

July 20, 2009

THE O&C LANDS: WHAT NOW?

*(Response to Announcement of WOPR Decision by the Department of Interior)
By Commissioner Doug Robertson, President of the Association of O&C Counties*

Last week's decision by the Department of Interior to withdraw the Western Oregon Plan Revision (WOPR) drew high praise from many in the environmental community and bitter disappointment from those who were hopeful a compromise could be reached on management of the O&C lands.

While the decision has been made not to implement the new plan, there are a few issues that need clarification. First of all, there is no group of people who worked harder or with more commitment and integrity than the State Office of the BLM. Remember they were given the task by the Department of Justice, in 2003, to create a new plan that provided protection for endangered species, watersheds, and other sensitive areas. At the same time, the plan had to fit within the legal requirements of the O&C Act. The O&C lands are very different than the national forests, which are managed by the Forest Service. The national forests are managed under the principle of multiple use, while the O&C lands are managed for timber production under the principle of sustained yield. Sustained yield management requires that harvest levels cannot exceed the amount of wood fiber that grows on a specific land base in any one year. Every year, on the 2.4 million acres of O&C land, the new timber volume that grows is approximately 1.2 billion board feet. The new plans set a harvest level of 502 million board feet per year. In other words, the timber volume on the O&C lands would increase by over one-half billion feet per year under the new BLM plans.

There have been accusations leveled at high ranking officials in the U.S. fish & Wildlife Service suggesting that information pertaining to the spotted owl recovery plan was mismanaged and/or not interpreted correctly. Whether or not that occurred is far above our pay grade, however, what we can say with absolute certainty is that the State BLM Director and his staff worked diligently with all of the federal resource agencies and at least five state resource agencies to accomplish the task they were given in 2003.

It appears that the decision to withdraw the plan is based largely on the fact that the BLM did not formally consult with USF&WS prior to the adoption of the record of decision (ROD). There are at least two rational arguments supporting the action the BLM took. First, the BLM worked collaboratively with every major resource management agency in the federal government to develop this plan over the course of 4-1/2 years. In addition to that, BLM included in their collaborative effort at least five state resource agencies, the Governor, tribal representatives and the

counties. For 4-1/2 years these agencies worked together on research, modeling, biological impacts, hydrology, and impacts on endangered fish and wildlife. Clearly, even for the casual observer, that would constitute informal consultation. In *American Forest Resource Council vs. James Caswell, Director of the BLM*, the courts found that even if the endangered species act consultation duties were triggered, the defendants may have satisfied them “informally” by ongoing communication with USF&WS and NOAA. In addition to that, it was clearly recognized by BLM from the beginning that before any activity (timber sale that was the result of the plan) was carried out, consultation with the federal agencies would take place. So, we have informal consultation for 4-1/2 years, formal consultation before any activity occurs, but that’s not sufficient? It’s unclear exactly how the agencies would proceed with consultation on a plan that has no effect on any species until it is implemented through specific actions. This is just one example of the bureaucratic maze of duplicative regulations that has expanded over the years.

So what do we, the Association of O&C Counties, do now? First, we must make every effort to ensure that the tens of thousands of hours, millions of taxpayers dollars and the state of the art forest modeling that was done over the last five years is not lost or ignored. Tom Strickland, Assistant Secretary for Fish, Wildlife and Parks stated “we don’t want that work to be lost; it will form the foundation of our efforts to revise and put in place a plan that is sustainable legally, and based on sound science”. That is encouraging, but we will need to keep a close eye on the Department of Interior to make sure that is exactly what they do, and that it is done within the timeframe that makes sense. Second, we must work even harder for passage of a safety net reauthorization bill by the end of 2010. That means using every means at our disposal to reach out to other states and counties that are impacted like the O&C Counties. In addition, we must do everything possible to support our Oregon congressional delegation in re-doubling their efforts to achieve reauthorization. The third area we must concentrate on will involve management options on the O&C lands. We need to explore all other options and “think outside the box”. The Association of O&C Counties has proposed several different management scenarios in the past, and it’s time to do it again. We must do everything possible, as elected officials, to propose and support management solutions that will allow us to continue to provide basic county services, at acceptable levels, to those we represent. That will mean broadening our vision of management and doing so within the legal mandates and congressional intent of these very unique lands.

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