

Letter to the Subcommittee on Public Lands and Forests
of the Energy and Natural Resources Committee of the United States Senate
And to Members of Congress
In Opposition to S. 2895, Sponsor Senator Ron Wyden,
the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009

We the undersigned strongly oppose Senate Bill S. 2895, introduced by Senator Ron Wyden (D-OR), the name of which – the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 – belies its true effects. S. 2895 represents a concerted effort on the part of the timber industry and its political allies, with support from some not-for-profit organizations, to cripple essential environmental laws in order to increase logging across 8 million acres of publicly-owned forests – forests which have already been severely degraded by logging. This bill is the latest in a series of bills that increase logging on our national forests, weaken legal protections, and consign the trees from our national forests to be burned in wood energy plants all across our nation.

We oppose this and all other legislation that will increase logging on our public forests, whether federal, state, or local, especially when the “product” will be utilized as fuel for biomass-to-electricity plants or biofuel plants creating cellulosic ethanol. S. 2895 is unacceptable and cannot be fixed or improved by amendments, and we urge you to vote against it.

S. 2895 claims it will protect, restore and increase the old growth forest stands and trees, but offers heavy logging of these forests as the supposed magic elixir that will “restore” them. Logging is what caused the tragic degradation of these great eastside forests in the first place.

The only proven method of growing - or regrowing - natural old growth forest ecosystems is for natural processes – nature, not humans with chainsaws – to manage the forest – a process that takes centuries. The remaining primary old-growth forests on Earth are living proof of nature’s ability to grow forests hundreds or thousands of years old.

However, there is not a single example anywhere on Earth of a natural centuries-old forest “grown” by humans using chainsaws. Therefore, there are no scientific studies of these non-existent old-growth forests “restored” by chainsaws. This legislation’s assertion that using heavy logging will “restore” old-growth forests is without scientific foundation.

S. 2895 claims that the increased logging mandated by this bill will somehow mitigate the effects of climate change. Recent scientific studies (*Public land, timber harvests, and climate mitigation: Quantifying carbon sequestration potential on U.S. public timberlands*, Depro, B.M., et al, Forest Ecology and Management, 2007; *Forest carbon storage in the northeastern United States: Net effects of harvesting frequency, post-harvest retention, and wood products*, Nunery, J.S., Keeton, W.S., Forest Ecology and Management, 2010) have shown conclusively that forests which grow without logging grow more biomass, and subsequently sequester more carbon, than forests that are logged, and that it takes a newly-planted forest from 50 -100 years to attain the level of carbon sequestration the logged forest was providing when growing. Further, another study (Peters, W. et al., *An atmospheric perspective on North American carbon dioxide exchange: Carbon Tracker*. PNAS, 2007) concluded that North American ecosystems, mostly forests, remove 0.65 Pg C/year, offsetting one-third of the country’s estimated 1.85 Pg carbon emissions. Compromising the

capacity of forests is therefore equivalent to increasing emissions. Therefore, the increased logging mandated by this bill will not only increase forest destruction, it will decrease the amount of carbon stored by these forests, diminishing the ability of our public forests to combat global climate change.

However, this legislation goes even farther in contributing to global climate change. It instructs the Forest Service to take the wood logged from these forests and burn it in wood-energy plants. Nothing could possibly contribute more to global climate change than increasing logging on our national forests and then burning the wood in biomass plants. According to a recent study (Matera, Chris, *Wood-Fueled Biomass Power Plants and CO2 Emissions*, <http://www.maforests.org/MFWCarb.pdf> February 2010) wood-burning energy plants contribute greatly to global climate change. Using data from a permit application in Massachusetts and from the Department of Energy, the study concludes, “Overall, wood fueled biomass power plants emit about 50% more CO2 per MWh than existing coal plants, 150% more than existing natural gas plants, and 330% more than new power plants.”

But there are also tremendous amounts of carbon released by the use of petroleum when logging and chipping the forests and the burning of gasoline used by the trucks that will make thousands of trips totaling thousands of miles transporting the cut wood fiber to the biomass/biofuel plants. Burning trees from our national forests in biomass plants is a net carbon-loss disaster for global climate change. A recent article (Searchinger, et al., *Fixing A Critical Climate Accounting Error*, Science, 2009) reveals that emissions from biomass burning are entirely uncounted, either under land use change or under smoke stack emissions from utilities. This failure in accounting has resulted in the claim that biomass burning is “carbon neutral” and led to a flow of public-funded subsidies into these biomass burning facilities. This accounting error must be fixed. Doing so will reveal that logging and burning of forest biomass is not a viable solution to climate change. The claim by this legislation that burning wood in biomass plants will reduce global climate change is no more than a disproven, unscientific fabrication.

S.2895 goes so far as to suspend all applicable laws in favor of biomass removal. In Section 12 of the bill titled, BIOMASS, the specific language reads:

“(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations) relating to the use of biomass energy, in accordance with each purpose and goal of this Act, and any applicable recommendation of the advisory panel, the Secretary shall take such actions as are necessary to further enhance the use of woody biomass in the covered area.”

The area covered by this legislation is more than 8 million acres of public forestlands across Eastern Oregon.

S. 2895 also tilts towards commercial interests, stating;

“On a determination by the Secretary that forest conditions, commercial interests, and an adequate supply from a combination of Federal and non-Federal sources indicate a viable economic supply and demand for establishing a regional biomass project, the Secretary may designate an area within the covered area in which—

- (A) the removal of biomass is necessary to restore forest health; and
- (B) a sufficient volume of material is expected to be available to support a 20 year-lifespan of capital investments for biomass use.”

S. 2895 is honest in at least one respect, when it admits its purpose is to supply the wood industry with a guaranteed supply of wood from our federal forestlands. S. 2895 guarantees a minimum of 20 years of vastly increased logging to supply these newly constructed wood energy plants. This mandated amount of logging will devastate the very forest ecosystems that S. 2895 claims to be restoring. Biomass burning utilities require about 13,000 tons per megawatt per year, and transportation logistics require sourcing feedstocks from a limited distance (generally around 50 mile radius). Providing and maintaining sufficient feedstocks to biomass burning facilities is unlikely to be harmonious with the goal of forest protection and “restoration.”

The stripping of our forests for biomass means that woody debris that previously had been left for mulch in the forests and which enriched the forest soil and provided essential habitat for biodiversity will now be taken away from the forests and burned. If this legislation and other bills like it proceed, our national forest soils will be stripped of nutrients and our forests will die of starvation.

S. 2895 clearly cripples environmental laws which have given our forests some level of protection, not only by unconscionable suspension of the laws, but also by rushing the normal environmental enforcement procedures. S. 2895 would effectively circumvent NEPA by having pre-made decisions come out of advisory committees, even though NEPA will ostensibly be followed. NEPA requires an objective analysis of alternatives before decisions are made. Under this process, in effect, the decision is made before the analysis, making NEPA a pro-forma exercise. The process is further tilted toward increased logging of these forests by the use of advisory groups made up primarily of paid employees of the timber industry and others who are forced to either agree with this increased logging program or be denied from participation. This disenfranchises the American people of our and our children’s heritage, the national forests of Oregon – it is no less than grand theft and destruction of federal property. This bill is the equivalent of allowing a small number of people from New Jersey, subsidized by federal tax dollars, to dismantle the Statue of Liberty and sell it for scrap metal while claiming it is good for the economy.

S. 2895 claims that one of its goals is to protect large trees, trees larger than 21 inch diameter, and it even lists exceptions for protecting trees smaller than 21 inch diameter. However, S. 2895 gives all final authority, stripped of any legal check and balance, to the Secretary of Agriculture to determine what trees can be logged, rendering the supposed protections of trees of any size, including any and all large trees, completely meaningless. This legislation is a green light to demolish our public forests, even allowing logging of the giant old trees the bill is allegedly supposed to protect.

Roads are one of the greatest causes of forest degradation. S. 2895 will allow an unlimited number of new roads, including permanent roads, to be constructed.

A new scientific report (Bond, Monica L., et al., *Influence of Pre-Fire Tree Mortality on Fire Severity in Conifer Forests of the San Bernardino Mountains, California*, The Open Forest Science Journal, 2009) suggests that bark beetle outbreaks will not lead to greater fire risk, and that tree thinning and logging is not likely to alleviate future large-scale epidemics of bark beetle. The report's findings apply to millions of acres of lodgepole pine and spruce-fir forests across North America. This report completely contradicts the goals and unscientific claims of this bill that increased logging will reduce these naturally occurring events.

"Drought and high temperature are likely the overriding factors behind the current bark beetle epidemic in the western United States," said Scott Hoffman Black, executive director of the Xerces Society for Invertebrate Conservation. "Because logging and thinning cannot effectively alleviate the overriding effects of climate, it will do little or nothing to control these outbreaks." (Black, S. H., et al., *Insects and Roadless Forests: A Scientific Review of Causes, Consequences and Management Alternatives*, National Center for Conservation Science & Policy, Ashland OR, 2010).

S. 2895 will lead to hundreds of millions of dollars of additional subsidies to log our national forests at a time when Americans are saddled with a soaring national debt.

Since the rise of large scale civilizations around 8,000 years, over 80% of the Earth's forests have been either completely wiped out or severely degraded by humans. Logging by humans is the greatest threat to the survival of the remaining natural forests on Earth, yet this legislation will increase logging. All the verbiage in S. 2895 about so-called ecological forest restoration, watershed health, conservation, ecosystem function, carbon cycling, and scientific advisory panels are thin cover for a timber industry logging bill.

S. 2895 was written without public participation, contrary to the claims of some of the bill's supporters. It is undemocratic in conception and would also be so in implementation. Senate Bill 2895 is an environmental disaster-in-the making for our national forests and an economic disaster for the American people and will contribute greatly to lost biodiversity and increased atmospheric carbon dioxide levels. We urge you to completely oppose it.

Signed,

1. Michael Donnelly – Friends of the Breitenbush Cascades – OR
2. Tim Hermach – Native Forest Council – OR
3. Tom Giesen, MS – Citizens for Public Resources – OR
4. Samantha Chirillo, M.S., M.P.A. – Cascadia's Ecosystem Advocates – OR
5. Shannon Wilson – League of Wilderness Defenders – OR
6. Karen Coulter – Blue Mountains Biodiversity Project – OR
7. Mark Des Marets – Northwest Resistance Against Genetic Engineering – OR
8. Michael Gannon – Cascadia Rising Tide – OR
9. Aaron Nelson, Northwest Ecosystem Survey Team, OR
10. Erin Grady, Cascadia Forest Defenders, OR
11. Janine Blaeloch – Western Lands Project - WA
12. Carl Ross – Save America's Forests – Washington, DC
13. Daphne Wysham – Sustainable Energy and Economy Network – Washington, DC
14. Rachel Smolker – Biofuelwatch – VT
15. Richard H. Stafursky – World Species List – VT
16. Anne Petermann – Global Justice Ecology Project – VT
17. Michael Garrity – Alliance for the Wild Rockies – MT
18. Steve Kelly – Montana Ecosystems Defense Council – MT
19. Arlene Montgomery – Friends of the Wild Swan – MT
20. Denise Boggs – Conservation Congress – MT
21. Jim Miller – Friends of the Bitterroot – MT
22. Paul Richards – Deerlodge Forest Defense Fund – MT
23. Kevin Mueller – Utah Environmental Congress - UT

24. Ara Marderosian – Sequoia ForestKeeper – CA
25. Scott Mathes – California Environmental Project – CA
26. Leeona Klippstein – Spirit of the Sage Council – CA
27. Joseph Bower – Citizens for Better Forestry – CA
28. Ananda Tan – Global Anti-Incinerator Alliance – CA
29. Larry Glass – North Coast Environmental Center – CA
30. Bob Morris – Safe Alternatives for Our Forest Environment – CA
31. Carol Cairnes – Tongass Conservation Society – AK
32. Joe Mehrkens – Environmental Economics – AK
33. Gary Macfarlane – Friends of the Clearwater – ID
34. Ron Mitchell – Idaho Sporting Congress – ID
35. Katie Fite – Western Watersheds Project – ID
36. Ernie Reed – Heartwood – TN
37. Jerry Williams – Ouachita Watch League – AR
38. Tim Wilson – Winding Waters Group of the Sierra Club – IN
39. Sherman Bamford – Virginia Forest Watch – VA
40. David Hannah – Wild Virginia - VA
41. Kristi Hanson – Jackson Purchase Audubon – KY
42. David Mickey – Blue Ridge Environmental Defense League – NC
43. Joy Towles Ezell – Florida League of Conservation Voters – FL
44. Mike Ewall – The Energy Justice Network – PA
45. Alan Mueller – Green Delaware – DE
46. Jonathan Carter – Forest Ecology Network – ME
47. George Wuerthner – RESTORE: The North Woods – ME
48. Jana Chicoine – Concerned Citizens of Russell – MA
49. Chris Matera – Massachusetts Forest Watch – MA
50. Margaret E. Sheehan – The Biomass Accountability Project, Inc. – MA
51. Gretchen Brewer – Earth Circle Conservation & Recycling – MA
52. Eleanor Tillinghast – Green Berkshires, Inc. – MA
53. Michaelann Bewsee – Stop Toxic Incineration in Springfield – MA
54. Don James – Arise for Social Justice – MA
55. Beth Adams – Massachusetts Interfaith Coalition for the Forests and Clean Air – MA
56. Mary S. Booth, PhD – Massachusetts Environmental Energy Alliance (MEEA) – MA