desires to conserve forests 120+ years of age.	111	207
Matrix <160 years	Additionally logging “old” mature forest.	121	217
Matrix <200 years	Additionally logging “young” old growth forest.	124	220
Matrix (all ages)	Additionally logging all “old” old growth forest.	133	229
Double matrix with stands <120 years	Additionally doubling the “matrix” by eliminating Late-Successional Reserves.	242	338
* The short-log volume figures in this source were converted, using the BLM-recommended conversion factor of 0.8, to long-log volumes to allow accurate comparison in this report.			
** Includes thinning in Late-Successional and Riparian Reserves.			
*** “Matrix” is the land allocation in the Northwest Forest Plan that is not classified as Late-Successional Reserve, Riparian Reserve, Congressionally Withdrawn, Administratively Withdrawn, etc.			

**Conservation Organizations.** Conservation Northwest, the Geos Institute, the Klamath Siskiyou Wildlands Center and Oregon Wild (“conservation organizations”) issued a report recommending an intensive forest restoration program that could result in logging on western Oregon BLM lands of **132 MMBF/year for the next 20 years**, all of which would come from scientifically sound ecological restoration thinning that would conserve or restore old-growth forest conditions and existing environmental protections.<sup>17</sup> This volume is commercially valuable and can be had without any significant public controversy. The report projects an 18-percent reduction in logging volume on western Oregon BLM lands, primarily due to the relatively lesser need for restoration silviculture on such lands compared to other regions. In addition, the BLM sold proportionally more logs in the first 15 years under the NWFP than did the Forest Service. Overall however, the report also projects a 44-percent increase in log volume overall for all federal public forestlands within the Northwest Forest Plan area. National forest logging would increase 138 percent, 14 percent and 100 percent for Washington, Oregon and California respectively from the average that has occurred under the NWFP. For all federal forestlands in the Oregon portion of the NWFP area, the increase would be 44 percent. The

<sup>16</sup> More than three months before Johnson and Franklin sent their report to the interior secretary, the U.S. Fish and Wildlife Service found the red tree vole (*Arborimus longicaudus*) inhabiting the North Oregon Coast Range (south of the Columbia River, east of the Pacific Ocean, west of the Willamette Valley and north of the Siuslaw River) to be a distinct population segment (DPS) of red tree vole and thus “warranted” for listing as a threatened or endangered species under the federal Endangered Species Act. However, it further found that while warranted, this listing was “precluded” by higher-priority listing actions (Federal Register Vol. 76, No 198, October 13, 2011. 63720-63762). Any significant increase in logging on federal public lands of—as the USFWS describes it—“older forest” would result in a likely listing of the North Oregon Coast Range Distinct Population Segment, if not of the entire species throughout its range.

<sup>17</sup> Kerr, Andy. 2012. Ecologically Appropriate Restoration Thinning in the Northwest Forest Plan Area: A Policy and Technical Analysis. Conservation Northwest, Geos Institute, Klamath Siskiyou Wildlands Center and Oregon Wild. [www.tinyurl.com/Kerr2012](http://www.tinyurl.com/Kerr2012).

overall regional increase would benefit Oregon mills, as local mills often process logs from neighboring states.

### **Congressional Funding**

Any of the stakeholder plans, save one, propose higher logging levels that will require increased and sustained appropriations from Congress. In a time of record federal debt and deficit, such increases are very problematic. For example, Congress would have to increase the BLM's logging budgets on the order of nearly ten times to get out desired log quantities demanded by the O&C counties.

The one notable exception is the Three Clearcutters proposal, which would not require any increase in the BLM budget because it would eliminate the BLM as an agency in western Oregon (a good thing in concept). However, it would require giving away American taxpayer-owned assets with a market value on the order of \$7.4 billion.

For BLM lands, achieving the logging levels recommended by conservation organizations would not require any increase in congressional funding because the cost is within the range of the BLM's historic logging budgets.

It is prudent to assume that future BLM logging budgets—as BLM budgets in general—will decrease. If the BLM lands were transferred to the Forest Service (which has a demonstrated record of getting out its cut not only with less controversy but also at lesser cost), the savings could be dedicated to ecological restoration thinning projects that yield logs and jobs.<sup>18</sup>

The chances of getting Congress to adequately fund the BLM's budget to allow more logging is dramatically increased if all the stakeholders are seeking the same levels and kinds of logging on western Oregon BLM lands.

### **Conclusion**

All stakeholder recommendations—save for those of the conservation organizations and the BLM's existing program—would result in the evisceration of long-standing protections for clean water, salmon and imperiled wildlife on western Oregon BLM lands. Even to achieve the logging level recommended by the BLM in the NWFP would require the logging of older forests—an activity for which the agency's social license has expired.

Any of the plans for a return to destructive logging practices would have a cascading negative effect not only on America's public forestlands but also on adjacent state and private timberlands in western Oregon. This is because state and private industrial timberlands have thus far vastly benefited from the fact that most of the conservation measures required for the ESA-protected

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<sup>18</sup> Kerr, Andy. 2012 Shared Responsibility for O&C Funding: Cost Savings of Transferring Western Oregon BLM Lands to the Forest Service to be Part of the National Forest System. The Larch Company, Ashland OR and Washington, DC.

northern spotted owl, marbled murrelet and various stocks of Pacific salmon have been taken on federal public forestlands rather than on state and private lands.

Drastic increases in the logging of older forests would also likely result in the “uplisting” of species currently classified as threatened under the Endangered Species Act (northern spotted owl, marbled murrelet and various stocks of Pacific salmon) to endangered and the additional ESA listing of the red tree vole and other species.<sup>19</sup>

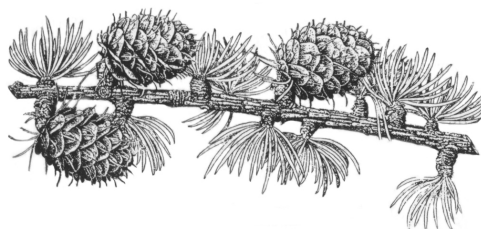
Any level of logging that exceeds the recommendations of the conservation organizations comes with increasing levels of controversy. Politically, controversy (social unacceptability) would increase exponentially as the levels of logging increase. Conversely, the lower the logging levels, the higher the likelihood of their actually being achieved.

All stakeholders generally say they want stability. For many, it is stability in timber supply—sell as much each year as the year before and the maximum the land will yield. For conservationists, it is stability in species conservation, ecosystem services and watershed functions within a natural range of variability. The latter is more achievable than the former.

*In summary, the timber supply from federal lands is one drought, one insect and disease outbreak, one severe fire season, one election, one budget, one successful appeal, one loss in court, one listing of a threatened or endangered species, one new piece of pertinent scientific information, one change in technology, one shift in public opinion, one new law, one loss of a currently available technological tool, one change in market, one shift in interest rates, et al., away from “stability” at all times. And, these changes do not come one at a time, they come in bunches like bananas and the bunches are always changing. So, stability in timber supply from the public lands is simply a myth, a dream that was never founded in reality. It is time to stop pretending.<sup>20</sup>*

Forest Service Chief (ret.) Jack Ward Thomas

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<sup>19</sup> Center for Biological Diversity et al. (in press). The Cost to Endangered Species of Increasing Logging on Pacific Northwest Federal Lands.

<sup>20</sup> Thomas, Jack Ward. 1999. The Instability of Stability (<http://web.archive.org/web/19990128124424/http://coopext.cahe.wsu.edu/%7Epnrec97/thomas2.htm>).