



December 2016

Trump Transition Announces Natural Resources Picks

President-elect Donald Trump is close to rounding out his cabinet picks ahead of his inauguration as the 45th President of the United States on January 20. On the natural resources front, nominees have been named to head up the Interior Department and the Environmental Protection Agency. The Agriculture Department, which oversees the US Forest Service, is expected to have a nominee named soon.

Congressman Ryan Zinke's (R-MT) nomination to become the next Secretary of the Interior caught many by surprise. Early reporting indicated Congresswoman Cathy McMorris Rodgers (R-WA) was the likely pick for Interior. Zinke served in the Montana Senate and as a Navy Seal. He is also an avid sportsman, an attribute that was likely appealing to Donald Trump Jr., who is an avid hunter in his own right and took a keen interest in the selection of the Interior Secretary.

During his time in the U.S. House, Congressman Zinke has been a strong supporter of legislation to restore more active management to federal forests. He was an early backer of the Resilient Federal Forests Act (HR 2647 – Westerman) and supported legislation to allow states to manage up to 4 million acres of national forest system lands as Community Forest Demonstration Areas. However, Zinke has opposed legislation to sell or transfer federal lands and has generally backed federal land acquisition programs through the Land and Water Conservation Fund (LWCF).

Zinke is expected to continue serving in the House of Representatives until the U.S. Senate confirms his nomination. In the meantime, the Trump Administration will begin developing policy initiatives and filling political appointee positions at the Interior Department, including those overseeing the U.S. Fish and Wildlife Service and the Bureau of Land Management – two agencies that play a key role in forest management activities in the Pacific Northwest.

The appointment of Oklahoma Attorney General Scott Pruitt as Environmental Protection Agency (EPA) Administrator has drawn serious opposition from environmental groups. The Oklahoma Republican has been a vocal critic of the EPA and federal environmental regulations under the Obama Administration. A strong proponent of state's rights, Pruitt has helped lead a group of 28 states challenging the Federal government's regulations for carbon dioxide emissions from power plants.

One of the last Cabinet positions left to be named is the Agriculture Secretary – a key position for many farm states in the South and Midwest. Among the candidates rumored to be under

consideration is current Idaho Governor Butch Otter, who previously served as a Republican Congressman. With over 21 million acres of nation forest system lands in Idaho, Governor Otter would likely bring a unique background and understanding to Forest Service issues. AFRC recently joined many other forestry groups on a letter supporting Governor Otter as a strong choice for the Agriculture Secretary position.

AFRC is also working with other industry groups and key allies on Capitol Hill to highlight the importance of the Under Secretary for Natural Resources and Environment at USDA. This position oversees the Forest Service and is typically the point person on forest policy in any presidential administration. We are hopeful that a candidate with significant experience on federal forest management issues will be named to this position shortly after Trump's pick for Agriculture Secretary is announced.

Finally, another key position AFRC will be following closely is the Chair of the White House Council on Environmental Quality (CEQ). CEQ plays a unique role overseeing regulations implementing the National Environmental Policy Act (NEPA) and has often driven environmental policy initiatives through interagency coordination – a key need on Northwest forest policy where nearly a half-dozen different federal agencies play a role. */Heath Heikkila*

114th Congress Adjourns Sine Die – Forest Reforms Left on Cutting Room Floor

On December 10, the U.S. Senate recorded its last official votes and followed the U.S. House in adjourning for the final time as the 114th Congress. Despite apparent agreement on a package of forest management and fire funding reforms between key committee leaders in the House and Senate, broader issues with the energy bill conference once again scuttled a bi-partisan, end-of-the-year legislative deal.

While definitive details on the energy bill negotiations and the reasons for its demise remain somewhat elusive, we do know there was substantial agreement on new tools to streamline federal forest management activities within the context of an energy bill, including:

- Requiring only the proposed action and the no action alternative be considered for NEPA reviews of forest restoration projects developed through collaboratives or covered by a community wildfire protection plan;
- Establishing a new federal restoration pilot authority for hazardous fuels reduction activities on approximately two million acres of pine forest types with a Categorical Exclusion (CE) – a key priority of Senator Maria Cantwell (D-WA), the Ranking Member of the Senate Energy & Natural Resources Committee;
- Providing a new CE for federal forest management projects to protect municipal water supplies;
- Creating new sources of funding for planning and implementing federal forest management projects through a state-supported funding mechanism and retained receipts under the stewardship authority;
- Addressing a nonsensical restriction on the use of the Good Neighbor Authority related to roads.

There are still lingering questions about whether agreement exists on a legislative fix to wildfire suppression budgeting, which remains a key policy goal of Democrats and forestry groups that understand the impact fire borrowing is having on the Forest Service's management programs. Additional negotiations may be needed to reach consensus on this important issue.

Ultimately, Congressional negotiators had difficulty reaching agreement on some high-profile issues that were also included in the Energy Bill conference, including Liquefied Natural Gas (LNG) exports and funding for federal land acquisition through the Land and Water Conservation Fund. The lack of early agreement on these types of issues - as well as a Republican Congress more inclined to wait until next year to negotiate with a Republican president - left the Energy Bill on the cutting room floor.

Moving forward, there is strong bipartisan support for moving forest management reforms and many observers are hopeful that a package of reforms can move shortly after the 115th Congress convenes next year. One piece of old business that the new Congress will need to take up early in 2017 is a final Appropriations bill for Fiscal Year 2017 since Congress opted for a Continuing Resolution (CR) to fund the government at current levels through April 2017.

Water Resources Bill Includes CE for Lake Tahoe Forests

One of the highest profile bills to make it through the Lame Duck session was the Water Resources Development Act (WRDA). The legislation included aid for the Flint, Michigan water system. It also attracted a bicameral compromise on California drought legislation, which ultimately found the state's two Democratic Senators on opposite sides of a bitter debate over water use. A CE to expedite forest restoration and fuels reduction activities on federal lands surrounding Lake Tahoe was also tucked into the WRDA bill. The new CE can support project planning areas up to 10,000 acres with up to 3,000 acres of mechanical thinning. More importantly, the CE includes very clear guidelines for its use that will likely aid in its implementation and use by the Forest Service. Hopefully this approach will be mirrored in future legislative CEs. */Heath Heikkila*

Horngren Honored by Oregon State Bar

At an evening event on December 19, the Environmental and Natural Resources Section of the Oregon State Bar presented Scott Horngren, former AFRC Staff Attorney, with its annual award. The award was given in recognition of Scott's tireless work to develop law regarding timber and resources, his role in mentoring and training lawyers while in private practice, at AFRC, and the Western Resources Legal Center, and his consistent professionalism. AFRC Staff Attorney Lawson Fite presented Scott with the award, a framed photograph of logging work near Mt. Adams. The Section board includes practitioners across the spectrum of environmental and natural resources law, including environmental groups, industry, private practice, and government. All recognized that Scott is a tremendous asset to the Bar. On behalf of AFRC and its members, congratulations Scott. */Lawson Fite*



Ninth Circuit Affirms Win on Westside Fire Recovery Project

Culminating over two years of administrative wrangling and litigation, the Ninth Circuit on December 5, 2016 [affirmed](#) a district court decision allowing the Westside Project on the Klamath National Forest to proceed. The panel of Judges Schroeder, Reinhardt, and Owens, all appointed by Democratic Presidents, agreed that the Forest Service's calculation of snag retention complied with the Northwest Forest Plan and that NFMS' biological opinion regarding coho did not inappropriately rely on mitigation measures.

As described in AFRC's [May 2016](#) and [November 2015](#) newsletters, the project was designed to recover the forest from a catastrophic burn that burned over 183,000 acres and destroyed nearly 17,000 acres of high-quality northern spotted owl habitat. It also addressed the risk of recurring fire which could destroy even more habitat and threaten homes. The project was significantly delayed in 2015 in the consultation process on spotted owl.

The Karuk Tribe as well as environmental groups sued to stop the project, claiming the extent of post-fire harvest in Late-Successional Reserves violated the Northwest Forest Plan and that NMFS inadequately analyzed sediment impacts on coho salmon. Post-fire harvest in reserves is an important management tool and an issue where AFRC has worked to support projects in the courts (Article: [Using Post-Fire Timber Salvage to Restore Spotted Owl Habitat](#)). On April 25, 2016, district court Judge Maxine Chesney denied a motion for a temporary restraining order and in May two Ninth Circuit judges denied a request for an emergency injunction pending appeal. Work has proceeded since the district court's denial of temporary relief in April. AFRC members South Coast Lumber, Timber Products Co., and Siskiyou Cascade Resources purchased sales from the project, and other members received logs. Project implementation is nearly complete with over 67 million board feet sold.

AFRC appreciates the support of our partners in this effort, including Siskiyou County, landowners George Harper and Gary Rainey, and outside legal counsel, Julie Weis and Sara Ghafouri of Haglund Kelley. / *Lawson Fite*

Ninth Circuit Dismisses Johnson Bar Intervention Appeal

In April 2016, AFRC [moved](#) to intervene in litigation in Idaho on behalf of members Idaho Forest Group and R&R Conner Aviation. The case challenged the Johnson Bar Fire Salvage Project, which involves salvage logging and reforestation of 2,104 acres in the Nez Perce National Forest.

In a ruling out of step with prevailing precedent, the court denied intervention, finding that the purchasers did not have a protectable interest because they were on notice of potential litigation. The district judge also found that the purchasers were adequately represented by the government because of the economic drivers of the project. Subsequently, the court issued a preliminary injunction halting the project, giving little consideration to the public interest in post-fire work or to private economic harms, despite the court's earlier assumption that intervention was not necessary to protect industry interests.

AFRC appealed the intervention denial. While the appeal was pending, the Forest Service withdrew the project record of decision and has begun work on a Supplemental EIS and new

project, which may be implemented in 2017. The plaintiffs then dismissed their case, though they are seeking attorney fees, and sought to dismiss our appeal as moot. We argued strongly against dismissal because the case is one that is “capable of repetition” and “evading review,” a legal exception to mootness.

On December 16, the Ninth Circuit dismissed the appeal in a one-paragraph order. This is an unfortunate example of inconsistent application of mootness by the Ninth Circuit. Environmental groups’ lawsuits are rarely dismissed as moot even if a project has been completed, yet industry lawsuits are more likely to be dismissed. AFRC expects further litigation regarding the revised project and intends to seek to enforce the law allowing timber purchasers to intervene in cases challenging projects. / *Lawson Fite*

Forest Planning Rule Amended

On December 15, the Forest Service [published](#) an amendment to the 2012 Forest Planning Rule to clarify the requirements for amending Forest Plans completed before the adoption of the 2012 rule.

The adopted amendment favorably addresses three specific concerns expressed in [comments](#) submitted by AFRC and 31 other associations and groups of natural resource users. (see, [AFRC Newsletter November, 2016](#)). Rather than requiring that all of the requirements enumerated under the 2012 rule for any new plans be addressed, an amendment will need to cover only those requirements that are directly related to the purpose of the amendment. Rather than requiring that all species of conservation concern identified on the regional forester’s sensitive species list be addressed as species of conservation concern under the new rule, the plan amendment need only address a particular sensitive species if the “analysis for the proposed amendment reveals substantial adverse impacts to a specific species or. . . would substantially lessen protections for a specific species.” Finally, the rule makes it clear that when a plan amendment applies only to a specific project, the preparation of an EIS for that project does not constitute a significant amendment to the plan.

While AFRC remains concerned about the potential for project opponents to use some of the rule amendment language as fodder for litigation to stop timber harvest and active forest management, we are pleased that the Forest Service modified the proposed amendment language to address the concerns of the natural resource users. We thank those we supported in our efforts to comment effectively. / *Ann Forest Burns*

Pioneer Fire Salvage Efforts

The Pioneer Fire on the Boise National Forest officially burned 197,000 acres in 2016. Included in these acres was the entire Fiscal Year 2016 timber sale program. The forest products infrastructure that sources wood from south Idaho has been starved for raw materials for the past few years and the loss of the Boise’s timber program in 2016 has been devastating. A huge ground swell encouraging salvage in the Pioneer Fire area began long before the fire was out and included a letter of support from Governor Otter’s office and support from the offices of Senators Crapo and Risch and Congressmen Labrador and Simpson.

The Forest responded by sponsoring a number of field trips for interested parties including one in November that was targeted specifically for input from the forest products industry. Two NEPA teams are assigned to the fire area and will be preparing two separate Environmental Assessments on a parallel timeline. After initial analysis of the fire area, the determination was made that an Environmental Impact Statement was not required since the fire burned in two entirely separate watersheds, the Boise and the Payette. Two roadside hazard salvage projects and the Pine Flats Campground Salvage sale have already been sold. The Beaver Creek North Roadside Hazard Tree salvage sale is planned for sale in early January.

The EAs being prepared, one on the Lowman District and one on the Idaho City District, are planned for signature in June with sale offerings to take place immediately thereafter. A significant amount of volume is planned for removal with the salvage efforts. The Forest has requested, and waivers have been granted, for all the “tools in the toolbox” including Designation by Prescription (DxP) and virtual boundaries, to help expedite timely removal of the timber from the Pioneer Fire. An Emergency Situation Determination will be requested in the spring.

The proposed actions for the two planning areas will be presented to the Boise Forest Coalition on January 19. An AFRC meeting has been scheduled for January 31 at 1:00 p.m. at the Forest Supervisor’s Office in Boise where the final proposed action will be presented. AFRC applauds and deeply appreciates the ongoing efforts on the Boise National Forest to salvage timber from the Pioneer Fire. */Irene Jerome*



Salvage operations on a roadside hazard project in the Pioneer Fire.

Lakeview BLM Program Post Cascade-Siskiyou Monument Expansion

The Lakeview BLM District recently began analysis on “Leek Peak,” a vegetation management project that will, among other things, contribute to the District’s annual sustained timber output of six million board feet, which was recently calculated under the BLM’s new Resource Management Plan. The BLM anticipates that this project will provide 100% of that output for 2017. AFRC was surprised and disappointed when it learned that this new vegetation management project is located entirely within the proposed Cascade-Siskiyou National Monument expansion in southern Oregon.

The proposed expansion of the Cascade-Siskiyou National Monument has been receiving plenty of attention over the past couple months from a variety of stakeholders in Jackson and Klamath Counties. If implemented, the expansion would prohibit active management on thousands of acres of O&C lands managed by the Medford and Lakeview Districts and likely impact those District's abilities to achieve their recently assigned sustained yield timber outputs. Considering the location of the Leek Peak units and the fact that they alone are expected to provide the entire sustained yield volume for the Lakeview District in 2017, a monument designation by the Obama Administration would provide a serious blow to BLM's timber program.

In fact, after reviewing the Lakeview District's 10-year vegetation/timber management action plan overlaid on the proposed monument expansion map, this impact could be significant beyond just 2017. The proposed expansion would include 18,626 acres of forestland managed under the O&C Act in Klamath County. This area encompasses the Lakeview District's planned timber sales for the next 10 years. If the expansion moves forward, the District must either look elsewhere to achieve its sustained timber outputs or reduce those outputs. The same goes for the Medford District. Although, given Lakeview's relatively small sustained timber output level when compared to the Medford District, this potential reduction could have a more significant affect to the Lakeview District and the Klamath Falls Field Office. */Andy Geissler*

AFRC Begins Work on Lolo

As reported in our October newsletter Tricon Timber LLC, based in St. Regis Montana, is one of AFRC's newest members. Tricon is very dependent on public timber and looks to forests like the Lolo, Kootenai, and Idaho Panhandle for a good portion of its raw material needs. In the late summer of 2016 Tricon purchased five fire salvage sales from the Idaho Panhandle National Forest and is currently logging them to complete their winter decks.

Tricon is also a participant in the Mineral County Resource Coalition, a local collaborative that works on the Lolo National Forest. The Coalition is made up of over 20 members representing a variety of interests including Forest Service, timber industry, Mineral County commissioners, local contractors, and the Lolo Restoration Committee. The coalition is currently working on setting up projects on the Lolo using Farm Bill and the Good Neighbor Authorities.

AFRC staff has recently held meetings with the Lolo staff, Regional Office and with the Mineral County Resource Coalition to review ways to help move several projects forward on the Lolo including the Copper King Fire Salvage, Jam Cracker, and a Farm Bill and Good Neighbor Project. We look forward to increasing the wood basket for all of our Idaho and Montana members and working with the Lolo is a positive step in that direction. */Tom Partin*

Washington DNR Sustainable Harvest Calculation DEIS

The Washington State Department of Natural Resources (DNR) has released its Draft EIS for the Sustainable Harvest Calculation for the Fiscal Year 2015 to Fiscal Year 2024 planning decade. The DEIS was released on December 2, which began the 90-day comment period and runs concurrently with the MM LTCS (see [November 2016 Newsletter](#)). Due to a delay in publishing the MM LTCS in the Federal Register (DNR / USFWS joint SEPA/NEPA process) the comment period for both DEISs will end on March 9, 2017 at 5:00 p.m. The DEIS is available electronically from the [DNR SHC Website](#) or by requesting a CD from the agency.

DNR has scheduled four public meetings around western Washington and will also conduct a webinar to discuss the DEIS. The meetings locations, dates and times are below. These meetings are the same as those previously announced for the MM LTCS DEIS review. The current anticipated format is for a report on the MM LTCS and then the Sustainable Harvest Calculation during the first hour. The second hour will be an open house format with information stations. Although there will be an opportunity to submit written comments on site, no oral testimony will be recorded.

<p>January 10, 2017 - Sedro Woolley NW Region Office - NW Conference Center 919 N. Township Street 6:00 - 8:00 pm</p>	<p>January 17, 2017 - Port Angeles Port Angeles High School - Commons/Lunch Room 304 E. Park Avenue 6:00 - 8:00 pm</p>
<p>January 12, 2017 - Seattle Whitman Middle School - Auditorium 9201 15th Avenue NW 6:00 - 8:00 pm</p>	<p>January 19, 2017 - Cathlamet Julius A. Wendt Elementary School - Multipurpose Room 265 S. 3rd Street 6:00 - 8:00 pm</p>

Sustainable Harvest Calculation Webinar:

January 26, 2017, 2:00 - 3:00 p.m. Link will be available at: www.dnr.wa.gov/shc

Additional information on the SHC is also available on the [DNR SHC website](#). Other background information can be found on the Board of Natural Resources website in the presentations DNR staff have given to the BNR since beginning this project back in January 2014.

AFRC will be reviewing the Sustainable Harvest Calculation DEIS and working with many of our partners to develop comments to be submitted to the DNR. AFRC staff will attend the public meetings and provide information to our members during that time. */Matt Comisky*

Thank you, Bill Wickman

Long-time AFRC consultant, Bill Wickman, retired at the end of 2016. Bill monitored the Lassen, Plumas, Tahoe, and Modoc National Forests for AFRC members for twelve years. Before AFRC, Bill worked for the Forest Service in various capacities for over 30 years.

Bill won't be going far in "retirement," as he will continue as the spokesperson for the Sustainable Forest Action Coalition (SFAC), a grassroots coalition supporting "healthy sustainable management of our Forest ecosystems, while maintaining the quality of life through healthy forests, healthy [forest] products industry, healthy communities, and sustainable jobs." SFAC has supporters in California, Oregon, Washington, Nevada, Idaho, Arkansas and Wyoming.

On behalf of AFRC's members and staff, we extend our deep appreciation and thanks to Bill for his tireless advocacy on behalf of the industry and the rural communities and workers that depend on it. Bill, we wish you a happy and healthy next chapter in your life. */Travis Joseph*

Welcome to AFRC, Scott Stawiarski

AFRC has hired Scott Stawiarski to replace Bill Wickman starting on January 1. Scott will take over monitoring duties for the Lassen, Plumas, Tahoe, and Modoc National Forests. Scott brings a wealth of experience, knowledge, and passion to AFRC.

Before joining AFRC, Scott worked for (and recently retired from) the Forest Service. Scott has over 30 years of experience planning and implement forest management and ecological restoration programs and projects. His most recent position in the Forest Service was Forest Silviculturist and Vegetation Management Officer on the Lassen National Forest. Scott has also worked in timber sale preparation, as an interdisciplinary planning team leader, Burned Area Emergency Response Implementation Team Leader, a district silviculturist, and as a timber management officer.

We are thrilled to have Scott join our team and look forward to his many contributions in Region 5. */Travis Joseph*

AFRC's Habitat Home Nearing Completion

Thanks to the generous contributions of locally-sourced wood products, money, and time from AFRC's members, the Navarette-Bravo family will soon be able to move into their new home in Springfield, Oregon. But there is still work to be done! AFRC staff are planning to volunteer in January to complete interior work. If you or your company would like to organize a volunteer day, please contact Travis Joseph (503-222-9505 or tjoseph@amforest.org).

Also, do not miss the Oregon Forest Resources Institute's (OFRI) special video, "Build a House; Frame a Future" highlighting AFRC's partnership with the Springfield/Eugene Habitat for Humanity. Check out the trailer for OFRI's upcoming video [here](#), and be sure to check back soon for the full-length version. */Travis Joseph*

CLASS Changes Name to ASTL

The Children's Land Alliance Supporting Schools (CLASS) has announced it is re-branding itself as [Advocates for School Trust Lands](#) (ASTL). Founded in 2000 in Utah by Margaret Bird, the non-profit brings together education leaders and others from around the west to advocate for the management of and revenue generation from school trust lands. ASTL has provided a network for those interested in school trust land management. The group has also interacted with the [Western States Land Commissioners Association](#) at its conferences. The new name is designed to better describe the group's mission and focus and promote the growth of the organization.

The re-branding includes a new [website](#) with more information and resources for the user, including ASTL's Mission Statement:

“School trust lands were granted to states at the time of statehood for the sole purpose of generating revenue in perpetuity for public education. Advocates for School Trust Lands helps states honor their historic commitment to optimize revenues from school trust lands and manage their permanent funds as an ever-growing, sustainable source of education funding. We are parents, educators, school board members, state land commissioners, productive land users and others working to ensure a robust endowment for the benefit of today’s schoolchildren and all future generations, as intended since the founding of our country.”

ASTL has also expanded its use of social media with [Facebook](#), [Twitter](#) and a [YouTube Channel](#). Covering 20 states in the west and part of the Midwest and Alaska, social media is an effective means of helping to spread the word on school trust lands.

In Washington State, the [Washington State School Directors Association](#) Trust Land Taskforce participates with ASTL. This engagement is focused on the active management of trust lands managed for the benefit of the [beneficiaries](#) by the DNR. Much of this is in the form of timberland located on both sides of the Cascade Mountains and supports schools, public safety, and libraries just to name a few. Those interested in getting involved or having their school board or local PTA join, should contact ASTL via [email](#). /*Matt Comisky*