

Pacific Northwest Forest Legacy Act of 2007 Version 20.0  
Section-by-Section Analysis & Major Changes from Earlier Versions

**SEC. 1. SHORT TITLE.**

Pacific Northwest Forest Legacy Act of 2007

**SEC. 2. FINDINGS.**

- Creates this new section. Findings have yet to be drafted; this is a placeholder.

**SEC. 3. DEFINITIONS.**

- Adds the following new definitions:
  - “Klamath-Siskiyou Province”
  - “Legacy forest features”
  - “Petitioner”
  - “Culmination of Mean Annual Increment”
  - “Environmental document”
  - “Credible scientific analyses”<sup>1</sup>
  - “Late successional”<sup>1</sup>
  - “Mature seral stage”<sup>1</sup>
  - “Old-growth”<sup>1</sup>
- Amends old definitions:
  - “Moist forest sites” now includes the Klamath-Siskiyou Province
  - “Young managed stands” is now “young managed plantations”
- Deletes old definitions:
  - “Mature and old-growth stands on moist forest sites”
  - “Mature and Old-growth Trees on Moist Forest Sites”
  - “Older Forest Stands on Dry Forest Sites”
  - “Older Trees on Dry Forest Sites”
  - “Stand”
  - “Planning area”
  - “Action area”
  - “Natural resource criteria”

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<sup>1</sup> These definitions come from the Forest Stewardship Council’s Pacific Coast Standards.

#### **SEC. 4. LAND ALLOCATIONS.**

- Geographic scope: Oregon, Washington, and northern California covered by the Northwest Forest Plan, plus the Modoc National Forest (which is not covered by the Eastside Screens, the Northwest Forest Plan, or the Sierra Nevada Framework)
- Eliminates existing land allocations
- Requires the creation of “old forest recruitment areas,” which are areas that were old growth, but experience natural disturbance (usually fire).<sup>2</sup> The agencies must designate these areas as they appear on the landscape, *after* the date of enactment.

#### **SEC. 5. MANAGEMENT DIRECTIVES.**

- On moist forest sites (including the Klamath-Siskiyou), directs thinning to take place in plantations.
- On dry forest sites, directs thinning to take place in stands that currently have old growth in them, and allows thinning in fire suppressed stands. There is a scientific consensus that in dry forest types, smaller and younger trees – as well as larger firs that have encroached into pine stands due to fire suppression – should be thinned, while larger and older pre-fire suppression trees should be protected.
- Prohibits logging within old forest recruitment areas, unless “credible scientific analyses demonstrate by clear and convincing evidence that that the adverse impacts of inaction significantly outweigh the adverse impacts of the project.”<sup>3</sup>
- Creates a categorical exclusion that permits the logging of trees not greater than 14” dbh on not more than 500 acres.
- Eliminates the Survey and Manage program, which was a mitigation measure for the loss of old growth under the Northwest Forest Plan. Because old growth is protected in this legislation, there is no need to survey for Survey and Manage species in plantations.
- Prohibits a net increase in temporary and permanent roads.
- Applies the Northwest Forest Plan’s Aquatic Conservation Strategy, as amended, to both sides of the crest. Careful thinning may occur in Riparian Reserves to reduce overstocking due to fire suppression, or to hasten the development of late-successional characteristics.
- Encourages the use of designation by description, and designation by prescription, two contracting authorities already available to the agencies.

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<sup>2</sup> The “designated old growth” and “replacement old growth” reserves have been eliminated from earlier drafts.

<sup>3</sup> This is what is known as a “rebuttable presumption.”

## **SEC. 6. GENERAL PROHIBITIONS.**

- Prohibits logging of late successional trees, whether dead or alive, on both moist and dry forest sites.
- Provides an exception to the prohibition on the thinning of late successional forest, provided that all three of the following conditions are met: 1) the RAC created in Section 6 recommends the project; 2) the agency certifies that the project is a higher priority than other projects that do not thin late-successional forest; and 3) the rebuttable presumption has been met.

## **SEC. 7. CREATION OF RESOURCE ADVISORY COMMITTEES<sup>4</sup>**

- Utilizes, verbatim, the Secure Rural Schools legislation to create RACs
- In addition to existing members of the RAC, adds agency resources specialists to the RAC

## **SEC. 8. SUBMISSION AND RECOMMENDATION OF PROJECT PROPOSALS.**

- Permits members of the public, and the agencies, to submit project proposals to the RAC for consideration and recommendation. Project proposals must include several pieces of information before the RAC will consider the proposal. RACs consider proposal at each meeting.
- Permits the RAC to recommend approval or disapproval of a project, and must forward that recommendation to the responsible official within 15 days of the date of the meeting in which the recommendation is made. The responsible official has 15 days to accept or reject the RAC's recommendation. If the recommendation of approval is accepted, then the project is subject to environmental analysis and review, and public involvement.
- Utilizes the environmental review procedures from Section 104 of the Healthy Forests Restoration Act. NEPA analysis must be complete within 1 year of project approval.
- Upon issuing a "proposed decision" required by the HFRA procedures, the public has 30 days to object to the proposed decision. This objection must be made in writing to the RAC. At the RAC's next meeting, it reviews the objection(s) and recommends a final determination to the responsible official, who has 5 days to submit it to the Regional Forester (USFS) or State Director (BLM). Upon signature by the RF or SD, the decision is final and subject to judicial review. No further administrative review is permitted.

## **SEC. 9. RURAL EMPLOYMENT DIRECTIVES.**

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<sup>4</sup> This section replaces the programmatic NEPA section, which has been deleted. Also deleted from earlier versions are the sections dealing with the Citizen Project Administrator Program (replaced by the Sections 7 and 8), Administrative and Judicial Review (replaced by Section 8), Pilot Project Sites (eliminated), and Authorization of Appropriations (eliminated).

- Permits the utilization of stewardship contracts, with amendments.
- Permits the use of long-term contracts, and cures the restrictive bonding requirement that is part of the Federal Acquisition Regulations.

**SEC. 10. TRANSITION.**

- Establishes a XX year transition period before the processes in Sections 7 and 8 are required.

**SEC. 11. PAYMENTS TO COUNTIES.**

- Permits O&C Counties to retain 75% of receipts

**SEC. 12. SUNSET.**

- Phases out the Act after 30 years.