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Fiscal Year 2017 Budget Request

On Tuesday, February 9 President Obama submitted a Fiscal Year 2017 (FY17) budget proposal to Congress – the last budget request of the Obama administration. The \$4.15 trillion spending blueprint will not receive serious consideration from the Republican Congress, which is not a surprise given that it is the final budget request of a lame duck President of the opposite political party.

Under Obama’s FY17 budget proposal, total Federal spending would increase by approximately five percent, largely driven by growth in mandatory and safety-net spending programs like Social Security and Medicare. Consistent with the two-year budget agreement reached with Congress in December, discretionary spending would increase by less than one percent. The budget blueprint also includes a series of tax reform proposals that have been dismissed by Republicans in the past.

Forest Service Budget Request

Under the FY17 request the Forest Service would receive \$4.89 billion, with an additional \$864 million in off-budget wildfire suppression funding if Congress adopts the Administration’s proposed change to how wildfire suppression costs are budgeted. This compares to \$4.84 billion for the Forest Service in FY16, although Congress also provided the agency additional wildfire suppression reserve funding this year.

The growth of the ten-year wildfire suppression average continues to dominate Forest Service budget discussions. In fact, the 10-year average for wildfire costs increased by over \$100 million this year and is expected to increase by another \$62 million in FY17. The Administration and many in Congress are concerned about how this continued growth is diverting critical resources –funding and staff –away from other Forest Service programs, including forest management and fuels reduction.

The Administration’s budget request proposes a 3.2 billion board foot timber sale program, which is level with FY16 and up 300 million board feet over last year. The Forest Products line item would receive \$359.8 million under Obama’s request, which maintains the \$20 million increase provided by Congress this year. The Hazardous Fuels account would increase by \$9 million in FY17, to \$384.1 million. In the current fiscal environment in Washington, D.C., any funding increase for management activities should be considered a victory.

Unfortunately, the Administration’s budget request proposes to cut the Capital Improvement & Maintenance (CI&M) - Roads budget by \$22.1 million to \$150 million. The Roads account is critical to the Forest Service’s ability to maintain the agency’s aging road system. The Roads program has seen significant reductions in recent years. In fact, in FY09 the Roads account received \$228.9 million.

AFRC appreciates the Administration's efforts to increase timber management activities and will work with Congress to provide additional funding for the Forest Products, Roads, and Hazardous Fuels programs to grow the program in the future.

Bureau of Land Management O&C Budget Request

Under the Administration's FY17 budget proposal, the Bureau of Land Management (BLM) would receive \$1.3 billion, a \$7.1 million increase over current year appropriations. The Oregon and California (O&C) Grant Lands program would receive \$107 million under the request, a reduction of \$749,000. The latest proposed reduction follows a \$6 million reduction requested by the Administration and enacted by Congress in FY16.

The BLM's budget justification anticipates a \$1 million decrease in resource management planning as the agency finalizes new Resource Management Plans (RMPs) for over two million acres of timberlands ("O&C Lands") in Western Oregon by July 2016. Unfortunately, the budget justification provides no insights into likely timber volumes under final RMPs as it projects a 204 million board foot (mmbf) timber sale program in FY17 – identical to FY16 and down by 17 mmbf from FY15.

AFRC remains concerned about the recent reductions to the O&C budget and will be working with Congress to provide additional resources and direction to increase the Western Oregon timber sale program this year. */Heath Heikkila*

Round up of Congressional Hearings

Several Congressional Committees are in the process of holding hearings on pending legislation, as well as the Administration's FY17 budget request. Below is quick rundown of recent hearings.

On February 23, the Senate Energy & Natural Resources Committee held an [oversight hearing](#) on the Department of the Interior's FY17 budget request. Interior Secretary Sally Jewel appeared before the Committee to respond to Members' questions and comments – with praise and criticisms largely falling along party lines. During the hearing, Chairman Lisa Murkowski (R-AK) pledged that the Committee would be dedicating much of March to addressing federal forest management and fire funding legislation.

On February 24, Forest Service Chief Tom Tidwell appeared before the House Interior Appropriations Subcommittee to present the agency's FY17 budget request. The Chief fielded a number of friendly questions and received strong support from the Committee on the need for a legislative fix to how fire suppression is funded. Congressman Derek Kilmer (D-WA) asked Chief Tidwell about the agency's approach to maintaining its aging road system and whether the Forest Service is taking full advantage of the Knutson-Vandenberg (K-V) Authority to accomplish restoration work with revenues generated from traditional timber sales.

On February 25, the House Natural Resources Subcommittee on Federal Lands received testimony on [five public lands bills](#), including H.R. 2316 from Congressman Raul Labrador (R-ID) to authorize the creation of community forest demonstration areas to allow states to manage National Forest System lands. The legislation would authorize demonstration areas of between 200,000 and 900,000 acres in size with an overall limit of 4,000,000 acres nationwide. Valley County Commissioner (ID) Gordon Cruickshank testified in support of the legislation.

Congressman Don Young (R-AK) also received a hearing on his legislation, H.R. 3650, to authorize the transfer of 2,000,000 acres of National Forest System lands to a state to be managed primarily for timber production. It is believed the legislation would apply to Alaska. Bryce Dahlstrom of Viking Lumber, representing the Southeast (Alaska) Conference, testified in support of the legislation. Glen Casamassa, Forest Service Deputy Chief, outlined the Administration's opposition to both the Labrador and Young bills.

Upcoming hearings:

March 1 – House Natural Resources Committee, oversight hearing on Department of the Interior's FY17 budget request.

March 2 - House Interior Appropriations Committee, oversight hearing on Department of the Interior's FY17 budget request.

March 3 - House Interior Appropriations Committee, oversight hearing on the BLM's FY17 budget request.

March 8 - Senate Energy & Natural Resources Committee, oversight hearing on the Forest Service's FY17 budget request. /*Heath Heikkila*

Justice Scalia's Passing

The sudden death of Justice Antonin Scalia has created substantial uncertainty at the Supreme Court. Scalia, 79, passed away suddenly at a ranch in Texas on February 13. Appointed to the Court by President Reagan in 1986, he was a leader among judicial "originalists" who believe the Constitution should be interpreted from the point of view of the original intent of the Framers. Scalia's most noteworthy decisions include [*District of Columbia v. Heller*](#) (2008), which struck down a handgun ban on Second Amendment grounds and outlined the reach of that amendment, and [*Crawford v. Washington*](#) (2004), which imposed stringent restraints on the use of hearsay against criminal defendants.

Scalia was a specialist in administrative law and served on the District of Columbia Court of Appeals, where he wrote many important opinions regarding federal agencies' powers. [*Norton v. Southern Utah Wilderness Alliance*](#) (2004) narrowed the scope of the Administrative Procedure Act, ruling that a plaintiff cannot seek wholesale improvement of an agency's programs by court decree. Scalia also wrote the seminal standing cases of [*Lujan v. National Wildlife Federation*](#) (1990) and [*Lujan v. Defenders of Wildlife*](#) (1992), which established the need for site-specific standing evidence regarding environmental projects. He returned to the subject in [*Summers v. Earth Island Institute*](#) in 2009, which ruled that site-specific evidence was required at the project level when groups challenged forest management projects.

With Scalia's seat vacant and a national election looming, it is not clear how soon, or by whom, a replacement will be appointed. In the meantime, the outlook on several pending cases is changed by his absence. In general, if the Court splits 4-4, the result is that the decision of the lower court is affirmed. Several commentators have opined that this bodes well for the Administration's Clean Power Plan, which is currently being reviewed by judges on the D.C. Circuit – a court thought to be friendly to the regulations. The State of Alaska is currently seeking Supreme Court review of the Ninth Circuit's

[rejection](#) of the “Tongass Exception” to the Roadless Rule. AFRC joined an [amicus brief](#) in support of Alaska’s [petition](#) for certiorari, arguing for the principle that newly-elected administrations should be able to change policy. Scalia was likely to vote to accept the case, so his absence makes it less likely the Court will grant review.

President Obama has yet to announce a nominee to replace Scalia. Potential nominees include Judges [Jacqueline Nguyen](#) and [Paul Watford](#) of the Ninth Circuit, [Merrick Garland](#) and [Sri Srivasanan](#) of the D.C. Circuit, and Attorney General [Loretta Lynch](#). The White House was reportedly considering Brian Sandoval, the moderate Republican Governor of Nevada, but Sandoval stated he did not want to be considered. One dark-horse candidate is Ninth Circuit Judge [Morgan Christen](#), appointed by President Obama in 2012 and previously appointed to the Alaska Supreme Court by then Governor Sarah Palin. Any of these nominees would likely have a more restrictive perspective toward forest management than did Justice Scalia. The Republican-controlled Senate has indicated it is reluctant to consider any nominee before the election. */Lawson Fite*

Movement on Applegate AMA

The Siskiyou Mountains Ranger District on the Rogue-Siskiyou National Forest (the District) is considering active management within the Applegate Adaptive Management Area (AMA), which consumes nearly the entire District and much of the surrounding BLM managed land. The 1.5 million acre AMA was established as part of the 1994 Northwest Forest Plan with a focus on testing technical and social approaches to achieving desired ecological, economic, and social objectives. The emphasis on the 277,500 acre Applegate AMA is to test forest management practices, including partial cutting and prescribed burning, to provide a broad range of forest values.

Back in 2010, the District prepared an Environmental Analysis that considered density management treatment of over 15,000 acres of previously managed stands in the AMA; however, the implementation of these proposed treatments never occurred. Five years later, the need for treatment in the AMA is greater than ever. A research paper titled, *A new approach to evaluate forest structure restoration needs across Oregon and Washington, USA* was published in *Forest Ecology and Management* (2014) with the intent of identifying areas in eastern Washington and eastern and southwestern Oregon in need of restorative treatments to improve resiliency in the face of uncharacteristic wildfire. These treatments include the mechanical removal of trees as well as prescribed fire. Across this vast area the study indicated that the highest proportion of restoration need is in southwest Oregon, including the Applegate AMA.

The Forest Service, along with the Medford BLM, has started the public outreach portion of their planning process and anticipates open dialogue with interested parties, but a timeline for the implementation of treatments on the ground is unclear. AFRC will work to make this effort more successful than the previous effort in 2010 since it is abundantly clear that inaction has only exacerbated the poor overall health and resiliency of the Applegate AMA. */Andy Geissler*

Colville Forest Plan Released

On February 19, the Colville National Forest released the draft environmental impact statement (DEIS) for the Forest Plan, which covers management of approximately 1.1 million acres. The DEIS is a revision to the 1988 Colville National Forest Plan and analyzes six alternatives for managing the Colville into the future.

The Colville began the process of revising its plan in 2003. Following eight years of planning and input from the public, the Forest Service published a combined notice of proposed actions for both the Colville and Okanogan-Wenatchee National Forests in 2011. After reviewing 27,274 comment letters, then Regional Forester Kent Connaughton, determined that the most effective process to reflect public input and resource needs was to separate the Colville and Okanogan-Wenatchee forest plan revision efforts. Thus, the Colville Forest Plan revision process has been ongoing since 2011.

Six significant issues were used to develop the alternatives for the current Colville Forest Plan revision, which include:

- Old forest (late-successional) management, and timber production
- Motorized recreation trails
- Access
- Recommended wilderness areas
- Wildlife
- Riparian and aquatic resource management

These six issues led the agency to develop six alternatives including a no-action alternative, proposed action, Alternative P, Alternative R, Alternative B, and Alternative O.

The “no-action” alternative reflects current management practices under the existing forest plan as amended and implemented. It provides the basis for comparing the existing condition to the proposed action and the alternatives. Continuing with the current Forest Plan would provide an annual predicted wood sale quantity (PWSQ) volume of 41 mmbf with an estimated wage contribution of \$19,335,000.

The proposed action would provide an annual PWSQ volume of 62 mmbf with an estimated wage contribution of \$31,224,000. This action proposes 101,390 acres of additional wilderness and would provide backcountry recreation management emphasis on 14 percent of the Forest. The proposed action adopts the Aquatic and Riparian Conservation Strategy (ARCS), replacing INFISH with a long-term strategy that uses best available science and aligns species and water quality recovery plans. The 21” maximum harvest diameter limit, known as the Eastside Screens, would also be dropped.

Alternative P would provide the same overall vegetation management approach and outputs to the proposed action, with a similar backcountry recreation management plan. But, unlike the proposed action, Alternative P would create the Kettle Crest Special Interest Area (approximately 82,800 acres). This management area allocation would recognize and protect outstanding recreation opportunities in a semi-primitive setting while allowing continued motorized and mechanized recreation opportunities.

Alternative R would emphasize a large-scale reserve approach for late-successional forest structure, emphasizing a passive management approach to reach desired conditions. Silvicultural prescriptions such as shelterwood with reserves and variable density thinning would be used on 22 percent of the Forest, in consideration of the 21” upper diameter limit on cutting live trees. Alternative R would provide an annual PWSQ volume of 14 mmbf with an estimated wage contribution of \$6,692,000.

Alternative B addresses the concerns of multiple constituencies in one alternative by balancing land allocations between areas emphasizing active management (timber management zones, 43 percent), emphasizing a mix of active and passive management (Restoration Areas, 31 percent), and emphasizing passive management (recommended and designated wilderness, 23 percent). Alternative B would retain the Eastside Screens and a large-scale reserve approach for late-successional forest structure and provide an annual PWSQ volume of 37 mmbf with an estimated wage contribution of \$17,428,000.

Alternative O attempts to balance land allocations between areas emphasizing active management (Responsible Management Areas, 39 percent), emphasizing a mix of active and passive management (Restoration Areas, 34 percent), and emphasizing passive management (backcountry and recommended/designated wilderness, 25 percent). Alternative O would provide an PWSQ volume of 38 mmbf with an estimated wage contribution of \$17,465,000.

For more information, an online open house for the Proposed Revised Land Management Plan is available at <http://colvilleplanrevision.publicmeeting.info/>. While the Forest Service will be revising this plan under the 1982 Planning Rule, the agency will use the “objection process” of the 2012 Planning Rule, which allows individuals and entities who have submitted substantive formal comments related to the plan revision to file an objection. Comments on the DEIS will be accepted through May 19. */Tom Partin*

New Critical Habitat Regulations

On February 11, the Fish and Wildlife Service and National Marine Fisheries Service (the Services) published three regulatory actions clarifying the legal procedures and effects for critical habitat designations under the Endangered Species Act.

First, the Services [revised](#) the regulatory definition of “adverse modification.” The ESA requires federal agencies to avoid actions which would jeopardize the existence of listed species or adversely modify designated critical habitat, and to consult with the Services to avoid these effects. The previous definition had been ruled unlawful by the Ninth Circuit over a decade ago because it did not account for effects on both survival and recovery of listed species. The new definition accounts for both effects but makes clear that adverse modification is to be determined at the species level. An action, under the new definition, results in adverse modification if it “appreciably diminishes the value of critical habitat for the conservation of a listed species.” The Services clarified that “adverse modification” is higher than “adverse effect,” and stated they expect to have discretion to determine whether particular changes result in appreciable diminishment and therefore adverse modification.

Second, the Services [revised](#) their regulations for designation of critical habitat. Again, most of the changes are to definitions. The changes generally give the Services more discretion in designating critical habitat. Specifically, Services revised the regulatory definitions of “geographical area occupied by the species” and “physical or biological features,” both of which are terms that are incorporated into the statute’s definition of critical habitat. For geographical area, the Services changed the definition to include areas that are occupied only intermittently by species, such as winter ranges. The Services also defined the area “occupied at the time of listing” to include areas that were not known to be occupied at the time of listing but for which later information supported such a finding. This is significant because the statute defines critical habitat to automatically include areas that were occupied at the time of listing.

The Services revised “physical or biological features,” another component of critical habitat, to include ephemeral features such as vegetation or the potential for vegetation growth.

Third, the Services announced a new [policy](#) for exclusion of certain areas from critical habitat under ESA section 4(b)(2). Areas that would otherwise be critical habitat can be excluded, by agency discretion, under section 4(b)(2) if the costs of designation outweigh the benefits and extinction would not result. The new policy sets forth several guidelines that the Services intend to use in evaluating potential exclusions. It specifically provides for consideration of excluding critical habitat units that are covered by private conservation agreements such as Candidate Conservation Agreements with Assurances, Safe Harbor Agreements, or Habitat Conservation Plans. The policy states that the Services will consider only incremental economic impacts, rather than impacts resulting solely from listing. It further notes that the Services will prioritize federal lands for critical habitat designations and will “focus our exclusions on non-Federal lands.” */Lawson Fite*

New Tool Connects Forestry Needs to Services

Ever wish there was a better tool to find landowners needing forestry work or a way to connect with those landowners to provide your services? A newly launched [website](#) is aimed at improving these connections. In Washington State the Extension Service, through Washington State University, had maintained such a list. But the list was always difficult to keep up to date and basically listed forestry consultants providing services in the state. It was a helpful tool, but the [Forest Stewardship Network](#) site takes this to a new level.

The new website is geared towards landowners, service providers such as loggers and foresters, and log buyers and sellers. A product of the Mt. Adams Resource Stewards and The Nature Conservancy, it aims to help make these connections easier. Registration is simple and takes just a few minutes before you are up and running. The site states it uses “top grade security” measures and includes a double opt-in email verification system to register in order to protect the privacy of all users. Once registered, the user can post classified ads, complete their user profile, and it even has a built in messaging system.

The developers have provided a useful “[get started guide](#).” If the guide does not cover all you need, there is an information email available on the main page. Mt Adams Resource Stewards has been working on this project for some time and has developed helpful, user-friendly tools. As time and funding allow, the site will see upgrades as they are identified. In the meantime, if you are looking to make connections around forestry related services either as a consumer, or provider, this tool is worth a look. */Matt Comisky*

AFRC to Build Habitat for Humanity Home

Inspired by its own members’ extraordinary commitment to the health and vitality of rural communities, AFRC is teaming up with Habitat for Humanity to build a home for a low-income family in Springfield, Oregon this summer.

AFRC hopes to share final details about the project at its [Annual Conference](#) in March at Skamania Lodge. The Association will likely build a two bedroom, one bath house for a single mother and her two children in the Springfield area. AFRC will be asking its members – and interested partners – to contribute whatever they can: framing, siding, and trim materials; in-kind services from contractors that

can operate heavy machinery; and/or cash. AFRC staff will contribute blood, sweat, and tears during multiple “work parties” throughout the year.

Ultimately, AFRC would like to expand its partnership with Habitat for Humanity to all of its other member states (Washington, Idaho, Montana, and California). Springfield was selected as the first project given the needs and capacity of Habitat for Humanity. For more information or to get involved, please contact Ross Mickey (541-342-1892). /*Travis Joseph*

AFRC 2016 Annual Meeting

There is still time to register for AFRC’s Annual Meeting being held 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 – including House Natural Resources Chairman Rob Bishop (R-UT) and Republican leader Congressman Greg Walden (R-OR) – followed by interactive meetings with the Forest Service and DNR, 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.

To register visit AFRC’s [website](#) or contact the Portland office (503) 222-9505.

Tuesday, March 29

11:30 am **Golf Tournament**
6:30 pm **Welcoming Reception**

Wednesday, March 30

8:00 am **Breakfast** - Healthy Forests, Healthy Communities Communications Slideshow

8:30 am **Opening Remarks**
Cameron Krauss, AFRC Chairman

8:45 am **Keynote Speaker**
Congressman Rob Bishop, Chair of the U.S. House Committee on Natural Resources

10:00 am **AFRC’s Vision for 2016**
Travis Joseph, President

10:15 am **Creating Successes on the Ground**
Jay Bernards, BLM; Ed Brown, Forest Service; Mary Farnsworth, Forest Service; Bill Wells, Washington Department of Natural Resources

11:30 am **AFRC’s Commitment to Rural Communities: Habitat for Humanity**

12:00 pm **Luncheon**
Congressman Greg Walden

- 1:00 pm **Litigation Review: Successes in the Courtroom**
Lawson Fite, AFRC Staff Attorney
- 2:00 pm **Public Forest Managers' Breakouts**
- 6:00 pm **Banquet: Celebrating Tom Partin's Contribution to AFRC**

Thursday, March 31

- 8:00 am **Breakfast - U.S. - Canada Softwood Lumber Trade**
Zoltan van Heyningen, U.S. Lumber Coalition; Steve Swanson, Swanson Group
- 8:45 am **Keynote Speaker**
Dr. Peter Goldmark, Washington Commissioner of Public Lands
- 10:00 am **Legislative Review: What Can be Achieved in 2016?**
Heath Heikkila, AFRC; Bill Imbergamo, Federal Forest Resource Coalition
- 11:00 am **Board of Directors Meeting/Luncheon (members only)**