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AFRC Welcomes New Members

AFRC is proud and excited to welcome three new members to the Association: Timber Products Company, Mt. Hood Forest Products, and the Associated California Loggers.

Timber Products Company was founded in 1918 and specializes in hardwood plywood and a range of other wood products including softwood plywood, particleboard, decorative overlays, hardwood and softwood veneers, and hardwood lumber. The family company owns and manages 115,000 acres of forestlands in Northern California under the strict standards of the Sustainable Forestry Initiative and owns nine state-of-the-art manufacturing facilities across the United States. Corporate headquarters are located in Springfield, Oregon.

Mt. Hood Forest Products (MHFP) is owned by the Wilkins brothers, Bill and Brad, and is located in Hood River, Oregon. The mill at MHFP produces 100 percent green Douglas fir lumber, sourcing nearly half of its input from federal, state, and county forestlands. MHFP employs a “Baxley CrossCut Edger system” that was designed by Bill Wilkins and Baxley Equipment to maximize efficiency. The company supports more than 45 jobs in the Hood River area.

The Associated California Loggers (ACL) is, as you might suspect, an association of loggers in California. ACL began in 1973 in response to mounting California forestry regulations, providing a collective voice for those who perform the dangerous, exciting, and often frustrating work of harvesting and transporting wood to California’s forest product businesses. ACL is made up of more than 350 highly skilled, passionate, and knowledgeable members.

AFRC is thrilled to grow the “family” of members. Timber Products Company, Mt. Hood Forest Products, and ACL bring unique voices, experience and expertise, and creative thinking to AFRC’s already outstanding membership. */Travis Joseph*

2016 Annual Meeting

AFRC’s Annual Meeting is scheduled for March 29-31 at Skamania Lodge in Stevenson, Washington. This year’s theme is “Opportunities and Solutions.”

The meeting begins on March 29 with a golf tournament, followed by the opening reception. Wednesday, March 30, will feature informative presentations, engaging speakers, interactive meetings and AFRC’s annual banquet. The meeting will conclude on Thursday, March 31, with a half day of meetings, the Board of Directors meeting, and a luncheon. The agenda, registration form, and hotel information is available on AFRC’s website www.amforest.org.

Western Governors' ESA Initiative

Wyoming Governor Matt Mead has chosen a [Species Conservation and the Endangered Species Act \(ESA\) Initiative](#) as a focus for his year as President of the [Western Governors Association](#). *The stated goal of the initiative is to “create a mechanism for states to share best practices in species management; promote and elevate the role of states in species conservation efforts; and explore ways to improve the efficacy of the Endangered Species Act.”*

On January 19, AFRC Vice President Ann Forest Burns was in Boise to participate in one of a series of workshops being held throughout the West. Other [panelists](#) discussing critical habitat designations included: Trent Clark, Governmental Affairs Director, Monsanto; Dan Dinning, Boundary County (ID) Commissioner; Sam Eaton, Idaho Governor's Office of Species Conservation Policy Advisor; and Bruce Farling, Montana Director, Trout Unlimited.

Ann's remarks focused on the importance of assuring that critical habitat designations include only acres that are truly necessary to the eventual delisting of the species; giving credit to the contribution of current federal land management plans; taking into consideration the economic impact of both the listing and the designation; and recognizing the chilling effect on land management activities caused by efforts to avoid triggering the need for interagency consultation. She also noted the need for efficient consultation among agencies; consulting at a landscape level, rather than on a project by project basis; and recognition of the far reaching impact of not taking action.

Additional panels discussed the role of state and local governments in species conservation and ESA implementation; best available science; recognition of voluntary conservation efforts and landscape level conservation; and incentivizing private land owners. Idaho Governor Butch Otter spoke to the approximately 100 attendees. He urged continued efforts to focus on species conservation at the local level. He decried the lack of clarity and transparency in current ESA processes and called for a change in the “roadmap” to species delisting.

A [previous workshop](#) was held in Cody, Wyoming last November. Additional workshops are scheduled for Denver, CO in March and Oahu, Hawaii in April. AFRC will continue to track and report on the initiative. /Ann Forest Burns

AFRC Intervenes in Lost Creek/Boulder Creek Case

AFRC has filed to intervene on behalf of the Payette Forest Coalition (PFC) and Adams County, Idaho in a case challenging the Lost Creek/Boulder Creek Collaborative Forest Landscape Restoration Project on the Payette National Forest.

The project includes several timber sales totaling approximately 36 million board feet and incorporates significant improvements for anadromous fish in the Boulder Creek watershed. Alliance for the Wild Rockies, Idaho Sporting Congress, and Native Ecosystems Council sued to overturn the project. The plaintiffs allege violations of the ESA relating to bull trout. There are several NEPA claims, including cumulative effects, improper tiering, unreasonably narrow purpose and need, inadequate range of alternatives, and inadequate mitigation analysis. Plaintiffs also bring NFMA claims for violations of the Payette Forest Plan, wildlife diversity requirements, and Travel Management Rule requirements.

Adams County and Idaho Forest Group and Boise Cascade (AFRC members) are part of the PFC, which played a significant role in the development of the project. The PFC also involved several environmental organizations in project development, including Trout Unlimited, Idaho Conservation League, and Sesesh Wildlands Coalition. The PFC's current members include a range of interests, from environmental organizations, to governments, to timber companies. All of the members of the PFC came together to support the project by consensus.

AFRC is also defending a collaborative project on the Kootenai National Forest in the East Reservoir litigation. (See [October 30, 2015](#) newsletter). These efforts underscore AFRC's commitment to working with partners, federal agencies, and the community to make progress in forest restoration. */Lawson Fite*

Pacific Marten Case

The Center for Biological Diversity and Environmental Protection Information Center (CBD) sued the U.S. Fish & Wildlife Service (the Service) in December 2015, challenging the Service's April 2015 decision not to list the coastal populations of the Pacific marten.

Martens are forest carnivores which tend to inhabit late-successional forest areas. The coastal populations of the marten, located in southwest Oregon and northwest California, were the subject of a listing petition by CBD in 2010. As part of the mega-petition settlement, the Service agreed to prepare a final listing determination. The Service subsequently concluded that the coastal populations constitute a distinct population segment of the marten, but that populations of the species are stable and potential threats are not expected to affect the stability of the populations. The primary threats analyzed are wildfire, vegetation management, and climate change.

CBD's complaint also alleges that the Service did not appropriately consider the historic range of the species' habitat. This is a challenge to the Service's new definition of "significant portion of the range," terms that are part of the definition of threatened and endangered species. An endangered species is one that is in danger of extinction over all or a significant portion of its range. The Service's current definition focuses on the range presently occupied by the species, while CBD wants a broader definition, so that a species could be considered endangered or threatened based only on loss of historic range.

The marten's range overlaps with the Klamath, Siskiyou, Six Rivers, Shasta-Trinity, and Mendocino National Forests. If the marten were to be listed, there could be significant effects on timber harvest in those forests, and on federal forest management generally. The significant portion of the range in question has wide implications for listing decisions.

AFRC is working with its members and partners on a strategy moving forward. */Lawson Fite*

Supreme Court Declines on Critical Habitat Designations

On January 11, the U.S. Supreme Court decided not to hear *Bear Valley Mutual Water Company v. Jewell*, a case brought by water districts in the Ninth Circuit challenging the critical habitat for the Santa Ana sucker, a threatened species. The water districts alleged that the U.S. Fish & Wildlife Service failed to conduct a NEPA analysis of the critical habitat rule, which could have negative impacts on flood control in southern California as well as significant impacts on water rights.

The Ninth Circuit ruled that NEPA analysis was not required, relying on the 1994 case of *Douglas County v. Babbitt*. After the first designation of critical habitat for the northern spotted owl (NSO), Douglas County sought to require an environmental impact statement and consideration of a full range of alternatives. The court decided that the critical habitat procedures of the ESA were sufficient to comply with NEPA, so NEPA was “displaced” by the ESA. The court also found that the critical habitat designation did not have any physical effect on the environment, therefore NEPA analysis was not required.

Since 1994 the Tenth Circuit and the U.S. District Court for the District of Columbia have issued decisions opposite to the Ninth Circuit’s ruling, and required NEPA analysis on critical habitat. The Supreme Court is most likely to take a case when the lower courts are divided on an issue. This case appeared to be an opportunity to revisit the 1994 ruling and obtain clarity on the need to do a NEPA analysis when designating critical habitat. The negative impacts of NSO critical habitat designation would be an important consideration in a new Supreme Court case.

The Supreme Court’s order denying review, also called denying certiorari, did not give a reason for the denial—which is customary. In the government’s brief opposing certiorari, it suggested that the issue should further “percolate” within courts around the country. A final decision is probably several years away. /*Lawson Fite*

Pacific Fisher Listing Update

In October 2014, the U.S. Fish & Wildlife Service (the Service) proposed listing the West Coast distinct population segment of the Pacific Fisher as threatened. While the Service has revised the timeline associated with making the final determination many times, a decision is expected by April 7, 2016 and will be issued out of the Service’s Yreka office.

Prior to a species being listed, non-federal entities can enter into [Candidate Conservation Agreements with Assurances](#) (CCAA). The CCAA program provides non-federal landowners the assurance that if they implement various conservation activities they will not be subject to additional restrictions if the species becomes listed under the ESA. In May 2008, Sierra Pacific Industries entered into [a CCAA](#) for 160,000 acres of its ownership in northern California and began reintroducing the fisher on these lands. The State of Washington is currently facilitating the [development of a CCAA](#) for non-federal landowners which is expected to be finalized in the near future in an effort to preclude listing in the state. The Service has also initiated conversations with the State of Oregon and private landowners in the state to see if there is interest and support for the development of a CCAA.

Since CCAs are only available to non-federal landowners, federal agencies typically use memorandum of understandings (MOUs) to outline pre-listing conservation measures they are willing to undertake. The Service is currently developing an MOU between the Forest Service Region 6, Oregon/Washington Office of the Bureau of Land Management, Oregon Department of Fish and Wildlife, Oregon Department of Forestry, and potentially the U.S. Park Service. The purpose of this MOU is to provide a framework for cooperation and achievement of mutual goals among the participating state and federal agencies regarding conservation of the Pacific Fisher in western Oregon. The MOU is expected to be finalized soon.

One of the main objectives of the Service is to reintroduce the fisher throughout its historic range. Reintroduction has already begun in northern California, southern Oregon, the Olympic Peninsula, and in the southern portion of Mt. Rainier National Park. If reintroduced populations are not designated as part of the listed species, they would require no additional federal restrictions beyond the provisions of the various CCAAs. In that event, widespread reintroductions could be welcome in other areas of Oregon and Washington to reduce impacts to federal land management. /Ross Mickey

Barred Owl Causing Spotted Owl Decline

For the last 20 years, researchers have monitored eleven “demographic study areas” in Washington, Oregon, and California to determine how the Northern Spotted Owl (NSO) population is fairing. The results of last year’s effort were just released in [The Condor: Ornithological Applications](#) under the title, “The effects of habitat, climate and barred owls on long-term demography of northern spotted owls.” While the results show some positive effect from habitat quality and mild winter climate variables, research strongly suggests the predominate cause of NSO declines is the Barred Owl. “The most consistent pattern in Northern Spotted Owl territory occupancy dynamics was the strong positive association between the presence of Barred Owls and territory extinction rates of Spotted Owls in all 11 study areas...Our results indicate that competition with Barred Owls may be the primary cause of Northern Spotted Owl population declines across their range.”

The study also found that while the high quality NSO habitat can have a positive influence, “(B)arred Owl densities may now be high enough across the range of the Northern Spotted Owl that, despite the continued management and conservation of suitable owl habitat on federal lands, the long-term prognosis for the persistence of Northern Spotted Owls may be in question without additional management intervention.” That “management intervention” is the lethal removal of barred owls. The study analyzed the results of Barred Owl removal on land owned by Green Diamond Resources (GDR) in northern California and found, “... the removal of Barred Owls in the GDR study area had rapid, positive effects on Northern Spotted Owl survival and rates of population change, suggesting that, along with habitat conservation and management, Barred Owl removal may be able to slow or reverse Northern Spotted Owl population declines on at least a localized scale.”

The U.S. Fish & Wildlife Service (the Service) has recognized that the Barred Owl is a major factor in the decline of the NSO and responded by initiating a research effort to quantify the effects of experimental removal of Barred Owls. This study, which began in 2015, is expected to take 10 years. After the study is complete, it will take at least 5-10 additional years to begin any removal of the Barred Owl assuming that Congress will fund such an effort and the project is not held up in court by those who will oppose such removal. In this ensuing 15-20 years, AFRC fears the Barred Owl population will continue to rise while the NSO population will continue to decline at a rate of at least 3.8% per year. The likely result will be the Service continuing to call for less forest management even though this reduction in management will have little or no effect on reversing the decline of the NSO population. /Ross Mickey

Eastern Washington Post Fire Restoration

2015 will go down in the record books as Washington’s worst-ever fire season: 1,541 fires burned 1,005,423 acres. The estimated cost to put out the fires was \$347 million, with a majority of the money being used to put out fires on Federal lands.

The Forest Service deserves credit for quickly deploying Burned Area Emergency Response (BAER) teams after the fires were controlled in order to analyze the impacts of the wildfires and prepare for much needed restoration activities. One of those activities is the removal of burnt timber in a timely manner while it still has merchantable value.

Both the Okanogan-Wenatchee and Colville National Forests chose to pursue “post disturbance restoration activities” (aka, salvage) through a Categorical Exclusion, which expedites project planning and implementation. To date, two salvage sales have been sold and awarded on the Okanogan-Wenatchee: the Peony and Dugout sales, which total approximately 5 million board feet (mmbf). On the Colville, the Tower and Mill Creek sales sold, each offering approximately 1.8 mmbf. Overall, the Colville plans to sell 15 mmbf by March, hopefully giving purchasers adequate time to harvest, transport, and mill the wood before it deteriorates.

AFRC continues to advocate for additional post-disturbance restoration projects to treat more acres. These projects create jobs, support the local infrastructure (especially during crucial months in the winter and spring when supply is low), generate revenues to counties and the government, and accelerate forest restoration to ensure long-term sustainability. Unfortunately, the time and resources needed to plan and implement an extensive environmental assessment is a major impediment to the Forest Service. AFRC continues to work with federal land managers to identify opportunities for expediting and improving the process. */Tom Partin*

2016 Washington Legislative Session

January 11 was the opening day of the 2016 short session of the [Washington State Legislature](#). While only scheduled to last 60 days, it could very well go longer. Funding education continues to weigh on the Legislature and remains one of the most complex challenges. Despite this being a short session and only a supplemental budget year, there are several bills of interest to the Forestry Sector.

There are several pending wildfire bills ranging from forest health, to smoke management, to solutions to reduce the number of catastrophic fires seen in Washington over the last two years. Funding of wildfire prevention and suppression work is also being discussed. This includes a \$24 million ask by Commissioner of Public Lands Peter Goldmark for enhancing the Department of Natural Resources (DNR) wildfire response and preparedness. A [work session](#) on the 2015 Wildfire Season and a look at new ideas for 2016 was held on January 21 in Olympia. AFRC continues to track these wildfire related bills and analyze them for impacts to our members’ supply needs.

Other legislative issues of particular interest to state legislators include emerging wood products, such as cross laminated timber (CLT), and the use of pesticides on forest lands, including State Trust lands. For those interested in viewing the work sessions held on these or other topics, most can be found on [TVW](#) located in the [archives](#). Work session replays for [CLT](#) and [pesticide use on State lands](#) can be found at these hyperlinks. In the case of the pesticide use, both Stephen Bernath and Angus Brodie of DNR presented to the Natural Resources and Parks Committee on herbicide application and forest practices regulations on DNR State Trust Lands.

Additional information on bills pending before the 2016 Washington Legislature can be found on the [Bill Information](#) website. */Matt Comisky*

Senator Knopp Introduces Wildfire Plan

On January 15, Oregon State Senator Tim Knopp (R-Bend) introduced forest management legislation related to Federal lands. Knopp's legislation encourages Governor Kate Brown and State Forester Doug Decker to enter into a Master Good Neighbor Authority Agreement with the Forest Service to improve forest health, help prevent catastrophic wildfires, and utilize forest by-products to create Oregon jobs.

The Good Neighbor Authority was authorized by Congress in the 2014 Farm Bill and provided a mechanism for states or other entities to partner with the Forest Service in getting high risk lands treated. Other states, such as Wisconsin, have already signed Master Good Neighbor Authority Agreements with the Federal Government leading to the treatment of thousands of acres. While Oregon is working on such an agreement, it has yet to finalize a plan. Senator Knopp would like to see a final product from the state no later than August 1, 2016.

Senator Knopp's legislation would also require an audit of the State of Oregon's investment in Federal forest health projects. The Legislature committed \$2.85 million in 2014-2015 and \$5.1 million in 2016-2017 to accelerate work on neighboring Federal lands. Senator Knopp's legislation, if passed, would provide an accounting of how state money has been spent, what projects state money has contributed to, and how state money has contributed to accelerating work on Federal lands.

In a statement, Knopp noted, "Oregonians clearly see the looming crisis. If we don't better manage our forests, we will watch them burn again and again... Oregonians cannot wait any longer."/ *Travis Joseph*