OREGON SOLUTIONS

DECLARATION OF COOPERATION

Federal Forestlands Health:
Ad Hoc Implementation Work Group

Current Opportunity

There is a current opportunity for coordinating efforts aimed at implementing the Federal Forestland Advisory Committee (FFAC) recommendations to address issues on Federal forestlands across the state. Discussions are underway at the Oregon Department of Forestry (ODF) and the Governor's Office as to how best to implement the recommendations. The formation of a work group of key stakeholders is a first step toward a targeted effort to implement the recommendations outlined in the FFAC report.

The work group is founded on the principle that a collaborative and sustainable partnership of federal, state and local governments, forest industries, environmental groups and other non-governmental organizations can add value to efforts improving forest health, economic vitality and other social and environmental benefits derived from Oregon's federal forest lands and its forest-dependent communities.

In the past, many similar reports on the condition of Oregon's forests have been completed only to "sit on the shelf and gather dust." A significant amount of time and effort has been expended by the FFAC and others to reach agreement on how to proceed. But to create the results envisioned by the Governor, we need the support of a strong group of organizations willing to work together and dedicated to implementation.

The Governor's Natural Resources Office convened an initial meeting on January 23rd to discuss the status and opportunities to leverage public, private and non-profit resources in the absence of state funding for implementation. ODF, Sustainable Northwest, Oregon Business Council, the Association of Oregon Counties, The Nature Conservancy and the Policy Consensus Center participated in the meeting. The group asked for Oregon Solutions' assistance in drafting an initial state-level declaration of cooperation set of agreements to align the FFAC recommendations and their implementation with state agencies, NGOs and the US Forest Service as well as the anticipated Federal economic stimulus funds for forest related jobs.

To be successful with this initial declaration of cooperation, the next steps will be to implement the intent of the FFAC recommendations with the resources and commitments in these agreements. This includes developing local community-based collaborative partnerships to address Federal lands forest health landscape scale across the state, and pursuing the National Solutions recommendations that may require Congressional action.

Attachments:
A – Members of the FFAC and Goal statement from the Charter
B – Summary of State and Local, and National, Recommendations from the FFAC report
C – Summary of need for a work group and background on recent efforts to fund and implement the FFAC recommendations

Support Statements

Federal Forestlands Advisory Committee Recommendations: Implementation Work Group

Preface

This Declaration of Cooperation brings together the key stakeholders needed to create the opportunity for meaningful implementation of the recommendations from the FFAC. The following support statements describe commitments to support an FFAC Implementation Work Group. This includes efforts to facilitate the effective and timely leverage of funding, technical resources and needed administrative actions to begin implementation.

While not a binding legal contract, the Declaration is evidence to and a statement of the good faith and commitment of the undersigned parties. These commitments represent a public statement of intent to participate in the project, to strive to identify opportunities and solutions whenever possible, to contribute assistance and support within resource limits, and to collaborate with other Work Group members in promoting the successful implementation of the key recommendations.

The Work Group members agree to participate on an FFAC Implementation Work Group and:

- Promote and encourage the formation of local collaborative partnerships.
- Provide a Neutral Forum to work directly with local partnerships in facilitating their formation and implementation.
- Seek to provide administrative, financial, and technical resources to local collaborative partnerships to build trust and help identify scientifically informed and socially acceptable forest management projects to improve forest health.
- Mutually support the leveraging of resources needed for implementation of the collaboratives and other recommendations of the FFAC, as appropriate given each stakeholder's resources, expertise and mission.
- Advocate for and identify specific opportunities for linking economic stimulus funding to implementation.
- Support the development of, and advocate for, projects that improve forest health and resiliency.
- Provide strategic technical assistance to the BLM and Forest Service in support of local collaborative processes.
- Link local collaborative partnerships to outside technical expertise as needed.
- Organize regularly scheduled meetings of the chief executives with forestland management responsibilities to discuss and coordinate policies that affect forest health issues and the recommendations of the FFAC report.
- Identify any other initial stakeholders that should be considered for participating as a member of this Work Group.

Governor Kulongoski's Natural Resources Office and the Economic Revitalization Team

The Federal Forestlands Advisory Committee, appointed by the Oregon Board of Forestry, was charged with developing a document that articulates the State's vision for how forests should be managed to contribute to the sustainability of Oregon's overall forestland base. Some 58 percent of Oregon's forests are federally-owned. The committee, formed to help the Board meet Governor Kulongoski's mandate to give Oregonians a greater voice in the management of federal lands, represented a broad range of interests.

The goal of the FFAC was to assist the Board by developing a vision with strong implementation recommendations for how federal forestlands can better contribute to the economic, social and environmental values of our communities. The implementation recommendations for improvements in federal forestland policies and resource allocations necessary to achieve the state vision while meeting national and local needs are in keeping with the Charter agreed to by the FFAC members.

To this end, Governor Kulongoski's Natural Resources Office is convening this work group to collaborate on how best to implement the FFAC recommendations and to take advantage of the Governor's Oregon Solutions collaborative governance process that has been of value in identifying integrated solutions to federal forest issues in Wallowa, Lake, Harney and the counties of Central Oregon.

Furthermore, the Governor adopted a Renewable Energy Action Plan (REAP) for the state that identifies the development of forest biomass to energy as one priority. The Governor's Office continues to work with state agencies and stakeholders to accomplish the goals set out in the REAP and will ask that the state agencies involved with this Plan provide information to the Work Group and participate in local collaboratives as appropriate.

Mike Carrier, Governor's Natural Resources Advisor

Ray Naff, Director, Economic Revitalization Team

Oregon Department of Forestry

The Oregon Department of Forestry intends to collaborate where possible to implement the recommendations outlined in *Achieving Oregon's Vision for Federal Forestlands* the report recently completed by the FFAC and accepted by the Board. In support of leveraging resources and implementing the FFAC report recommendations, the Department will:

- Work as a conduit of information regarding opportunities for private landowners, operators and others to participate in implementation. This will include distributing print and other material relating to biomass, and helping in developing and announcing meetings.
- Work with USFS and BLM to identify "shovel ready" forest restoration projects including those associated with:
    - Community Wildfire Protection Plans
    - Biomass utilization grants (REAP/FBWG connection)
    - The Oregon Plan for Salmon and Watersheds
- Provide Salem staff and resources to support the work group (Subject to available funding).
- Identify ODF personnel to work on collaborative processes (Subject to available funding). Field personnel will participate directly in the collaboratives, while staff will provide data and analysis.
- Provide technical support to assess forest conditions.
    - Have discussions with the IMAP working group about using their tools and data to do analysis.
    - Provide ODF and other agency GIS data.
- Project implementation including (Subject to available funding or through contracts):
    - Act as general contractor for Stewardship Contracts
    - Implement contracted activities (i.e., Fuel reduction, road maintenance, timber sale layout, etc.)
    - Perform watershed restoration and maintenance
    - Restore wildlife habitat
    - Control exotic weeds and species

Marvin Brown, State Forester

The Oregon Chapter of The Nature Conservancy

The Oregon Chapter of The Nature Conservancy supports the intent of the FFAC recommendations especially as they relate to frequent fire forests East of the Cascades and in Southwestern Oregon. The disruption of natural fire regimes, dramatic increases in tree populations, and spreading landscape homogeneity are the greatest single threat to biological diversity and ecosystem sustainability in forests adapted to frequent fire. To efficiently and effectively restore these forests, coordinated action is needed at the landscape scale. To identify socially acceptable management actions land managers and stakeholders must work collaboratively to develop socially acceptable management options. The Nature Conservancy is committed to working cooperatively with diverse partners to implement the recommendations of the FFAC.

To support implementation of the FFAC recommendations The Oregon Chapter of The Nature Conservancy will:

- Advocate for human and financial resources at the state and federal level to implement the recommendations.
- Help convene and/or participate in local collaboratives where TNC conservation goals intersect with partnership efforts and staff is available.
- Provide technical assistance to support GIS-based landscape level analyses where TNC has the resources available to participate and TNC goals intersect with partnership efforts.
- Work cooperatively with partners to leverage and mobilize resources to accomplish forest restoration treatments.

Russ Hoeflich, Oregon Director

Association of Oregon Counties

The Association of Oregon Counties will work to identify opportunities to contribute and leverage funding and other resources for implementation of the recommendations. This includes providing administrative, financial, and technical resources to local collaborative partnerships to build trust and help identify scientifically informed and socially acceptable forest management projects to improve forest health as called for in State and Local Recommendation #2. Specifically, this includes:

- AOC will explore opportunities to leverage federal payments, including Title 2 and Title 3 funding, to support landscape-scale collaboratives.
- Share the lessons learned from the Lower John Day collaborative model, and county participation in other Oregon Solutions projects.
- Provide staff contributions for outreach and education regarding implementation of the FFAC recommendations.

Mike McArthur, Executive Director

Policy Consensus Center and Oregon Solutions, Portland State University

The Policy Consensus Center and Oregon Solutions support the intent of the FFAC recommendations. The recommendations are consistent with Oregon Solutions mission to develop sustainable solutions to community-based problems that support economic, environmental, and community objectives and are built through the collaborative efforts of businesses, government, and non-profit organizations. The recommendations call for neutrally convened community based collaborative groups to assess forest health conditions and plan projects at the landscape scale to address high priority needs.

To this end, our actions to support implementation of the FFAC recommendations include:

- Develop and finalize this Declaration of Cooperation and support the Governor's Natural Resource Office to convene this Work Group.
- Advocate for resources to implement the collaboratives recommended in the FFAC State and Local Recommendations. Advise the Department of Higher Education of the intent to use $250K of the Governor's 2009-11 Recommended Budget for this purpose in the first year, subject to Legislative action on the Higher Ed budget.
- Provide staff to assess and convene local collaborative partnerships that build trust and agreement on management approaches and projects, and help identify scientifically informed and socially acceptable forest management projects through Declarations of Cooperation focused on landscape-scale actions to improve forest health.
- Use of the Oregon Solutions collaborative governance process to implement agreed-upon projects and build off the successes, capacity building and lessons learned in the Central Oregon Wildfire Risk Reduction, Lakeview Biomass Facility and Harney County Restoration Collaborative projects.
- Coordinate with Sustainable Northwest to identify and provide match for a US Endowment Forest Investment Zone grant.
- Leverage additional resources of projects identified by local collaboratives through the development of Declarations of Cooperation and related project implementation plans.

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Greg Wolf, Executive Director

Sustainable Northwest

Sustainable Northwest supports the spirit and recommendations of the FFAC.

Our mission is to partner with communities and enterprises to achieve ecological, social and economic vitality and resilience in rural areas. We believe the four key building blocks of success in forest and range dependent communities are collaborative process, stewardship, reinvestment and monitoring.

The forests of Oregon require active restoration. Rural communities can and should be made integral partners. Multi-stakeholder collaboratives are vital to build the social agreement to move decisively ahead. Landscape scale restoration will require consistent, long-term, good faith efforts by many parties.

Sustainable Northwest has recently secured seed funding from the US Endowment for Forestry and Communities to advance the concept of a "forest investment zone" in a multi-county area of Eastern Oregon. The outcomes of the zone are very consistent with FFAC recommendations. Success will require partnerships. The funding must be leveraged with state, federal, community and private resources.

In order to advance the FFAC recommendations and the forest investment zone in Oregon, Sustainable Northwest will:

- Work with FFAC implementation group(s) to foster leadership, cooperation and will at all levels of government and the private sector.
- Communicate and coordinate with all participating entities to optimize application of resources.
- Help leverage resources from the public and private sectors to complement available funds and capacities provided by participating cooperators.
- Coordinate with Oregon Solutions to identify and provide match for a US Endowment Forest Investment Zone grant.
- Advance local collaborative initiatives, especially in Klamath, Lake, Grant, Harney, Baker and Wallowa counties, and link them to FFAC implementation groups' efforts, in partnership with Oregon Solutions and other partners
- Link Sustainable Northwest's core programs -- especially the Policy and Communities, Healthy Forests Healthy Communities Partnership, and SNWood Distribution Center -- to the efforts the FFAC implementation groups.
- Serve as a liaison with federal and state decision makers.
- Foster participatory fora that advance learning and shared commitment.
- Share progress of the forest investment zone to the efforts of the implementation groups.

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Martin Goebel, Executive Director

Oregon Forest Resources Institute

The Oregon Forest Resources Institute intends to collaborate where possible to implement the recommendations outlined in *Achieving Oregon's Vision for Federal Forestlands,* the report recently completed by the FFAC and accepted by the Board of Forestry. In support of leveraging resources and implementing the FFAC report recommendations, the Institute agrees to:

- Provide ongoing public education on the Federal Forestlands health issue and its importance to all Oregonians. Public education efforts may include publications, conferences, workshops, tours and other outreach activities.
- Collaborate with the other co-signers of this Declaration of Cooperation on training for forest landowners and others with roles to play in implementing elements of the recommendation.
- Support refinement of the Federal Forestlands Advisory Committee recommendation through additional studies and research, as necessary.

Paul F. Barnum, Executive Director

Oregon Business Council

The Oregon Business Council commits to work with partner organizations to support the Federal Forest Health Initiative. Specifically, we will continue to raise the visibility of this opportunity through the Oregon Business Plan and actively seek business participation in the initiative.

Duncan Wyse, Executive Director

Bureau of Land Management

The Bureau of Land Management (BLM) supports the FFAC and its community-based recommendations for collaboration. The BLM forest lands in Oregon and Washington are administered under two management programs. One is for the Oregon & California (O&C) lands in western Oregon. The other is for public domain lands which are mostly in eastern Oregon and Washington. The BLM manages more than two million acres of forests and woodlands in western Oregon, including 2.2 million acres of commercial forest and 200,000 acres of woodlands. These forests are managed under a number of different programs and initiatives including the Healthy Forests Restoration Act, the O&C Lands Act of 1937, the Healthy Forests Initiative, and many others.

The Bureau of Land Management participates in several programs and initiatives that complement the goals and objectives of the FFAC, including:

Stewardship Contracting
Stewardship contracting includes natural resource management practices that seek to promote a closer working relationship with local communities in a broad range of activities that improve land conditions. Stewardship contracting authority allows the BLM to exchange goods for services by applying the value of forest or rangeland products (e.g., timber) as an offset against the cost of services received. The excess receipts received from one project may also be applied to the cost of other approved stewardship projects. Stewardship contracts and agreements are awarded on a "best value" basis which allows the BLM to consider criteria factors other than price when selecting contractors. The contracts and agreements may be awarded for up to ten years, which can contribute to the long term economic stability of the local communities.

Biomass
In 2003, The Departments of Energy, Interior, and Agriculture announced an initiative to encourage the use of woody biomass from forest and rangeland restoration and hazardous fuels treatment projects. The three Departments signed a Memorandum of Understanding on *Policy Principles for Woody Biomass Utilization for Restoration and Fuel Treatment on Forests, Woodlands, and Rangelands*, which supports woody biomass utilization as a recommended option to use in order to reduce hazardous fuels rather than burning or employing other on-site disposal methods. The 2005 National Energy Policy Act directed the Secretary of the Interior to re-evaluate access limitations to Federal lands in order to increase renewable energy production, including woody biomass.

Special Forest Products
Management of special forest products (SFP) is an important component of ecosystem-based resource management in the Oregon/Washington BLM. The SFPs are commonly referred to as "minor forest products" and are restricted to vegetative material. The SFP program contributes to the economic stability in local communities and provides educational opportunities regarding the value of our natural, renewable resources.

Healthy Forests Initiative
The Healthy Forest Initiative addresses the nation's forests and rangelands that are at risk. An estimated 190 million acres of Federal forests and rangelands in the United States, an area twice the size of California, face high risk of catastrophic fire.

Healthy Forests Restoration Act
The Healthy Forests Restoration Act contains a variety of provisions to expedite hazardous fuel reduction and forest restoration projects on specific types of Federal land that are at risk of wildland fire and/or of insect and disease epidemics.

County Payments
The Secure Rural Schools and Community Self-Determination Act was reauthorized as part of the economic stimulus package approved in October 2008 (Public Law 110-343). The Act provides declining payments to eligible Oregon counties over the four Federal fiscal years 2008 through 2011.

The BLM supports the general principles and recommendations of the FFAC. In accordance with Federal law, the BLM does not take a position or endorse any FFAC recommendations that pertain to any form of lobbying or advocacy. In order to advance and support the FFAC recommendations that do not pertain to lobbying or advocacy, the BLM, within the constraints of available funding, will:

- Support collaborative efforts with FFAC partners and support projects that achieve mutual goals and objectives.

- Encourage BLM districts to continue their partnership efforts to support local, community-based collaborative efforts that complement the FFAC, such as the Applegate Partnership, watershed council projects, and others.

- Provide access to BLM programs and initiatives to all stakeholders to achieve strategic objectives. These may include:

    - Biomass and Renewable Energy
    - Forest Health
    - Hazardous Fuel Reduction
    - Community Safety
    - Stewardship Contracting
    - Sustainable Economic Contributions for Local Communities

- Promote local, sustainable economic stimulus efforts that support the President's economic stimulus legislation and provide opportunities for the BLM to promulgate "good neighbor" activities that support the goals and objectives of the FFAC.

- Facilitate Intergovernmental Cooperation between the Pacific Northwest Region of the Forest Service and the Oregon-Washington BLM offices through a commitment to local community and stakeholder-led initiatives which work across administrative boundaries.

Signature: _____ Date: 3/31/09
Edward W. Shepard
State Director, Oregon/Washington BLM

Oregon Department of Fish and Wildlife

The Oregon Department of Fish and Wildlife (Department) intends to collaborate where possible to implement the recommendations of the Federal Forestlands Advisory Committee (FFAC). The Department lends its support for the efforts of the FFAC Implementation Workgroup to address the ecological, economic, and social health issues on Oregon's federal forestlands. The FFAC recommendations outline the State of Oregon's vision for the sustainable management of federal forests, and include restoring healthy federal forests and natural ecosystems.

The Oregon Department of Fish and Wildlife will, subject to available resources, support the FFAC Implementation Workgroup in the following ways:

- Provide relevant information related to potential wildlife and fishery impacts of proposed actions.

- Ongoing Collaboration – Provide staff to attend stakeholder meetings related to land management and wildlife and fishery considerations.

The Oregon Department of Fish and Wildlife's mission is "to protect and enhance Oregon's fish and wildlife and their habitats for the use and enjoyment by present and future generations." Healthy forests and ecosystems across the State are vital components for meeting this mission. The FFAC recommendations outline a balanced approach for achieving this goal.

Roy Elicker
Director

Oregon Department of Environmental Quality

The Department lends its support for the efforts of the FFAC Implementation Workgroup to address the ecological, economic, public health, and social health issues that arise from managing Oregon's federal forestlands, and looks forward to participating on this group. The FFAC recommendations outline the State of Oregon's vision for the sustainable management of federal forests, and include restoring healthy federal forests and natural ecosystems. DEQ will, subject to available resources, support the FFAC Implementation Workgroup in the following ways:

- Ongoing Collaboration – Provide staff to participate on collaborative groups and attend stakeholder meetings related to water quality and air quality considerations.
- Contribute assistance and support, and provide applicable DEQ data to local collaboratives.

With regard to air quality and within resource limits, DEQ will:

- Participate in discussions related to carbon sequestration and offsets generated by sustainable forests.
- Consult and advise collaboratives and agencies on smoke management issues, including the use of prescribed fire while maximizing alternatives to burning, minimizing the risk to public health from smoke impacts, and minimizing visibility degradation in federal wilderness areas and National Parks.
- Assist in developing and evaluating information on the ambient air quality impacts and potential public health risks associated with proposed biomass power facilities and other biomass utilization projects.
- Provide regulatory consultation for the air quality permitting of proposed biomass power facilities and other biomass utilization projects.
- Participate in an EPA Region 10 effort to develop a shared vision and improve coordination among federal, state and tribal air agencies and land managers (agriculture and forestry).

Dick Pedersen, Director
Oregon Department of Environmental Quality

Forest Service

The Forest Service welcomes the State of Oregon's leadership in convening the work group to collaborate on how best to implement the FFAC recommendations. The Pacific Northwest Region of the Forest Service manages eleven National Forests and one National Grassland in Oregon comprising approximately 16.4 million acres. These lands are administered under Forest Plans which integrate over 100 principal laws.

The Forest Service agrees with the principle that a collaborative and sustainable partnership of federal, state and local governments, forest industries, environmental groups and other non-governmental organizations can play a significant role in improving forest health, the economic vitality of forest-dependent communities, and other social and environmental benefits derived from Oregon's federal forest lands.

The Forest Service supports the intent of the FFAC recommendations as they relate to community-based collaboration. In accordance with federal law, the Forest Service may not participate in or endorse any form of lobbying or advocacy, and therefore cannot support any FFAC recommendations that entail such activities. In support of actual FFAC recommendations that relate to community-based collaboration, the Forest Service, within its federal authorities and authorized and available funding, will:

- **Support** collaborative efforts with FFAC partners and support projects that achieve mutual goals and objectives.

- **Encourage** Forest Service units to continue their partnership efforts to support local community based collaborative efforts.

- **Provide** access to Forest Service programs and initiatives to all stakeholders to achieve strategic objectives. These may include but are not limited to:

  A. Biomass and Alternative Energy
  B. Forest Health
  C. Hazardous Fuel Reduction
  D. Community Safety
  E. Stewardship Contracting
  F. Climate Change
  G. Kids in the Woods
  H. Public Involvement
  I. Ecosystem Management
  J. Federal Advisory Committees

- **Promote** local sustainable economic stimulus efforts that support the American Recovery and Reinvestment Act (ARRA), and provide opportunities for "good neighbor" activities that support the intent of the FFAC recommendations.

- **Facilitate** intergovernmental cooperation between the Pacific Northwest Region of the Forest Service and the Oregon-Washington Bureau of Land Management offices through a commitment to local community and stakeholder-led initiatives for activities that work across administrative boundaries.

The Forest Service operates under several programs and initiatives approved by Congress that provide the authorities for funding and coordination of activities that relate to community-based collaboration. A brief overview of these follows.

- **Stewardship Contracting:** Stewardship contracting authority allows the agency to apply the value of timber or other forest products needing to be removed to create a "desired future resource condition" as an offset against the cost of services received, and to apply the remaining receipts from a project to other authorized stewardship projects. Stewardship contracts are selected on a "best value" basis, and awarded for periods of up to ten years to help stimulate long term investments in local communities.

- **Biomass:** Woody biomass – woody tree and plant parts that are by-products of forest management – can be harvested, traded, or sold to produce bioenergy plus a full range of products ranging from composite boards to roundwood. The Departments of Energy, Interior, and Agriculture share a 2003 MOU encouraging use of woody biomass from forest and rangeland restoration and hazardous fuels treatment projects rather than burning or other disposal methods.

- **Special Forest Products**: Management of special forest products (vegetative materials from roots to shoots, seedlings to firewood, and more) is an important component of ecosystem-based resource management in the Region. Appropriate management of special forest products contribute to ecosystem stability, economic stability, provides critical cultural and subsistence benefits; and provide educational and partnership opportunities.

- **Healthy Forests Initiative**: The Healthy Forest Initiative helps the agency address conditions on forests and rangelands at risk from catastrophic fire due to fuel accumulation, drought conditions, insect and disease infestations, and invasive species.

- "**Wyden Amendment**" (Public Law 109-54, Section 434) - This Act authorizes the Forest Service to enter into cooperative agreements with willing Federal, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat, and other resources on public or private land that benefit those resources within the watershed.

- **Healthy Forests Restoration Act:** The Healthy Forests Restoration Act also contains a variety of provisions expediting hazardous-fuel reduction and forest-restoration projects on some Federal lands at risk from wildland fire or insect and disease epidemics. It helps States, Tribes, rural communities and landowners restore healthy forest and rangeland conditions on their lands through coordinated activities; technical, educational, and financial assistance to improve water quality and address watershed issues on non-Federal lands; silvicultural research; acquisition of Healthy Forest Reserves on private land to promote recovery of threatened and endangered species and to improve biodiversity and carbon sequestration; and establishes monitoring and early warning systems for insect or disease outbreaks.

- **County Payments**: The Secure Rural Schools and Community Self-Determination Act was reauthorized as part of the Emergency Economic Stabilization Act of 2008 (P.L. 110-343). The Act provides declining payments to eligible Oregon counties over four federal fiscal years (FY), FY 2008 through 2011. Eligible counties in Oregon and several other "transition" states will receive declining payments from FY 2008-2010. A new formula prescribed by the Act takes effect in FY 2011, which may provide increased opportunities to fund restoration programs on federal lands with Title II funding.

Mary Wagner
Regional Forester
Pacific Northwest Region
US Forest Service.

Declaration of Cooperation - Crag Law Center

The Crag Law Center is a client-focused non-profit organization that supports community efforts to protect and sustain the Pacific Northwest's natural legacy. On behalf of clients, the Crag Law Center engages in alternative dispute resolution as a way for people to reach agreement and consensus on complex and controversial natural resource issues. Crag Law Center staff attorney Ralph Bloemers participated in a consensus based effort with a diverse group of Oregonians knowledgeable about Oregon's forests, rivers and communities to put forward the recommendations in the Federal Forestlands Advisory Committee's guidance document.

The Crag Law Center did so because it is committed to protecting the forests and watershed in the Pacific Northwest. On behalf of our clients we have worked to protect drinking water, native forests and the wildlife that depends on it, intact roadless areas and clean water for fish. We support active steps to restore resilient forests and recover degraded aquatic and terrestrial ecosystems. We work on behalf of conservation groups, recreation clubs, native tribes, local citizens and others to enforce local, state and federal environmental laws. The goal of our client-focused work is the faithful implementation of these laws consistent with the best available science.

Top scientists have made it very plain to Oregonians what is needed to restore healthy forests. They tell us we must conserve old growth forests and trees. They tell us we must retain all roadless areas that are 1,000 acres and greater and all others that are biologically significant. Eastside Scientific Society Panel Report to Congress, 1995. They tell us we must focus our efforts on proactive ecological restoration and prepare for climate change. They tell us we must stop damaging and reactive land use practices like post-fire logging and limit our fire fighting to critical areas.

The science also tell us to invest our limited resources to judiciously pursue restoration thinning in dry forests by focusing on lower elevation Ponderosa pine forests, however many take this as a call to conflate the problem into a reason to simplify stands in the mid- to higher- elevation mixed-conifer and sub-alpine forests. The aquatic condition requires us to decrease and stabilize the needed road network, stop the abusive use of "temporary" roads and de-homogenize the simplified plantation forests created by past practices. The climate change truths tell us we must protect native forests, increase rotation length and resilience, reclaim deforested sites and engage in afforestation as much as our regional climate can sustain.

In keeping with these recommendations, the Crag Law Center is prepared to support the implementation of the recommendations and make its staff available to:

- Guide the implementation of the recommendations within the current situation by focusing on positive non-reactive management goals and durable outcomes;
- Participate in a consensus process to further develop and implement the recommendations including the selection and oversight of people retained to assist us.
- Provide input on how our landscape scale planning and implementation needs can comport with the best available science, the public interest and applicable law.

Ralph Bloemers

Ralph Bloemers, Staff Attorney

Attachment A

Federal Forestlands Advisory Committee Members (FFAC)

Committee Chair Steve Hobbs, OSU College of Forestry/Oregon Board of Forestry
Ralph Bloemers, Crag Law Center
Daniel Edge, OSU Department of Fisheries and Wildlife
Allyn Ford, Roseburg Forest Products
Chuck Graham, Retired USDA Forest Service
Steve Grasty, Harney County Judge
Russ Hoeflich, The Nature Conservancy
Annabelle Jaramillo, Benton County Commission
Bill Kluting, Carpenter's Industrial Council
R. Wade Mosby, Collins Companies
Tim Vredenburg, Coquille Indian Tribe
Ken Williamson, Environmental Quality Commission

Goal from the FFAC Charter

The goal of the Federal Forestland Advisory Committee is to assist the Governor and the Board of Forestry (Board) by developing a vision and implementation recommendations (guidance document) for achieving the vision for how federal forestlands can better contribute and support Oregonians' economic, social, and environmental values. To achieve the goal:

- The Advisory Committee will articulate a desired future state of Oregon's federal forestlands and the key goals to reach that state. The goals will support review of federal forestland management related to the state's vision.
- The Advisory Committee will identify the strengths and weaknesses in today's approaches, and emerging issues relative to the management of federal forestlands. The Advisory Committee will consider national, state, and local interests and impacts.
- The Advisory Committee will develop implementation recommendations for improvements in federal forestland policies and resource allocations necessary to achieve the state vision while meeting national and local needs. The Advisory Committee will report its findings and recommendations to the Board, the Oregon Congressional delegation, and the Governor.
- The Advisory Committee will work together collaboratively to produce the guidance document and seek consensus whenever possible, although complete consensus is not the primary goal. The collaborative process will support, rather than hinder, a rich, deep dialogue and exploration of the issues.

Attachment B

Oregon's Vision for Federal Forestlands: Final Draft Guidance Document (11/26/08) with edits
http://egov.oregon.gov/ODF/BOARD/docs/January_2009/3_Att_1.pdf

From the Guidance Document: Summary of Recommended Solutions

State and Local Solutions

The overall ***strategy*** for state and local solutions is to ***take action to improve forest health***. Symptoms of forest health (e.g., uncharacteristic wildfire, altered water quality and quantity, degraded fish and wildlife habitat, and reduced biodiversity and ecosystem resiliency) are of immediate importance. However, long-term success will require solving related problems (i.e., reduced timber harvest below sustainable levels and decreased infrastructure, reducing conflict over the desired amount of older forests, lack of trust, and policy coordination).

STATE AND LOCAL RECOMMENDATION #1

The Governor and the State Legislature should create a Federal Forestland Liaison Program to facilitate and support federal agency and local community efforts to improve forest health on federal forestlands.

STATE AND LOCAL RECOMMENDATION #2

The Governor and the State Legislature should assist federal agencies in providing administrative, financial, and technical resources to local collaborative partnerships to build trust and help identify scientifically informed and socially acceptable forest management projects to improve forest health. State funds should be managed by the Oregon Department of Forestry as one element of the Federal Forestland Liaison Program. We recommend that state and federal funding be sufficient to create three new collaborative processes annually and provide ongoing support for existing collaborations.

STATE AND LOCAL RECOMMENDATION #3

Local collaborative groups in cooperation with state and federal agencies should first assess forest health conditions and then plan projects at the landscape scale to address high priority needs. By planning at the landscape scale, treatments can be designed to improve the ecological effectiveness and efficiency of actions taken. To address the scale of the problem, it is our recommendation that these collaboratives convene around a geographic area of at least 100,000 acres.

STATE AND LOCAL RECOMMENDATION #4

Collaborative groups should define and delineate the amount and characteristics of older forests that should be conserved and re-established to maintain ecological sustainability and resiliency as part of their landscape assessment.

STATE AND LOCAL RECOMMENDATION #5

Leaders from state and federal agencies, county and tribal governments, and private forestland owners should meet on a regular basis to discuss and coordinate policies that affect forest health issues and the recommendations in this report.

National Solutions

Congressional action is needed to help address many of the problems that are identified in this report. Local groups and the State of Oregon working alone cannot solve the fundamental issues that are caused by uncoordinated forest policies, a lack of clear goals for sustaining all forest values, the potpourri of goals and mandates, or a lack of funding for federal agencies to carry out their management responsibilities.

NATIONAL RECOMMENDATION #1

Congress should develop legislation that creates an overarching federal forest policy for sustainable forests. This legislation should be on a par with the federal Farm Bill or Energy Bill, and establish a comprehensive framework for reviewing forest conditions and making decisions. Legislation could create a renewed national commitment and social contract to understand, enhance, and protect the health, productivity, and sustainability of America's forests.

NATIONAL RECOMMENDATION #2

Congress should develop comprehensive Forest Restoration Legislation that makes restoring healthy forest conditions a top priority, removes barriers to implementing restoration treatments, appropriates funding to support local communities engaged in forest restoration, and recognizes new scientific knowledge and contemporary stewardship goals that promote all environmental services provided by forests.

NATIONAL RECOMMENDATION #3

Congress should increase funding for forest management activities. This should be accomplished through a combination of increased appropriations, efficiencies, revenue generation, decoupling fire-fighting costs from agency budgets, and leveraging of federal dollars through partnerships at the state and local level.

Attachment C

Problem Statement

Forest health and sound stewardship of federal forestlands are critical to Oregon's current and future well-being. However there are many problems that pose major impediments to sustaining forest values. Those include, but are not limited to:

- Forest health and resiliency have been disrupted in Oregon's forests. Problems like uncharacteristic wildfire, modified hydrologic regimes, climate change, and insect epidemics may result in the loss of key ecological components.
- Reduced timber harvest from federal forestlands has resulted in diminished forest industry infrastructure with unintended economic and social losses to rural communities. This limits the ability to carry out needed forest health related treatments on the landscape.
- Changing public values, lack of clear goals, court challenges, and the inability to implement decisions have led to a lack of trust with federal land management policies and decisions.
- Federal forest funding has declined. Funding is not adequate or appropriately allocated to achieve land management objectives on federal lands. Adequate stable funding sources are necessary to achieve long-term management goals and sustainability.

Each fire season Oregonians are acutely aware of the vulnerability of their dry forests to catastrophic fire. An estimated 13 million acres of federally owned forests in Oregon are in desperate need of restoration thinning and prescribed burning. Restoring these forests not only provides jobs and supports business, but it provides a strategic and cost-effective way of decreasing the spiraling cost of catastrophic fire by reducing the fuels that feed them.

Overstocked forests also possess the biomass that can be converted to alternative forms of renewable energy and other products. Forest biomass is a versatile feedstock that can be burned directly, converted to pellets or gasified. Domestic and foreign investors are looking at a predictable supply of forest biomass as new source of raw material for finished manufactured products. As new technology and markets emerge for forest biomass, maintaining and enhancing the infrastructure and skilled workforce needed to take advantage of these opportunities is even more critical.

Background

Governor Kulongoski directed the Oregon Board of Forestry (Board) to "create a unified vision of how federal lands should contribute" to sustainability, and to "make that vision action-oriented and comprehensive – following through to the last step, including implementation."

To fulfill the Governor's charge, the Board asked a diverse group of stakeholders, the Federal Forestlands Advisory Committee (FFAC) (Attachment A), to make recommendations for how federal forestlands should be managed to contribute to sustaining all the values produced by Oregon's forests. The FFAC met for over two years to engage the public, government officials,

and the scientific community; collect information; review pertinent documents; discuss concerns and ideas; and formulate solutions. The FFAC reached consensus on a set of recommendations (Attachment B) that were adopted by the Board in January of 2009.

Presently there is no funding to implement the FFAC recommendations in the 2009-2011 biennium. This includes funding to facilitate and support federal agency and local community efforts to improve forest health on federal forestlands, and to establish landscape-scale collaboratives to build trust and help identify scientifically informed and socially acceptable forest management projects to improve forest health. Due to the dire economic outlook, any funding is likely to be limited. Therefore, an opportunity was identified to form a work group of key players that may have some resources available to triage an implementation plan for the FFAC recommendations.

The FFAC recommendations adopted by the Board of Forestry direct state agencies to use the Policy Consensus Center (PCC) at Portland State University to provide neutral forums, work with local partnerships and facilitate the formation and implementation of landscape-scale collaboratives. PCC, which houses the State's collaboration and dispute resolution programs, Oregon Solutions and Oregon Consensus, can assist local partnerships in selecting experienced professional facilitators and ensuring the neutrality of the process. The Oregon Consensus Program staffed the FFAC. The Center can also assist in *leveraging* resources from the public, private, and civic sources in supporting the partnerships' work.

Concurrently, Sustainable Northwest (SNW) is in the final proposal stage with the US Endowment for a 5-year, $2M grant to develop a "dry" forest investment zone (FIZ) project in eastern and SW Oregon. PCC is in discussions with SNW about how the FFAC recommended collaboratives and the FIZ project can be best coordinated to leverage resources and outcomes.

In January 2009, several federal forest stakeholders in Oregon authored a letter to the Congressional delegation suggesting the following investments be considered as a part of the economic stimulus package discussions before Congress:

- Federal investment in forest restoration should be significantly increased to build resiliency and avoid catastrophic fire. Funding must be increased to address the scale of the problem.
- New investment to create a skilled workforce to perform the jobs associated with restoration and other actions that contribute to forest health, watershed protection, habitat improvement and other environmental services derived from forests. These jobs should be focused on rural Oregon.
- Stimulate business investment. Tax credits and stewardship contracting are two policy tools that improve the investment climate for private business. Tax credits because when properly configured they help offset the capitalization of new facilities or the energy cost of hauling low value harvest by-products and stewardship contracts because they guarantee wood supply and reduce the risk of interrupted wood flow to a processing business.

The stakeholders noted that stimulus funding "provides a unique opportunity to finally create a level of investment in our federal forests that will reverse the trend of catastrophic wildfire and eroding jobs and infrastructure. It is an investment that will buttress Oregon's natural capital to ensure long-term ecological and economic health."

On January 19 2009 the USDA Forest Service announced it is distributing funds under the amended and re-authorized Secure Rural Schools and Community Self Determination Act, P.L. 110-343. Oregon will receive over $133 million in the first of the reauthorized payments. The Act also provides for an additional amount to be used by local resource advisory committees (RACs). Some of this funding will also come to Oregon and may play a role in implementing the FFAC recommendations.