



[Via Regulations.gov \(RIN 1004-AE92\)](#)

July 3, 2023

U.S. Department of the Interior (630)
Bureau of Land Management
1849 C Street NW, Room 2134LM
Washington, DC 20240

RE: Conservation and Landscape Health: RIN 1004-AE92; OMB Control Number 1004-0NEW

Dear Director Tracy Stone-Manning:

Forest Bridges: The O&C Forest Habitat Project, Inc., is an Oregon-based 501(c)(3) non-profit collaborative organization that brings people of diverse viewpoints together to foster sustainable forest health and habitats through active management and restoration solutions focused on Western Oregon's O&C Lands. In consultation with members of its Council of Advisors and Tribal partners in western Oregon, we write to express our concerns regarding the Bureau of Land Management's (BLM's) proposed Public Lands Rule entitled, "Conservation and Landscape Health," published on April 3, 2023. We also respond to the Agency's call for comments on whether the rule could include "specific direction to conserve and improve the health and resilience of forests on BLM-managed lands."

The proposed rule enables "protection and restoration activities" to be considered as multiple use of public lands under a restrictively defined term of "conservation." This newly created use through regulation raises questions to whether a use identified for "conservation" under the proposed regulation would override a mandated, dominant use enshrined in statute. Case in point are the 2.4 million acres of lands managed by the BLM in Western Oregon governed by the O&C Act (The Revested Oregon and California Railroad Lands Sustained Yield Management Act of 1937). The act states that the O&C Lands "shall be managed... for permanent forest production... in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating of stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities."

Furthermore, while the Federal Land Policy and Management Act of 1976 (FLPMA) requires the BLM to "manage the public lands under principles of multiple use and sustained yield," Section 701b recognizes the unique nature of the O&C land base by clearly stating: *In the event of conflict with or inconsistency between this Act and the O&C Act, insofar as they relate to management of timber resources, the latter Act shall prevail.* Court decisions have recently reinforced that the O&C Act lands are to be managed under a dominant use of timber production to generate revenues for the 18 O&C counties in Western Oregon and the Federal Treasury. **As such, we find the BLM's proposed rule**

incompatible with the O&C Act. We kindly request that this exception should be clearly stated for the public record.

In response to the BLM's call for public comments on whether the proposed rule could include **"specific direction to conserve and improve the health and resilience of forests on BLM-managed lands,"** Forest Bridges offers a summary of its proposals for "redefining protection" on the lands managed under the O&C Act. Our proposals are living strategies for actively managing the O&C Lands, evolving as new information comes to our attention or we take on additional forest management issues or topics for further proposal development. We aim to transform the status quo, which, under the auspices of "protection", is currently causing more harm than good via growing catastrophic wildfire. Fuels management is an important tool for conservation and should be addressed in BLM's proposed rule, which currently it is not.

Instead of requiring a special use of conservation, we call for integrating active conservation into O&C Lands forest management to yield sustainable forest health and diverse habitats while providing wood and non-wood products, recreation and other public needs:

ALL of the O&C Lands are included in the long-term strategic management proposals of Forest Bridges. This major change in the paradigm of management recognizes the importance of habitat sustainability throughout the O&C Lands, rather than a system that excludes reserve areas. Habitat sustainability includes legacy trees, forest stands and landscapes, and uses active management to sustain as to renew the forest by creating early seral and promoting other habitats. Utilizing the whole of the O&C Lands leads to a lighter management touch over time and focuses on management where needed most. This proposal also depends on lessening legal barriers and increasing financial resources for management.

In our proposals, all areas are evaluated periodically for treatment or "let-grow-as-is" based on their potential to become or remain a contributor to the diversity of wildlife and other biological habitats. As a result, the land management agencies would regularly and strategically select or bypass areas for active management, based on site-specific conditions for habitat growth and expected development or renewal (as part of future planning and project implementation processes).

Forest Bridges' approaches use a combination of harvest, beneficial prescribed fire, other fuel reduction techniques and liability protections, and other actions under carefully defined guidelines intended to increase certainty around the extent and kinds of management, again based on site-specific characteristics. Management is active, creating metered amounts of early seral habitats regularly, and monitored for effectiveness.

Harvest and thinning, both with legacy retention, seek to emulate the range of historical conditions, and are limited to types and amounts of actions that place the forests of the O&C Lands on a trajectory for developing as much structurally complex and diverse forest as possible, to persist and store carbon, to resist fire, and sustain growth and development.

Other major parts of our proposals for the O&C Lands:

We look to cultural Burning and other Indigenous practices, partnering and co-management with Indigenous tribes on their terms as also integral to these proposals.

Short-term impacts are weighed against long-term benefits to the forest ecosystem; forest management is approached with a long-range vision that spans centuries.

Forest management is carefully defined through metering of harvests to support trust and confidence of all parties.

Legal gridlock is reduced while environmental protections continue to be upheld.

Extensive, transparent monitoring and reporting on forest activities and conditions is made a priority.

New, additional funding is recommended for restoration, monitoring, noxious weed control and ongoing adaptive management.

How does Forest Bridges' proposal compare to Sustained Yield Forestry as described in the O&C Act of 1937?

The O&C Act of 1937 gives the managing agency the authority to create a sustained yield forest plan and absent that plan, harvest a minimum of 500 Million Board Feet across the O&C lands per year. Forest Bridges' proposals are intended to be implemented through an agency plan that focuses on sustained yield as a goal, and habitat sustainability as an outcome.

Taken as a whole, the specific proposals offered by Forest Bridges are intended to provide continuing sustained yield forestry while renewing sustainable forest habitats across the O&C Lands.

What does Forest Bridges mean by its mantra: "Rethinking Protection" for the O&C Lands?

Instead of simply drawing lines on a map to create various reserves of unmanaged or minimally managed areas, we are using a whole-O&C-land-base, long-range, active conservation approach based on scientific evidence, professional agency experience, Indigenous wisdom and historic practices and forest policy tailored to 21st century issues, resulting in improved forest health and species habitats. Harvests will not be based on diameter limits and age limits but instead seek similar results in a historical mix of stand diversity, always retaining a legacy of unmanaged and minimally managed areas on O&C lands.

How will this decrease the incidence of wildfires on the O&C lands?

The Forest Bridges plan will decrease the incidence of catastrophic, high-severity wildfire in fire-prone dry forests on the O&C Lands through wide-spaced thinning to create mixed-age and mixed-species forests.

Dry forests are generally found in Southwestern Oregon. In a dry forest, the forest floor tends to dry out completely in the summer. Moist forests, in contrast, are found more in Northwest Oregon. In moist forests, fires are much less frequent but more extreme due to heavy fuel loads that accumulate each year. While Forest Bridges' proposals may have some impact on the extent of wildfire in moist forests, it will not be as great a reduction in wildfire impact as in dry and transitional forests.

What is Forest Bridges' proposal for forest development, restoration and harvest treatments on the O&C Lands?

In Moist Forests: Each agency district will be allocated an acreage for moist forest variable retention regeneration harvest annually, based on the amount of moist forest acreage in that district. We recommend that each district do active assessment to select an area for multi-year variable retention regeneration harvest and other restoration as if it were part of a larger scale wildfire event in that area.

Selection of these regeneration areas will be based on the potential of stands within the selected area to remain or become contributors to the diversity of wildlife or other biological habitats as they develop over time. By aggregating multi-year treatments, larger areas of the O&C Lands will remain undisturbed, rather than the "Swiss-Cheese" effect of dispersed variable retention regeneration harvests. Variable retention regeneration harvests are to be performed annually, with the legacy tree retention standard of 25 – 40% basal area applied, modeled after a moderate severity wildfire.

In Dry and Portions of Transitional Forests: To get ahead of more than 100 years of fire suppression in dry forests, we recommend a very aggressive, watershed-scale thinning program to achieve a 95% reduction in the probability of stand-replacing wildfires on dry forest O&C Lands. The effect is that crown fires become ground fires on O&C Lands due to stand density and fuel reduction. Forest Bridges recommends prioritizing the most fire-prone regions, and to create fire resistance across the dry forest O&C Lands as quickly as possible. The thinning treatments will be followed by strategically chosen areas for repeated prescribed fire and other fuel reduction activities (and liability protections) every 5-15 years, to mimic the historic fire return interval of the area.

Forest Bridges' recommendation is to treat at a scale that covers all of the Dry Forest across the O&C Lands in 30 years and includes both commercial and non-commercial areas that require stand the region that strive to treat whole landscapes, restoring pre-settlement tree densities of 35 to 50 trees per acre in this region. Advanced cable and low-impact ground logging techniques accommodate flat areas and steeper slopes for thinning operations. After the first 30 years, this thinning process is repeated across the dry forests. In subsequent entries, thinning volume removed will be reduced, in turn lowering treatment costs.

In moist and dry forests, the restoration activities are prioritized to those directly related to the treatment area, including road and structurally enhancing riparian area maintenance, scaled to

be borne by the commercial sale revenues and harvest receipts dedicated to the O&C Counties. In the dry forests, repeated prescribed fire, and other fuel reduction practices including liability protection for neighbors -- between commercial entries -- will require annually appropriated funds. We think of it as funding spent proactively rather than defensively fighting wildfire, which should be greatly reduced with sufficient stand density reduction to historic levels in the dry forests.

Support for Indigenous Knowledge and Cultural Practices on the O&C Lands: Forest Bridges has implemented a proactive strategy by actively involving sovereign tribal governments in its efforts on O&C lands, demonstrating support for indigenous knowledge and cultural practices. The Indian Forest Management Assessment Team (IFMAT) has documented the valuable role of tribal governments in sustainable forest management, emphasizing their ability to promote forest health and resilience while fulfilling tribal goals and objectives. This approach to active forest management relies on the application of site-specific knowledge and tailored prescriptions.

To enhance the management of BLM forests, the Bureau of Land Management (BLM) should consider adopting tribal forest management models as a guide. The utilization of co-management and co-stewardship approaches, whenever feasible, would be beneficial in making decisions regarding the management of BLM forests. By drawing upon the expertise and experiences of tribal forest management, the BLM can achieve a more balanced and sustainable approach to forest management while honoring indigenous knowledge and cultural practices.

How will older trees and forest stands be protected on the O&C Lands?

Our plan is expressly designed to protect legacy trees and increase older forests over time on the O&C Lands. In the moist forest, Forest Bridges is proposing a trajectory to annually increase and ultimately achieve 50 percent structurally complex old growth forest. In the dry forest, commercial thinning and the creation of skips within the treatment areas are intended to achieve older and structurally complex stands throughout the dry forests by restoring the resistance to fire that characterized these lands historically.

How will this affect climate change?

The Forest Bridges plan for the O&C Lands helps mitigate climate change impacts by sequestering more carbon to add biomass in older moist and dry forests over time, while decreasing the risk of destructive wildfire.

In dry forests, wildfires and large megafires, which contribute to climate change by quickly releasing massive amounts of carbon dioxide into the air, would be replaced by extensive thinning, prescribed fire and other fuel reduction tools including pile burning near sensitive boundaries. There would still be fires, but they would not be catastrophic. Prescribed fire and pile burning are started and monitored by foresters during cooler seasons and weather

conditions so that legacy trees, forest soils and adjacent lands are better protected. Liability protections are reciprocally necessary for all parties involved. This strategy is in effect, a reset of stand density whereby carbon sequestration can be sustained with greatly reduced risk of loss through wildfire.

In moist forests, carbon is stored above ground in trees and below ground in downed wood, litter, the duff layer and forest soil. Forest Bridges' moist forest management strategy enhances carbon storage by placing the forest on a trajectory to achieve the goal of 50% structurally complex forest – more than double the current level.

If climate change leads to the drying out of formerly moist forests, the historically moist forest floor material will become drier and be subject to more burning. This issue will have to be addressed over time. This is a key reason that Forest Bridges is now proposing a transitional forest strategy that combines the moist and dry forest approaches and may include unique approaches and holistic Indigenous ideas for management, as well.

How will this affect flora, fauna and endangered species on the O&C Lands?

The Forest Bridges plan will create a diverse range of habitats based on the historical condition when Indigenous Tribes were present. These habitats will support a full range of wild species.

In moist forests, a metered amount of new and early seral habitats would be produced annually to benefit species including deer, elk, birds, pollinators, small mammals, fish and other fauna. Additionally, structurally complex old stands would be increased to benefit spotted owls, spotted frogs, salmon and steelhead, marbled murrelets and other endangered species. Diverse middle-aged, mature forests would benefit species who require this type of habitat.

Forest Bridges' proposals are supported by a diverse collaborative of viewpoints around how the O&C Lands of western Oregon should be managed.

In closing, it is crucial to highlight that the proposed BLM rule contradicts the O&C Act, and this fact should be clearly stated for the public record. The implications of this conservation rule are far-reaching, and as such, the decision should be made through Congress rather than agency officials.

While Forest Bridges' primary focus is on the O&C Lands, we strongly believe that the BLM should explicitly endorse active and measured forest management as a critical approach to conserving and preserving healthy forests. Given the alarming scale of catastrophic wildfires that continue to ravage millions of acres annually, resulting in the destruction of diverse wildlife habitats and contributing to economic and public health crises, it is imperative for the agency to prioritize the recognition that strategic fuel removal and addressing climate change are essential for the preservation of our invaluable federal forest resources. Failure to take action in these areas will lead to unnecessary destruction of our forests.

In addition, we urge the BLM to consider the valuable insights and practices of tribal forest management. By incorporating co-management and co-stewardship models, the BLM can benefit from the sustainable and well-balanced approaches employed by tribal governments, promoting forest health, resilience, and the fulfillment of both environmental and tribal objectives.

It is our sincere hope that the BLM will reconsider the proposed rule, acknowledge the importance of active forest management, and actively engage with Congress and tribal communities to collaboratively develop a more effective and comprehensive strategy for the conservation and maintenance of our precious forest resources.

Thank you for considering our comments.

Sincerely yours,

Thomas McGregor

Thomas McGregor
Board Chair

Denise A. Barrett

Denise A. Barrett
Executive Director

cc: Forest Bridges Board of Directors, Council of Advisors and Tribal partners