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**February 2017**

## **Save the Date: AFRC's Annual Meeting, April 18-20**

Mark your calendars! This year's Annual Meeting will be held April 18-20 at [Skamania Lodge](#). We expect another productive, well-attended gathering of industry representatives; locally elected officials and Members of Congress; and U.S. Forest Service, BLM, and Washington DNR leadership and staff.

The meeting begins on Tuesday, April 18 with a golf tournament, followed by the opening reception. Wednesday, April 19, will feature engaging guest speakers, constructive presentations about trends in forest management, and interactive meetings with federal and state land managers. On Wednesday night, AFRC will host its annual banquet. The Annual Meeting will conclude on Thursday, April 20, with a half day of meetings, the Board of Directors meeting, and luncheon.

Hotel reservations can be made by calling Skamania Lodge at 1-844-432-4748 or online at [www.skamania.com](http://www.skamania.com) using the promo code "1XW7XD." The group rate is \$161.00/night for a forest view room, \$171.00/night for a fireside room and \$181.00/night for a river view room. **The cut-off date for the room block is March 18.** A draft agenda is below and registration details will be posted on [www.amforest.org](http://www.amforest.org) in the coming weeks. In the meantime, if you have questions or to register early, please call Cindi Kaneshige at 503-222-9505.

Please mark your calendars and plan to join us in April at beautiful Skamania Lodge!

### **AFRC 2017 Annual Meeting April 18-20, 2017**

#### ***Tuesday, April 18***

11:30 am **Golf Tournament**

6:30 pm **Welcoming Reception**

#### ***Wednesday, April 19***

7:30 am **Continental Breakfast**

8:00 am **AFRC's Vision for 2017**  
Travis Joseph, President

8:45 am **Keynote Speaker - Senator Maria Cantwell/Senator Steve Daines (Invited)**

- 9:30 am      **Networking Break**
- 10:00 am      **Progress: How New Management Tools are Leading to Success**  
Patty Grantham, Klamath National Forest; Carolyn Napper, Mount Shasta Ranger District; Peg Polichio, Idaho Department of Lands; James Rudisill, McKenzie River Ranger District
- 11:30 am      **Forest to Frame: AFRC's Habitat for Humanity Project**  
Paul Barnum and Inka Bajandas, Oregon Forest Resources Institute
- 12:00 pm      **Luncheon - Hilary Franz, Washington Commissioner of Public Lands**
- 1:00 pm      **Partnering with Rural Communities for Legal Success**  
Mike Cole, Lincoln County Commissioner; Ray Haupt, Siskiyou County Board of Supervisors; Mike Manus, Pend Oreille County Commissioner
- 2:00 pm      **Public Forest Managers' Breakouts**  
Meet with leadership from Forest Service Regions 1, 4, 5, 6; Oregon BLM; Washington DNR
- 5:30 pm      **Social Hour/Banquet**

***Thursday, April 20***

- 7:30 am      **Continental Breakfast**
- 8:00 am      **Updates on the U.S. - Canada Softwood Lumber Trade Agreement**  
Zoltan van Heyningen, U.S. Lumber Coalition; Steve Swanson, Swanson Group
- 8:45 am      **Legislative Review: What Does Legislative Success Look Like in 2017?**  
Heath Heikkila, AFRC; Bill Imbergamo, Federal Forest Resource Coalition
- 9:45 am      **Building Coalitions and Successful Advocacy Campaigns**  
Nick Smith, Healthy Forests, Healthy Communities
- 10:30 am      **Hotel Checkout**
- 11:00 am      **AFRC Board of Directors Meeting/Luncheon (Members Only)**

**Washington, D.C. Updates**

There have been high profile votes on several members of President Trump's cabinet in recent weeks. In the environment and natural resources arena, Scott Pruitt, the new Administrator of the Environmental Protection Agency, has been confirmed by the Senate. After weeks of delay caused by debate on more controversial nominees, the Interior Secretary nominee - Montana Congressman Ryan Zinke – was confirmed March 1. Zinke and the White House can now move forward with personnel decisions, including positions critical to the management of federal

forests at the Bureau of Land Management and U.S. Fish and Wildlife Service – a process AFRC is closely following.

Agriculture Secretary nominee and former Georgia Governor Sonny Perdue, who was President Trump’s final cabinet pick, has not yet been scheduled for a committee hearing and will likely not come before the full Senate until late March or April. Unfortunately, this could push the nomination and confirmation of the next Under Secretary of Natural Resources and the Environment (NRE) – which oversees the U.S. Forest Service – at least into the early summer. On February 1, AFRC joined with the Federal Forest Resource Coalition and 30 other forestry organizations to send a letter to President Trump in support of Erica Rhoad for the NRE Under Secretary position. Erica is the current Staff Director of the House Natural Resources Subcommittee on Federal Lands and has nearly two decades of experience working on federal forest policy, appropriations, and legislation.

On the legislative front, thus far the 115<sup>th</sup> Congress has largely been focused on internal organizing, confirmation hearings for President Trump’s cabinet appointees, and repealing Obama Administration regulations under the Congressional Review Act (CRA). The CRA allows Congress to repeal regulations that were adopted by federal agencies dating back to June 2016 – and even further if the agencies never “reported” the regulations to Congress – through a simple majority vote in both chambers.

High-profile regulatory targets in the natural resources arena include Dodd-Frank regulations on the energy industry, the Interior Department’s stream protection rule, and the BLM’s methane rule affecting oil and gas producers. The House has also passed legislation limiting future regulations or undoing regulations adopted outside of the CRA review window, although it is hard to see those reaching the 60-vote threshold in the Senate.

Moving forward, much of Congress’ focus will be dominated by efforts to repeal and replace the Affordable Care Act (ACA), reach agreement on tax reform, immigration reform, and develop a package of infrastructure spending – just to name a few priorities. Congress will also need to pass a final Fiscal Year (FY) 2017 Appropriations bill by April 28, when the current Continuing Resolution expires. If Republicans can agree on an approach for repealing the ACA it will likely be adopted through the budget reconciliation process, which requires a simple majority vote in the Senate.

In addition to finalizing FY17 Appropriations, Congress will also have to begin the budget process for FY18 – a process already delayed due to the Presidential transition. On February 27, the White House Office of Management and Budget (OMB) sent initial guidance to federal agencies indicating that President Trump’s proposed FY18 budget would increase defense spending by about \$54 billion and cut a similar amount from discretionary spending – a relatively small part of overall federal spending. The Administration has pointed to foreign aid and the Environmental Protection Agency as areas for likely cuts, but a reduction of this magnitude would impact most federal agencies. For example, recent reports indicate that the Department of the Interior has been directed to cut its budget by 10 percent, or \$1.3 billion from a \$13.3 billion annual budget. AFRC will continue monitoring the situation closely and will work with its allies in Congress to provide robust funding for the agencies and programs that

support federal forest management and timber harvests – a key contributor of jobs, economic activity, and revenue for the U.S. Treasury and local governments.

As the legislative agenda continues to unfold, AFRC and our partners will work with Congress to advance a number of our key legislative priorities, including:

- New categorical exclusions, NEPA streamlining, a legislative solution to end the practice of fire borrowing, and other federal forest management reforms. Beneficial proposals have been omitted from must-pass legislation the past two years despite having bipartisan support.
- A legislative fix to the *Cottonwood* decision that threatens forest management projects across the country due to the failure to reinitiate Endangered Species Act Section 7 consultations at the plan level. Senator Steve Daines (R-MT) and Congressman Mike Simpson (R-ID) are leading the charge to enact this legislative fix.
- Legislative fixes to disruptive regional regulations, including the Eastside Screens 21” diameter limits that prohibit or limit forest restoration work in fire-prone stands.
- Additional funding and authorities to increase Forest Service and BLM timber sale outputs.

Also, expect lawmakers on both of sides of the Capitol to introduce more sweeping proposals to reform federal forest management. Congressman Tom McClintock (R-CA) recently introduced the Emergency Forest Restoration Act (H.R. 865), which would apply a categorical exclusion to federal forest management activities to address insect and disease infestations following an emergency declaration by a governor. McClintock chairs the Federal Lands Subcommittee of the House Natural Resources Committee. Another key member of the Subcommittee, Congressman Bruce Westerman (R-AR) is also considering comprehensive forest management reform legislation.

Some lawmakers from Western states will be pushing for renewed payments under the Secure Rural Schools (SRS) program, which expired September 30, 2015. On February 17, 80 members of Congress [sent a letter](#) to the White House OMB requesting that funding for SRS be included in the President’s FY18 budget request. The last SRS payments went out about a year ago, and many rural, forested counties face significant budget shortfalls. The Congressional letter was led by Senators Orin Hatch (R-UT) and Ron Wyden (D-OR), the chair and ranking member of the Senate Finance Committee respectively – a committee that is always at the center of many major legislative efforts on issues like healthcare and tax reform. It is unclear, however, the level of support that exists in the Trump Administration or House leadership to once again reauthorize the program absent fundamental federal forest management reforms. /Heath Heikkila

## **Deadline Near for WA DNR DEIS Comments**

Public comments for two distinct Draft Environmental Impact Statements (DEISs) issued by the Washington Department of Natural Resources are due no later than March 9 at 5:00 p.m. (See, AFRC Newsletters [December, 2016](#) and [January, 2017](#).)

The DEISs are available online: Sustainable Harvest Calculation <http://www.dnr.wa.gov/shc> and Marbled Murrelet Long Term Conservation Strategy <http://www.dnr.wa.gov/mmltcs>.

The email and mail addresses for both sets of comments are the same, but with different file numbers for each. Email versions should have the file number in the subject line.

SEPA Center at [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov) or  
SEPA Center  
PO Box 47015  
Olympia, WA 98504-7015

SHC comments should include file number “15-012901.”  
MM LTCS comments should include the file number “12-042001.”

AFRC urges its members and all those affected by DNR timber harvest levels to submit comments prior to the March 9 deadline. */Matt Comisky*

### **AFRC Exposes D.C. Officials’ Involvement in Flawed BLM RMPs**

In August 2016, AFRC filed suit in the U.S. District Court for the District of Columbia against the flawed BLM Resource Management Plans (RMPs) for Western Oregon. The Obama Administration sought to transfer the case, as well as a case filed by the Association of O&C Counties, from Washington, D.C. to Oregon. In its motion, the government claimed the decision to adopt the RMPs was made and approved in Oregon and that there were minimal connections between AFRC’s case and the District of Columbia.

As demonstrated in AFRC’s responsive legal brief, filed with the court on February 24, the government’s claims were inaccurate. Responding to AFRC’s FOIA request over a period of nine months, BLM produced over 23,000 pages of documents from its Washington Office relating to the development of the RMPs. These documents show that the Secretary of the Interior (Salazar/Jewell), the BLM Director (Kornze) and no fewer than 15 other senior political appointees in Washington, D.C. exercised continuous control over every step of the five-year RMP planning process.

Secretary Salazar assigned his most senior advisor, Counselor to the Secretary Sarah D. Greenberger, to personally supervise the entire five-year process. Secretary Jewell personally approved the BLM’s flawed, controversial “Purpose and Need Statement” in 2013 requiring every planning alternative to contain large spotted owl reserves where no sustained yield timber harvesting is permitted. From this root, the BLM proceeded to adopt a plan in direct violation of the O&C Act. Jim Lyons, the Deputy Assistant Secretary for Land and Minerals Management, privately briefed the *New York Times* on the RMPs on two occasions.

The records also show that BLM assembled a “strike team” of up to 70 career staff run entirely by the Washington, D.C. office to review and assess comments and protests. In sum, the BLM RMP planning process was managed and determined in Washington, D.C., despite government claims to the contrary.

The government will respond to AFRC’s filing in approximately 60 days, and a decision from the D.C. District Court on the venue issue is expected thereafter. */Lawson Fite*

## **Mixed Decision on Smokey Project Leaves Door Open for 2017 Operations**

On February 17, U.S. District Court Judge John A. Mendez issued a ruling upholding the Smokey Project on the Mendocino National Forest against seven of the nine claims brought by Conservation Congress, including all claims under NFMA and the ESA. However, Judge Mendez found the project fell short on two issues under NEPA.

The Smokey Project is a Healthy Forest Restoration Act project that will treat approximately 6,400 acres to reduce risk of wildfire damage to the Buttermilk Late Successional Reserve (LSR). The project has a long procedural history. Conservation Congress challenged the project in 2013 and the case was stayed so the Forest Service could reinitiate consultation after the designation of expanded northern spotted owl critical habitat. That consultation was completed at the end of 2014. Plaintiff then filed an amended complaint. In early February 2015, the Forest Service discovered information about a new area of activity by an existing owl in the project area, leading to another re-initiation of consultation. Plaintiff filed their second amended complaint on October 13, 2015. The sale was purchased by Trinity River Lumber Co., who intervened with representation by AFRC. Summary judgment briefing was completed November 2, 2016 and a hearing on the merits was held February 2, 2017.

The Court's order granted summary judgment on Conservation Congress's claims regarding failure to take a hard look under NEPA and failure to develop a reasonable range of alternatives. The Court denied summary judgment on Conservation Congress's remaining claims for relief and granted Defendants' and Intervenors' cross motions for summary judgment with respect to those remaining claims. Specifically, the Court found the project complied with the Mendocino and Northwest Forest Plans, that an Environmental Impact Statement (EIS) was not required, and the project complied with the ESA.

The Court determined that although Conservation Congress did not explicitly frame its suggestion to have a diameter cap of 18" diameter at breast height as a "proposed alternative," the record was full of suggestions and concerns regarding diameter caps. Thus, the Court held that the Forest Service's decision not to consider an alternative, or at least to explain why it did not consider one, with a larger diameter cap was arbitrary and capricious. The Court determined that Limited Operating Periods were stated inconsistently throughout the record, making it confusing to discern the project's impacts. Judge Mendez concluded that the Forest Service had admittedly failed to do the monitoring required for other projects prior to its approval of this project and the Environmental Assessment (EA) did not address the lack of monitoring in its uncertainty analysis. However, the Court sided with Defendants and found that the Forest Service's decision not to prepare a Supplemental EA or EIS was not arbitrary and capricious.

The next step is for supplemental brief regarding remedy. Because the flaws in the EA do not require preparation of an EIS, it is possible that they could be addressed with a short remand for further explanation and clarification of the points identified. If so, project work could commence as early as June. */Lawson Fite, Sara Ghafouri*

## Region 1 and Lolo Update

On February 14, AFRC members met with Forest Service staff from Region 1 and the Lolo National Forest to discuss a variety of operating issues including an update on the timber program for FY17 and out years. The meeting was very well attended and AFRC would like to thank both the industry and Forest Service personnel who participated.

Tim Garcia, Lolo National Forest Supervisor, gave an update on the issues they are working on, including the Copper King salvage project. The Forest is working to complete an Environmental Assessment (EA) by June on Copper King and have also requested an Emergency Situation Determination to further expedite the project. David Haupt, Timber Program Manager, reported that the Forest plans to reoffer the 7-Mag project, which is about 20 million board feet (mmbf) that went no-bid last year. The FY17 target for the Lolo is 55 mmbf, counting both sawlog and non-saw volume. The Forest's five-year projected program of work shows the Forest offering about 30 mmbf in the out years. AFRC would like to thank the Forest for their hard work on Copper King and for trying to get the project implemented while the timber still has economic value.

Christine Dawe, Region 1 Director, Renewable Resource Management and Carol McKenzie, Assistant Director of Renewable Resource Management, updated the group on the results of the FY16 timber program and the outlook for FY17. The Region's target was 360 mmbf. However, due to litigation on fire salvage projects, and over 50 mmbf going no-bid, the Region only sold 252 mmbf. The Region has put a lot of effort into getting those projects implemented in FY17. The FY17 timber target is 321 mmbf and the Region intends to add 91 mmbf of timber that did not sell in FY16 – making the FY17 target 412 mmbf. That volume will be assigned to Forests that missed their target last year. Christine also indicated that Regional Forester Leanne Marten wants to see the program grow.

Carol outlined the Region's problem with increased litigation. The chart below highlights the status of various projects and the number of acres and timber volume impacted.

<b>Number of Projects</b>	<b>Sum of Estimated Acres</b>	<b>Sum of Estimated Volume (MMBF)</b>	<b>Litigation Status</b>
2	1,805	15.9	Volume not under contract and complaint filed but NEPA decision not enjoined.
4	10,889	88.5	Volume not under contract, NEPA project decision enjoined
7	11,973	116.9	Volume under contract and continuing litigation, contracts not suspended
6	6,057	55.25	Volume under contract, NEPA project decision enjoined and contract suspended
1	4,410	79	Volume not under contract, complaint filed, decision withdrawn.
	<b>35,134</b>	<b>355.55</b>	<b>Grand Total</b>

A total 355.5 mmbf and 35,134 acres in the Region are tied to litigation. Timber sales are in various stages of implementation and this is more than the Region's entire Annual Timber Target.

Litigation is a serious concern not only for current projects, but also for planned projects. The *Cottonwood* decision, for example, has left the door open for litigation when consultation issues are involved. Recently, the Alliance for the Wild Rockies and the Native Ecosystem Council filed suit on the Stonewall Vegetation Project in the Helena-Lewis and Clark National Forest. That suit is not included in the above table.

This was AFRC's first meeting with the Lolo and we greatly appreciate the exchange of information and the efforts the Forest is taking to meet timber targets and work on other key issues. /Tom Partin

### **AFRC Welcomes Staff Attorney Sara Ghafouri**

AFRC is pleased to announce that Sara Ghafouri has joined our team as Staff Attorney based out of the Portland office. Sara will work closely with AFRC President Travis Joseph and AFRC General Counsel Lawson Fite to support AFRC's legal and policy initiatives. Sara has a passion for natural resource issues and for helping rural communities thrive.

Sara joins AFRC after practicing for the past three years as an associate at the Portland firm Haglund Kelley LLP. During her time at Haglund Kelley, Sara focused her practice on complex civil litigation, environmental and natural resources law, and Indian law. She helped represent several timber companies and timber associations, including AFRC in the Westside Project and other cases. She also worked on *amicus* briefs submitted by the Kootenai Tribe of Idaho on the East Reservoir Project on the Kootenai National Forest.

Sara began her legal career as an appellate clerk for Judges Lynn Nakamoto (now a Justice of the Oregon Supreme Court) and Robert Wollheim at the Oregon Court of Appeals. Immediately after law school, Sara served as a postgraduate extern for the Honorable S. James Otero of the United States District Court for the Central District of California (Los Angeles), where she helped draft judicial opinions in civil cases involving trademark infringement, wage and hour, discrimination, and tort claims.

Sara graduated from Lewis & Clark Law School, *cum laude*, with a certificate in Environmental and Natural Resources Law in 2010. Sara has a science background, as she holds a B.S. in biochemistry from UCLA.

Sara is also active in Oregon's legal community. She is a board member and advocacy co-chair of the Oregon Asian Pacific American Bar Association and participates in Lewis & Clark Law School mentorship program. Sara co-chaired the Oregon Trial Lawyers Association's *Amicus Curiae* Committee, which submits briefs in significant cases pending before Oregon appellate courts. She is admitted to Oregon state and federal courts as well as the Ninth Circuit Court of Appeals.



We are excited to have Sara on board. Please say hello to Sara in our Portland office, she can be reached at [sghafouri@amforest.org](mailto:sghafouri@amforest.org). /*Lawson Fite*

## **AFRC Job Opening: Southwestern Oregon Field Forester**

Do you love being outdoors and in the woods? Are you passionate about the local forest products industry and its contributions to economic and environmental sustainability in Western Oregon? Do you want to work for an organization that is making a difference in public land management?

AFRC is looking for a dynamic, passionate, and hard-working individual to join its team as the Southwestern Oregon Field Forester. The position will be responsible for providing professional and technical input into the planning, development, and implementation of federal agency (Forest Service and BLM) vegetation management projects to make these projects more economically and operationally viable for AFRC member companies.

Applicants should have, at a minimum, a bachelor's degree in forestry or natural resources and three years of work experience in forest management. The ideal candidate must be an excellent writer, strong team player, independent and self-motivated, and able to develop constructive relationships with federal agency staff and AFRC members. The position will be permanently based in Grants Pass, Oregon and will be supervised through AFRC's Eugene, Oregon office.

To learn more about [AFRC](#), read the full job description, and apply please click [here](#) or visit our [webpage](#). /*Travis Joseph*

## **Forestry Essay Contest for Oregon High School Students**

AFRC member company Seneca Sawmill (Eugene) is offering a \$5,000 scholarship to the winner of a high school essay contest about the benefits of the forest products industry. To enter Oregon high school juniors and seniors must interview three people in the forest products industry and write an essay answering the question: "What are the benefits of forest management for the forest and for the community?"

Ashley Jones, the special projects coordinator for Seneca Family of Companies, explained to the local newspaper Register Guard: "We see it as an educational program, an incentive for students to learn about the viability of our natural resources here. Obviously, we find that very important as our industry, and we're just hoping to get students and the next generation excited about it."

The winner of the essay contest may spend the \$5,000 at any of Oregon's 26 public colleges, including Oregon State University and the University of Oregon. Essays are due by March 29 and must be 5-10 pages long. Seneca will announce the essay contest winner on June 1. For more information about the high school essay contest, click [here](#) or visit: <http://www.senecascholarship.org/>

AFRC extends its thanks and appreciation to Seneca for its commitment to rural communities, helping educate the next generation of leaders, and encouraging students to learn more about the forest products industry. /*Travis Joseph*