



Larch Occasional Paper #14

March 2012

An Overview of Land Management Categories for Oregon Federal Public Lands Under the Northwest Forest Plan

by Andy Kerr¹

Abstract

Sometimes conflicting and always confusing, policies for managing federal public forestlands in western Oregon can leave a forest conservationist bewildered. This paper attempts to clarify land management categories by distinguishing among (1) designations, (2) classifications, (3) allocations, (4) overlays and (5) guidance—each of which affect land and resource management by requiring, prioritizing or preventing certain uses as set down in congressional and/or administrative directives. Understanding the specific combination of land management categories that applies to a particular parcel is critical in advocating for that parcel.

Introduction

Federal forestland and resource protection and management in western Oregon is governed by a combination of legislative and administrative policies. This paper attempts to clarify land and resource management categories by distinguishing among (1) designations, (2) classifications, (3) allocations, (4) overlays and (5) guidance—each of which affect management by requiring, prioritizing or preventing certain uses as set down in congressional and/or administrative directives. Understanding the specific combination of land management categories that applies to a particular parcel is critical in advocating for that parcel.

Oregon federal public lands under the Northwest Forest Plan (NWFP) are those federal forests within the range of the northern spotted owl, a species protected by the Endangered Species Act (ESA). They include all federal public forestlands in Oregon west of the Cascade Crest to the Pacific Ocean, plus some forestlands immediately east of the Cascade Crest in Oregon, as well as similar lands in Washington and California.

¹ Andy Kerr (andykerr@andykerr.net) is czar of The Larch Company (www.andykerr.net), which has offices in Ashland, Oregon and Washington, DC.

To advocate effectively for the management of particular parcels of federal public lands in Oregon, one must have an adequate understanding of the five land and resource management categories that apply (Table 1). Only then can one appreciate what can and cannot be done on a particular parcel, which is a prerequisite for advocating what should or should not be done on that parcel. These categories have logic to them but don't lend themselves easily to Venn diagrams,² as there are too many overlapping sets that are not mutually exclusive. In the the public lands policy arena, not unlike in baseball, there is logic behind all the rules, but one must appreciate the nuances of the game to appreciate and fully understand it.

Table 1. <i>Land Management Categories Applicable to Federal Public Forestlands in Oregon Under the Northwest Forest Plan</i>		
Land Management Category	Description	Examples
1. Designations	Congressional or administrative in nature; generally control classifications, allocations, overlays and guidance; often overlap	National forests, wilderness areas, wild and scenic rivers, national monuments, other special management areas
2. Classifications	Dictate differing land management guidelines or how land revenues are to be shared	BLM Oregon & California (O&C) public domain and Coos Bay Wagon Road lands
3. Allocations	Indicate administrative determinations of the purpose of an area and generally how it is to be managed; much like zoning and land use codes	Both <i>underlying</i> land and resource management plans and <i>overlying</i> NWFP land allocations
4. Overlays	Reflect requirements of laws administered by agencies other than the Forest Service and the Bureau of Land Management	Critical habitat designation for ESA-listed species, NOAA Fisheries essential fish habitat designation
5. Guidance	Consists of management standards adopted by either the Forest Service or the Bureau of Land Management or by other agencies; the latter of which are ignored the USFS or the BLM at their bureaucratic peril	NWFP Standards and Guidelines, NWFP Aquatic Conservation Strategy, ESA Recovery Plans, L&RMP Standards and Guidelines

1. Land Designations

With regard to land designations, there are congressional designations and administrative designations. These designations often overlap. In the case of policy conflict, all congressional land designations trump land classifications, land allocations and most overlays and guidance. In many, but not all, cases, so do administrative designations.

Congressional Designations

At the broadest scale, Congress has designated essentially all federal public forestlands in western Oregon as either Forest Service or Bureau of Land Management holdings, which are the top-tier generally exclusive land classifications.³ The only way to change a congressional designation is with another act of Congress.

² http://en.wikipedia.org/wiki/Venn_diagram

³ Congress has also designated a national park—Crater Lake—and some national wildlife refuges in western Oregon; both kinds of designation can have significant amounts of forest, but they are managed by the National Park Service and the Fish and Wildlife Service respectively, and therefore are not further considered herein.

All lands managed by the Forest Service are part of the National Forest System. National forests are further divided into ranger districts (Table 2).

Table 2. <i>Forest Service National Forests and Ranger Districts in Oregon Forests Under the Northwest Forest Plan</i>	
National Forest	Ranger Districts
Deschutes*	Bend-Fort Rock, Crescent, Sisters
Fremont-Winema*	Chemult, Chiloquin, Klamath
Klamath	Oak Knoll
Mount Hood	Barlow, Hood River, Clackamas River, Zigzag
Rogue River–Siskiyou	Gold Beach, High Cascades, Powers, Siskiyou Mountains and Wild Rivers
Siuslaw	Hebo, Central Coast
Umpqua	Cottage Grove, Diamond Lake, North Umpqua, Tiller
Willamette	Detroit, McKenzie, Middle Fork, Sweet Home
* Only a portion is under the Northwest Forest Plan.	

BLM lands in western Oregon are found in a total of 19 counties (all west of the Cascade Crest except Klamath County, which is east of the Cascade Crest). BLM lands are grouped into six districts that are further divided into resource areas (Table 3).

Table 3. <i>Bureau of Land Management Districts and Resource Areas in Oregon Forests Under the Northwest Forest Plan</i>	
District	Resource Areas
Coos Bay	Myrtlewood, Umpqua
Eugene	Siuslaw, Upper Willamette
Lakeview*	Klamath Falls
Medford	Ashland, Butte Falls, Grants Pass, Glendale
Roseburg	South River, Swiftwater
Salem	Cascades, Marys Peak, Tillamook
* Only a portion is under the Northwest Forest Plan.	

Congress has also designated numerous special management areas on Forest Service and Bureau of Land Management holdings in Oregon within the lands covered under the Northwest Forest Plan. These include wilderness areas, wild and scenic rivers, and other special management areas.

- **Wilderness areas.** Wilderness areas are generally managed to retain their natural conditions where roads, logging, mining and other development are prohibited. There are 31 wilderness areas within Oregon westside forests.⁶

- **Wild and scenic rivers.** There are also 31 wild and scenic rivers within Oregon westside forests.⁷ The purpose is to protect free-flowing rivers from dams, impoundments and other development. Each unit of the National Wild and Scenic Rivers System is classified as wild,

⁶ For a complete listing and other information, see: Kerr, Andy. 2012. The National Wilderness Preservation System in Oregon: Making It Bigger and Better. Larch Occasional Paper #11. The Larch Company, Ashland, OR (available at www.andykerr.net/downloads)

⁷ For a complete listing and other information, see: Kerr, Andy. 2012. National Wild and Scenic Rivers System in Oregon. Larch Occasional Paper #13. The Larch Company, Ashland, OR (available at www.andykerr.net/downloads)

scenic, and/or recreational based on the amount of human development. Unit boundaries generally extend an average of one-quarter mile on each side of the designated stream segment. The Wild and Scenic Rivers Act requires the applicable management agency to develop a comprehensive plan to protect and enhance certain identified “outstandingly remarkable values” associated with each river or stream.

• **Other special management areas.** There are 15 areas designated by Congress for special management that are not wilderness areas, wild and scenic rivers or national wildlife refuges (Table 4).⁸

Table 4. <i>Congressional Special Management Areas in Oregon</i> <i>(Not Including Wilderness Areas, Wild and Scenic Rivers or National Wildlife Refuges)</i>	
Area	Federal Administrative Unit
Bull Run Watershed Management Unit	Mount Hood National Forest
Cascade Head Scenic-Research Area	Siuslaw National Forest
Cascade-Siskiyou National Monument*	Medford Bureau of Land Management
Columbia River Gorge National Scenic Area	Mount Hood National Forest
Crystal Springs Watershed Special Resources Management Unit	Mount Hood National Forest
Cultus Creek**	Mount Hood National Forest
Crater Lake National Park	Crater Lake National Park
Mount Hood National Recreation Area	Mount Hood National Forest
Opal Creek Scenic Recreation Area	Willamette National Forest
Oregon Cascades Recreation Area	Deschutes, Fremont-Winema, Umpqua and Willamette National Forests
Oregon Caves National Monument*	Oregon Caves National Monument
Oregon Dunes National Recreation Area	Siuslaw National Forest
Pacific Crest National Scenic Trail	Mount Hood, Willamette, Deschutes, Umpqua, Fremont-Winema, Rogue River-Siskiyou National Forests and Medford District Bureau of Land Management
Upper Big Bottom**	Mount Hood National Forest
Yaquina Head Outstanding Natural Area	Salem District Bureau of Land Management
* While national monuments can be proclaimed by the president, the authority to do so is by act of Congress, in this case the Antiquities Act of 1906.	
** While this is protected by statute, Congress did not even call this area a national [something] area.	

Administrative Designations

Some administrative designations are expressly authorized by an act of Congress, while others are authorized implicitly. Some administrative designations must be made by the respective cabinet secretary or the secretary’s designee, or by the director of the BLM or chief of the Forest Service or their designee. Most administrative designations are made by lower-level line officers (the BLM state director or the Forest Service regional forester). The dividing line between administrative land designations and land allocations (see below) is fuzzy. While administrative land designations can be made and/or changed under an agency land and/or resource

⁸ For a complete listing and other information, see: Kerr, Andy. 2012. Special Congressional Conservation Designations in Oregon. Larch Occasional Paper #12. The Larch Company, Ashland, OR (available at www.andykerr.net/downloads)

management plan, this often requires the explicit or tacit approval of the top-level managers in the agency.

- **BLM areas of critical environmental concern.** In the Federal Land Policy and Management Act, Congress expressly authorized the BLM to designate areas of critical environmental concern that are “areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.”⁹

- **Research natural areas.** Both the Forest Service and the BLM designate research natural areas to (1) preserve examples of all significant natural ecosystems for comparison with those influenced by man, (2) provide educational and research areas for ecological and environmental studies, and (3) preserve gene pools of typical and endangered plants and animals.¹⁰

- **Forest Service special interest areas.** More so in the past than recently, the Forest Service has designated special interest areas for scenic, geological, botanic and other values. Sometimes they are known as unusual interest areas.

- **Forest Service inventoried roadless areas.** Generally, all generally roadless lands over 5,000 acres in size are protected from roads by an administrative rule. There are loopholes to allow roads, logging and other activities, but for the most part such does not happen.

- **Forest Service municipal watersheds.** Many municipal drinking water supplies that flow from National Forest System lands are specially managed in cooperation with the municipality,¹¹ such as Ashland, Bend, Corvallis (Marys Peak), Cottage Grove, Dallas, Dufur, Medford (Big Springs), Oregon City, Toledo and The Dalles.

- **Mining withdrawals.** Certain public lands are “withdrawn” from the Mining Law of 1872, which allows anyone to file a claim for minerals on Forest Service and Bureau of Land Management holdings open to such use. Even on National Forest System lands, the BLM has jurisdiction over subsurface minerals. Withdrawal and claim status can be found in the BLM’s LR2000 searchable database.¹²

- **Other management restrictions.** The BLM’s LR2000 also depicts certain other mineral, energy and administrative designations on BLM lands. The Forest Service has its Land Status Record System, which is not available online, so inquiries must be made to the Forest Service.

2. Land Classifications

Land classifications dictate differing land management guidelines and/or how land revenues are to be shared. The two major federal public forestland managers in western Oregon are the

⁹ 43 U.S.C. 1702

¹⁰ Oregon Biodiversity Information Center, Institute for Natural Resources, Portland State University, <http://orbic.pdx.edu/nap-rna.html>

¹¹ 36 C.F.R. 251.9 Management of Municipal Watersheds

¹² Bureau of Land Management’s Land and Mineral Legacy Rehost 2000 System—LR2000, www.blm.gov/lr2000/

Bureau of Land Management (Department of the Interior) and the Forest Service (Department of Agriculture).

Bureau of Land Management

The BLM manages 2,557,800 acres in western Oregon.¹⁴ BLM lands are classified as either public domain lands, Oregon and California railroad revested lands, Coos Bay Wagon Road reconveyed lands, or other public lands.

- **Public domain (PD) lands.** In western Oregon, 394,600 acres never left the federal estate (public domain). Management is primarily guided by the Federal Lands Policy and Management Act of 1976 (FLPMA). Five percent of the gross timber receipts goes to the state in which the timber was cut. (Oregon passes on 80 percent of what it receives to the relevant county.)
- **Oregon and California (O&C) railroad revested lands.** In western Oregon, 2,076,653 acres of public domain lands were granted to a railroad. When the railroad defaulted on the terms of the land grant by selling land to the timber industry and speculators instead of actual settlers, Congress took the lands back. Most of these lands are in a checkerboard pattern of alternative sections (one square mile). Management is primarily guided by the O&C Lands Act of 1937 and non-conflicting portions of FLMPA. Seventy-five percent of the gross timber receipts goes to the 18 O&C counties.
- **Coos Bay Wagon Road (CBWR) reconveyed lands.** To build a wagon road between Roseburg and Coos Bay, 74,547 acres of public domain lands were granted to the State of Oregon. When the state defaulted on the terms of the land grant, Congress took the lands back. The lands are in a checkerboard pattern and are only in Douglas and Coos Counties. Management is primarily guided by the O&C Lands Act of 1937 and non-conflicting portions of FLPMA. Up to 75 percent of gross timber receipts may be used to compensate the counties for the taxes they would have received had the land remained in private ownership. Between 1960 and 2000, an average of 17 percent of timber receipts was necessary to meet this requirement.¹⁵
- **Other public (OP) lands.** In western Oregon, 12,000 acres of BLM land are other public lands that aren't classified as any of the above.

Forest Service

National forests were “reserved” from the public domain by presidential action authorized by Congress around the turn of the twentieth century. The Forest Service manages various kinds of lands in the National Forest System, which is “a nationally significant system of federally owned units of forest, range, and related land consisting of national forests, purchase units, national grasslands, land utilization project areas, experimental forest areas, experimental range areas, designated experimental areas, other land areas, water areas, and interests in lands that are

¹⁴ USDI Bureau of Land Management. 2008. Final Environmental Impact Statement for the Revision of the Resource Management Plans of the Western Oregon Bureau of Land Management: Salem, Eugene, Roseburg, Coos Bay, Medford Districts and the Klamath Falls Resource Area of the Lakeview District. Vol. 1. Table 1-2.

¹⁵ Data available upon request from The Larch Company.

administered by the USDA Forest Service or designated for administration through the Forest Service.”¹⁶ A total of 7,152,541 acres of National Forest System lands are in Oregon westside forests.

- **National forests.** A national forest is “a unit formally established and permanently set aside and reserved for National Forest purposes.”¹⁷

Table 5. <i>Revested O&C Lands Within the National Forest System</i>			
County	USFS Controverted O&C Public Lands* (Acres)	USFS Special Act O&C Public Lands** (Acres)	Total Acres
Benton		1,720	1,720
Clackamas	35,949	5,688	41,637
Coos	23,002		23,002
Curry	56,735		56,735
Douglas	95,641		95,641
Jackson	25,332	20,971	46,303
Josephine	109,224	182	109,406
Klamath	20,962		20,962
Lane	95,293		95,293
Linn	520		520
Polk		1,160	1,160
TOTAL	462,658	29,721	492,379
* Under the provisions of Public Law 426, approved by the 83rd Congress on June 24, 1954, these lands are declared to be revested O&C railroad grant lands. They were placed under the jurisdiction of the secretary of agriculture to be administered as National Forest lands, with all revenues derived from such lands to be dispersed in accordance with the provisions of Title II of the O&C Act of August 28, 1937 (50 Stat. 874), as amended by Public Law 426.			
** Certain O&C lands were set aside by various acts of Congress to be administered by the Forest Service without losing their O&C identity. These lands in Benton, Clackamas, Jackson, and Polk Counties are watershed lands, while the land in Josephine County is an administrative site.			
<i>Adapted from:</i> BLM. 1998. Public Lands Statistics. Table 1-5. USDI-Bureau of Land Management. Washington, DC. (Available at www.blm.gov/natacq/pls98/98PL1-5.PDF .)			

- **National forest O&C lands.** Because of their unique history, 492,379 acres of National Forest System lands managed by the Forest Service (Table 5) have a county revenue-sharing formula unique to Forest Service lands. The lands have a dual identity. They are O&C lands in that they were revested back to the federal government after the railroad to which they were originally granted violated the terms of the land grant (see BLM O&C lands above). They are also part of the National Forest System. In the early 1950s, management conflicts arose when the BLM began to offer federal timber for sale within the boundaries of the National Forest System, which is managed by the Forest Service. Congress resolved the issue—well over a half-century ago—by declaring that the lands would be managed as all other National Forest System lands except that the revenue-sharing formula would be that for O&C lands rather than that used for other National Forest System lands.¹⁸

¹⁶ www.fs.fed.us/land/staff/lar/definitions_of_terms.htm

¹⁷ Ibid.

¹⁸ 43 USC 1181g: Pertaining to National Forest System lands. “Those unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon and California land grant authorization by the Act of July 25, 1876 (14 Stat. 239), as amended by the Act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of

- **Purchase units.** There are also some lands (Table 6) that were acquired by the federal government under the Weeks Act of 1911 to become part of the National Forest System.¹⁹

Table 6. <i>National Forest Purchase Units in Oregon Westside Forests</i>		
Purchase Unit	National Forest System Unit	Acres
Drift Creek	Siuslaw	1,047
Fifteenmile Creek	Mount Hood	555
Leeds Island	Mount Hood	0*
Mount Hood	Mount Hood	354
Ramsey Creek	Mount Hood	2,278
Yachats	Siuslaw	18,183
TOTAL		22,417
* On paper only; no acreage yet acquired.		

3. Land Allocations

Land allocations indicate administrative determinations of the purpose of an area and generally how it is to be managed; they are much like zoning and land use codes. It is helpful, for Forest Service and BLM holdings within Oregon westside forests, distinguish land allocations between those that originated in the underlying individual agency land and resource management plans and those that are the result of an overlaying amendment to those plans by the overarching Northwest Forest Plan. In general, whether an allocation is *underlying* or *overlaying*, the most restrictive plan applies.

Underlying Land and/or Resource Management Plan Allocations

Each national forest has a Land and Resource Management Plan (LRMP) and each BLM district has a Resource Management Plan (RMP). These documents are prepared pursuant to the National Environmental Policy Act and guided by each agency's organic act (the National Forest Management Act and the Federal Lands Policy and Management Act, respectively). BLM RMPs in western Oregon are also guided in part by the O&C Lands Act of 1937. These (L)RMPs are primarily (1) land allocations and (2) standards and guidelines. Some standards and guidelines apply forest-wide, while others are specific to a land allocation category. Each plan has its own set of land allocation categories, but many are common to all. Lands are allocated to timber production, recreation, wildlife, scenery, and so on. For the most part, these land allocations are

United States against Oregon and California R.R. Co (8 F(2d) 645), which were included within the boundaries of national forests by proclamations of the President of the United States issued under the dates of June 17, 1982, September 28, 1893, October 5, 1906, January 25, 1907, March 1, 1907, and March 2, 1907, are hereby declared to be reverted Oregon and California railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture subject to all laws, rules and regulations applicable to the national forests: *Provided*, That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of section 1181f of this title and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the provisions of this Act shall affect revenues distributed prior to June 24, 1954. No part of said lands or the resources thereof shall be subject to exchange under provisions of this or any other law applicable to national-forest lands or otherwise. (June 24, 1954. c. 357 § 1(a), 68 Stat. 270).

¹⁹ www.fs.fed.us/land/staff/lar/definitions_of_terms.htm

not single-use but rather dominant-use areas; other uses are allowed if compatible with the main purpose(s) of the land allocation. Specific standards and guidelines define how each kind of land allocation is to be managed. A (L)RMP is to be *revised* no less than every 15 years. It can be, and is, *amended* often, after a process that provides for public involvement.

Overlaying Northwest Forest Plan Land Allocations

In 1994, President Clinton approved the Northwest Forest Plan in an attempt to resolve controversy pertaining to the management of federal public forestlands within the range of the northern spotted owl. In essence, the Northwest Forest Plan (NWFP) is a consistent and simultaneous amendment of six BLM RMPs and eight Forest Service LRMPs. The NWFP amended the underlying (L)RMPs by overlaying a new set of land allocation categories designed to conserve and restore forest ecosystems and aquatic systems (see Map 1).²⁰

The following description of allocation categories is from the Northwest Forest Plan Record of Decision. The acreages include all federal forestlands in Oregon, Washington and California within the range of the northern spotted owl.

This decision specifically incorporates seven land allocation categories, as set forth below. There is considerable overlap among some designated areas. For consistency and for acreage display purposes, lands subject to such overlaps are reflected in only one category, according to the order of land allocations in the following descriptions.

Congressionally Reserved Areas comprise 7,320,600 acres, representing 30% of the federal land within the range of the northern spotted owl. These lands have been reserved by act of Congress for specific land allocation purposes. This decision can not and does not alter any of these congressionally mandated land allocations. Included in this category are National Parks and Monuments, Wilderness Areas, Wild and Scenic Rivers, National Wildlife Refuges, Department of Defense lands, and other lands with congressional designations.

Late Successional Reserves comprise 7,430,800 acres, representing 30% of the federal land within the range of the northern spotted owl. These reserves, in combination with the other allocations and standards and guidelines, will maintain a functional, interactive, late-successional and old-growth forest ecosystem. They are designed to serve as habitat for late-successional and old-growth related species including the northern spotted owl.

Adaptive Management Areas (AMAs) comprise 1,521,800 acres, representing 6% of the federal land within the range of the northern spotted owl. These areas are designed to develop and test new management approaches to integrate and achieve ecological, economic, and other social and community objectives. The Forest Service and BLM will work with other organizations, government entities

²⁰ US Department of Agriculture and US Department of the Interior. 1994. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. Washington, DC. www.reo.gov/library/reports/newroda.pdf

and private landowners in accomplishing those objectives. Each area has a different emphasis to its prescription, such as maximizing the amount of late-successional forests, improving riparian conditions through silvicultural treatments, and maintaining a predictable flow of harvestable timber and other forest products. A portion of the timber harvest will come from this land. There are ten adaptive management areas.

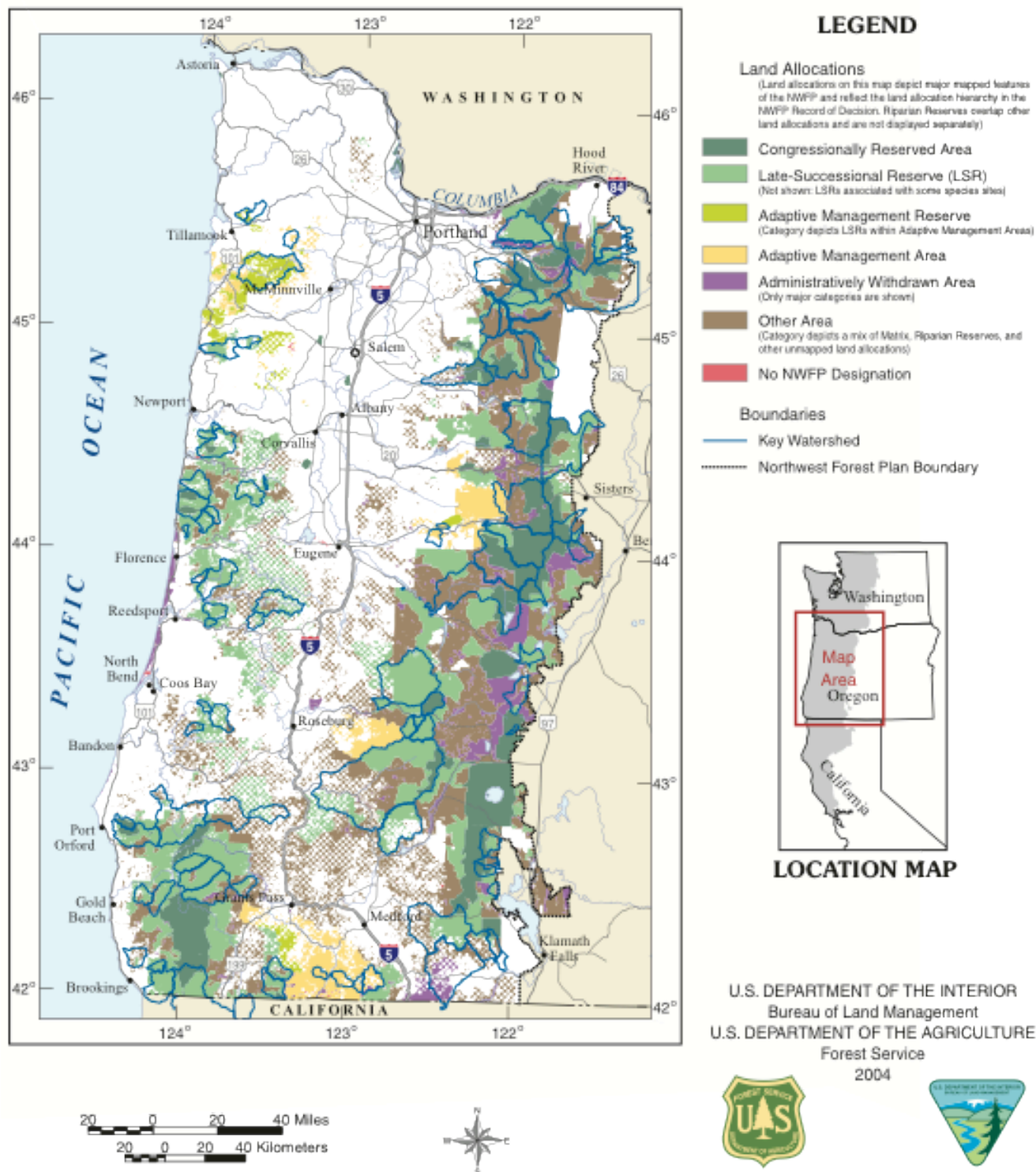
Managed Late Successional Areas currently comprise 102,200 acres, representing 1% of the federal land within the range of the northern spotted owl. These lands are either (1) mapped managed pair areas or (2) unmapped protection buffers. Managed pair areas are delineated for known northern spotted owl activity centers. Protection buffers are designed to protect certain rare and locally endemic species.

Administratively Withdrawn Areas comprise 1,477,100 acres, representing 6% of the federal lands within the range of the northern spotted owl. Administratively withdrawn areas are identified in current forest and district plans or draft plan preferred alternatives and include recreational and visual areas, back country, and other areas not scheduled for timber harvest.

Riparian Reserves initially comprise 2,627,500 acres, representing 11% of the federal lands within the range of the northern spotted owl (acreage subject to change following watershed analysis). The calculation of riparian reserve acreage is done after all other designated areas. As a result, the acreage shown reflects only that portion of riparian reserves that is interspersed throughout the matrix. Riparian reserves are areas along all streams, wetlands, ponds, lakes, and unstable or potentially unstable areas where the conservation of aquatic and riparian-dependent terrestrial resources receives primary emphasis. The main purpose of the reserves is to protect the health of the aquatic system and its dependent species; the reserves also provide incidental benefits to upland species. These reserves will help maintain and restore riparian structures and functions, benefit fish and riparian-dependent non-fish species, enhance habitat conservation for organisms dependent on the transition zone between upslope and riparian areas, improve travel and dispersal corridors for terrestrial animals and plants, and provide for greater connectivity of late-successional forest habitat.

Matrix comprises 3,975,300 acres, representing 16% of the federal land within the range of the northern spotted owl. The matrix is the federal land outside the six categories of designated areas set forth above. It is also the area in which most timber harvest and other silvicultural activities will be conducted. However, the matrix does contain non-forested areas as well as forested areas that may be technically unsuited for timber production.²¹

²¹ Ibid.



Map 1. Northwest Forest Plan Land Allocations in Western Oregon

Keep in mind:

- While the matrix may represent only 16 percent of the federal land managed under the Northwest Forest Plan, a much larger portion of the public forests had already been logged before the plan was adopted. This compromised the effort to identify functional reserves and limited options for future logging.
- The Northwest Forest Plan land allocation category of Congressionally Reserved Areas is treated in this paper as a land designation (congressional).
- Some, but not all, of the Administratively Withdrawn Areas include areas considered in this paper as a land designation (administrative).
- The Late Successional Reserves include northern spotted owl activity areas (at least those known in 1994) and other lands (“LSR3” and “LSR4”).
- Some BLM matrix lands north of Grants Pass are “640-acre connectivity/diversity” blocks that have higher tree-retention standards to provide for more connectivity between the Late Successional Reserves (“connectivity matrix”).
- Some BLM matrix lands south of Grants Pass have larger leave-tree requirements to better accommodate northern spotted owls.
- Some of the Adaptive Management Areas are “Adapted Management Reserves” to reflect that while they are AMAs for the purposes of adaptive management, they must be managed essentially as Late Successional Reserves.
- “Key watersheds” (see below) have the character of a land allocation that overlays the Northwest Forest Plan’s land allocation.

4. Land Overlays

Land overlays reflect the requirements of laws administered by agencies other than the Forest Service and the Bureau of Land Management. Land overlays include critical habitat as defined by the Endangered Species Act, essential fish habitat as defined by the Magnuson-Stevens Fishery Conservation and Management Act, and “water-quality-limited streams” as defined by the Clean Water Act.

Critical Habitat

Under the Endangered Species Act (ESA), the Fish and Wildlife Service (or NOAA Fisheries for marine species, including anadromous species—those that spawn in fresh water, such as Pacific salmon stocks) must designate critical habitat for all species listed under the act. According to the act, “the term ‘critical habitat’ for a threatened or endangered species means—(i) the specific areas within the geographical area occupied by the species on which are found those physical or

biological features (ii) essential to the conservation of the species and (iii) which may require special management considerations or protection.”²²

The BLM and the Forest Service must comply with the statutory requirements for critical habitat:

*Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an “agency action”) is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.*²³

Species listed as threatened or endangered under the federal Endangered Species Act that are found on or near federal public forestlands in western Oregon are:

- butterfly, Fender’s blue (*Icaricia icarioides fenderi*)
- butterfly, Oregon silverspot (*Speyeria zerene hippolyta*)
- chub, Oregon (*Oregonichthys crameri*)
- lynx, Canada (*Lynx canadensis*)
- murrelet, marbled (*Brachyramphus marmoratus*)
- owl, northern spotted (*Strix occidentalis caurina*)
- salmon, chinook (*Oncorhynchus tshawytscha*), Lower Columbia River population
- salmon, chinook, Upper Willamette River population
- salmon, chum (*Oncorhynchus keta*), Columbia River population
- salmon, coho (*Oncorhynchus kisutch*), Oregon Coast population
- salmon, coho, Lower Columbia River population
- salmon, coho, Southern Oregon–Northern California Coast population
- steelhead (*Oncorhynchus mykiss*), Klamath Mountains population
- steelhead, Lower Columbia River population
- steelhead, Upper Willamette River population
- sucker, Lost River (*Deltistes luxatus*)
- sucker, shortnose (*Chasmistes brevirostris*)
- trout, bull (*Salvelinus confluentus*)

Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act defines “essential fish habitat” as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.”²⁴ It directs the Forest Service and the BLM to “consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized,

²² 16 USC 1532(5)(a)

²³ 16 USC 1532(a)(2)

²⁴ 16 USC 1802(10)

funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.”²⁵ The act covers commercially exploited anadromous fish, in particular chinook and coho salmon. NOAA Fisheries has delineated all fresh-water salmon habitat as essential fish habitat.

Water-Quality Limited Streams

Under the federal Clean Water Act (CWA), the State of Oregon Department of Environmental Quality determines the total maximum daily load of pollutants (TMDL) that a stream can carry and still meet state water quality standards. It allocates that acceptable level of pollution among various landowners in a watershed. Many streams in western Oregon are “water-quality limited” under Sec. 303(d) of the CWA.²⁷ The federal forest agencies are required to take steps to reduce pollution loads to bring these streams into compliance.

5. Land Guidance

Land guidance consists of management standards adopted by either the Forest Service or the Bureau of Land Management or by other agencies; the latter of which are ignored the USFS or the BLM at their bureaucratic peril. Standards and guidance are provided by the Northwest Forest Plan, by the Forest Service Land and Resource Management Plan (LRMP) for each national forest and the BLM Resource Management Plan (RMP) for each BLM district, and by the recovery plan for each species listed under the Endangered Species Act.

Northwest Forest Plan Standards and Guidelines

In addition to land allocations, the Northwest Forest Plan also includes standards and guidelines (S&Gs) on how the lands are to be managed. The S&Gs often serve to restrain logging.²⁸ Some of particular importance are noted below.

Survey and Manage

The “survey and manage” (S&M) guideline requires surveys of certain rare and uncommon species before habitat-altering (“management”) activities can occur. S&M has been modified since the original 1994 Northwest Forest Plan.²⁹ The core principle of the program is to survey for rare and uncommon species before logging and provide small protection buffers when they are discovered. This will help increase the chances that the local population can persist and reoccupy surrounding forests as it recovers from logging.

²⁵ 16 USC 1855(b)(2)

²⁷ Oregon Department of Environmental Quality Total Maximum Daily Loads (TMDLs) Program.
www.deq.state.or.us/wq/tmdls/tmdls.htm

²⁸ US Department of Agriculture and US Department of the Interior. 1994. Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl: Attachment A to the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl.

www.reo.gov/library/reports/newsandga.pdf

²⁹ www.blm.gov/or/plans/surveyandmanage/gg.htm

As an ecosystem-based plan, the Northwest Forest Plan tried to address the needs of all species, not just the northern spotted owl, marbled murrelet and Pacific salmon stocks. When they finally looked, scientists identified more than a thousand species dependent on mature and old-growth forests. Because so much of the landscape was highly fragmented by dispersed clearcutting, scientists said there was concern for the persistence of almost half of these species. The Northwest Forest Plan adopted the “survey and manage” program as a way of mitigating the impacts of future logging on at-risk species associated with mature and old-growth forests. The program is especially important for species that have a hard time moving across the landscape, so mollusks, fungi, lichen and salamanders are disproportionately represented on the “survey and manage” list.

Aquatic Conservation Strategy

Another NWFP standard and guideline is the Aquatic Conservation Strategy (ACS). The ACS has four components: riparian reserves, key watersheds, watershed analysis, and watershed restoration.

• **Riparian reserves.** The S&Gs define riparian reserves and specify their size as well as outlining “specific requirements for timber management, road construction and maintenance, grazing, recreation, minerals management, fire/fuels management, research, and restoration activities.” All standing and flowing water is included with buffers of varying sizes. Here are the guidelines for initial boundary widths for riparian reserves:

Fish-bearing streams—the area on each side of the stream equal to the height of two site-potential trees, or 300 feet slope distance, whichever is greater;

Permanently flowing nonfish-bearing streams—the area on each side of the stream equal to the height of one site-potential tree, or 150 feet slope distance, whichever is greater;

Lakes and natural ponds—the body of water and the area to the outer edges of riparian vegetation, or to a distance equal to the height of two site-potential trees, or 300 feet slope distance, whichever is greater;

Constructed ponds and reservoirs and wetlands greater than one acre—the area from the edge of the wetland or the maximum pool elevation to a distance equal to the height of one site-potential tree, or 150 feet slope distance, whichever is greater;

Seasonally flowing or intermittent streams—the area on each side of the stream to a distance equal to the height of one site-potential tree or 100 feet slope distance, whichever is greater;

Wetlands less than one acre and unstable and potentially unstable area—the extent of unstable and potentially unstable areas, and wetlands less than one acre to the outer edges of the riparian vegetation.³⁰

³⁰ US Department of Agriculture and US Department of the Interior. 1994. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. Washington, DC. www.reo.gov/library/reports/newroda.pdf

- **Key watersheds.** Though technically just one of the four components of the NWFP ACS S&G, “key watersheds” take on the patina of an additional overlay land allocation category in that they proscribe certain activities. Key watersheds are categorized as tier 1 or tier 2. Tier 1 watersheds are “to be managed for at-risk anadromous salmonids, bull trout, and resident fish (141 watersheds, 8,119,400 acres)”; tier 2 watersheds are defined as “those where high water quality is important (23 watersheds, 1,001,700 acres).”

- **Watershed analysis.** The NWFP ACS defines watershed analysis as “a systematic procedure to characterize the aquatic, riparian, and terrestrial features within a watershed.” It goes on to say: “Managers will use information gathered during watershed analyses to refine riparian reserve boundaries, prescribe land management activities including watershed restoration, and develop monitoring programs.”³¹

- **Watershed restoration.** The NWFP ACS discusses watershed restoration to restore currently degraded habitat conditions. “The most important components are control and restoration of road-related runoff and sediment production, restoration of riparian vegetation, and restoration of in-stream habitat complexity. Restoration programs will initially focus on arresting road-related erosion and silvicultural treatments in riparian reserves to restore large conifer canopies. In-stream restoration is inherently short-term and will be accompanied by upslope and riparian restoration to achieve long-term watershed restoration.”³²

Land and Resource Management Plans’ Standards and Guidelines

Each Forest Service Land and Resource Management Plan and BLM Resource Management Plan has standards and guidelines specific to the national forest or BLM district covered by the plan. They can be found on the agency’s website for the particular administrative unit. These S&Gs are in addition to the Northwest Forest Plan S&Gs.

Endangered Species Act Recovery Plans

Each species listed under the Endangered Species Act is to have a final recovery plan. “Recovery plans provide a road map with detailed site-specific management actions for private, federal, and state cooperation in conserving listed species and their ecosystems. A recovery plan is a non-regulatory document, but it provides guidance on how best to help listed species achieve recovery.”³³ A recovery plan might recommend certain actions in areas outside of designated critical habitat.

Conclusion

In advocating for a particular parcel of westside forests in Oregon, you may have to go deeper into documents, but this is a start.

³¹ Ibid.

³² Ibid.

³³ U.S. Fish and Wildlife Service. 2011. Endangered Species Recovery Plan. Endangered Species Program, US Fish and Wildlife Service, Arlington, VA. www.fws.gov/endangered/esa-library/pdf/recovery.pdf

The controversy over logging on westside forestlands continues: how much, where, how and/or whether at all? In many places commercial logging is clearly off limits. In all other places on federal public lands under the Northwest Forest Plan timber management must be restrained to protect imperiled species, water quality, ecosystem function, watershed function, air quality and other resource values. In many cases where logging might be permissible, the constraints are such as to make it not commercially feasible. Where the goal is the production of commercial timber—rather than commercial logs being a byproduct of scientifically sound ecological restoration thinning—such logging will be controversial.

Most of the conservation community supports ecological restoration thinning in certain forest types to restore ecological function, where commercial logs are a byproduct.³⁴ Where commercial logs are not such a byproduct, its up to conservationists to advocate for better land and resource management.

Acknowledgments

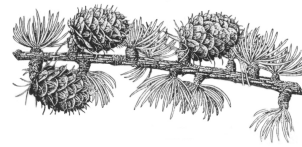
I am indebted to Doug Heiken, Oregon Wild's conservation and restoration coordinator, for both pointing me to sources of information for this paper and for reviewing it.

Additional Resources

- National Oceanic and Atmospheric Administration's Essential Fish Habitat Mapper: http://sharpfin.nmfs.noaa.gov/website/EFH_Mapper/map.aspx
- Fish and Wildlife Service Endangered Species Program: www.fws.gov/endangered
- Forest Service National Forest Land and Resource Management Plans can be found on the website for the particular national forest. Start at www.fs.usda.gov/detail/r6/home.
- Bureau of Land Management Resource Management Plans can be found on the website for the particular BLM district. Start at www.blm.gov/or/index.php.
- All related planning documents required by the National Environmental Policy Act and other laws can be found at www.blm.gov/or/plans/nwfpnepa.
- Kerr, Andy. 2007. Transferring Western Oregon Bureau of Land Management Forests to the National Forest System. Larch Occasional Paper #2. The Larch Company, Ashland, OR (available at www.andykerr.net/downloads)

³⁴ Kerr, Andy. (in press). Ecologically Appropriate Restoration Thinning in the Northwest Forest Plan Area: A Policy and Technical Analysis. Conservation Northwest, Bellingham, WA

Larch Occasional Papers



A deciduous conifer, the western larch has a contrary nature.

The Larch Company issues papers on a variety of topics that may be downloaded at <http://www.andykerr.net/downloads>.

#	Year	Title
14	2012	An Overview of Land Management for Oregon Federal Public Lands Under the Northwest Forest Plan
13	2012	National Wild and Scenic Rivers and State Scenic Waterways in Oregon
12	2012	Special Congressional Conservation Designations in Oregon: Some Better Than Others
11	2012	The National Wilderness Preservation System in Oregon: Making it Bigger and Better
10	2012	Oregon and Washington Raw Log Exports: Exporting Jobs and a Subsidy to Domestic Mills
9	2012	Pacific Northwest Offshore Oil and Gas Potential: At Best About A Month's National Supply; At Worst An Unnatural Disaster
8	2011	Small Wilderness: No Big Deal
7	2008	Overlapping Wilderness and Wild & Scenic River Designations: Optimal Conservation Protection for Federal Public Lands
6	2008	Establishing a System of and a Service for U.S. Deserts and Grasslands (co authored w/ Mark Salvo)
5	2007	Eliminating Forest Service Regional Offices: Replacing Middle Management with More On-the-Ground Restoration
4	2007	Forest Service Administrative Appeals: A Misallocation of Resources
3	2007	Thinning Certain Oregon Forests to Restore Ecological Function
2	2007	Transferring Western Oregon Bureau of Land Management Forests to the National Forest System
1	2007	Persuading Congress to Establish a Wilderness and/or Wild & Scenic River: A Checklist

While these papers are provided without charge, producing and distributing them is not without cost. If you found this paper useful, please consider sending a check in the amount of what you think it was worth to you payable to The Larch Company, 7126 Highway 66, Ashland, OR 97520. Thank you.

DEDICATED TO THE CONSERVATION AND RESTORATION OF NATURE, THE LARCH COMPANY IS A NON-MEMBERSHIP FOR-PROFIT ORGANIZATION THAT REPRESENTS SPECIES THAT CANNOT TALK AND HUMANS NOT YET BORN. A DECIDUOUS CONIFER, THE WESTERN LARCH HAS A CONTRARY NATURE.