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### **BLM O&C Timber Sale Case Dismissed on Technicality**

The [American Forest Resource Council](#) (AFRC) today expressed frustration at the decision of the D.C. Circuit Court of Appeals to vacate its 2013 victory over the Bureau of Land Management (BLM) on a technical issue related to standing. In June, 2013, federal District Judge Richard Leon [ordered](#) the BLM to actually sell the timber promised in its resource management plans. The lawsuit was brought by AFRC, Swanson Group of Glendale, Oregon, Rough and Ready Lumber Company of Cave Junction, Oregon and other industry plaintiffs.

Judge Leon found that the BLM violated the Oregon and California Lands Act of 1937 (the O&C Act) by not offering for sale the amount of timber required by the agency's own resource management plans for the Medford and Roseburg districts in southwestern Oregon. He ordered BLM to sell at least 80% of that amount annually in the future.

Today's [decision](#) by the circuit court does not say Judge Leon erred in finding the agency should be selling more timber. Instead, it holds that the timber companies and associations who brought the lawsuit in 2010 failed to present enough evidence that the actions of the BLM were the direct cause of losses to their operations or that any mills would be forced to close. The Court stopped short of saying the injuries had not occurred, saying instead that evidence was not before the district court when it made its decision.

One of the plaintiff companies, [Rough and Ready Lumber Company, closed in April, 2013](#), while the case was under consideration by the court, citing a lack of timber supply.

“While we are disappointed to lose this case on a technicality, we remain confident we will ultimately prevail in our legal efforts to require BLM to comply with the O&C Act's mandate to manage these lands for sustained yield timber harvest to benefit rural communities across Western Oregon,” said Ann Forest Burns, AFRC Vice President.

*The American Forest Resource Council is a regional trade association which advocates for sustained yield timber harvests on public timberlands throughout the West.*