



**October 2017**

## **Washington, D.C. Updates**

It has been another eventful month in Washington on federal forest issues with new developments in the House, Senate, and within the Administration. We remain hopeful that Congress will move a fire funding and forest management reform package as part of must-pass supplemental appropriations bill or end of the year budget deal. We are also encouraged about regulatory review efforts underway within the Forest Service.

*Resilient Federal Forests Act.* On November 1, the House passed the Resilient Federal Forests Act (H.R. 2936) by a vote of 232-188, with ten Democrats voting with the majority. While the vote largely fell along party lines, Western Democratic Representatives Kurt Schrader (OR-5), Jim Costa (CA-16), Ruben Gallego (AZ-7), and Kyrsten Sinema (AZ-9) joined with a group of other moderate Democrats from the Midwest and South to support the legislation. See how every Member of Congress voted [here](#). The Trump Administration and Agriculture Secretary Perdue signaled support for the forest management reforms, but did express concerns with the budgetary mechanism used to end fire borrowing.

The legislation, which was sponsored by Congressman Bruce Westerman (R-AR) and was a key initiative of and legislative priority for the House Natural Resources Committee, would streamline the planning process for federal forest management projects, provide incremental litigation reforms, and end the practice of fire borrowing.

H.R. 2936 would authorize a series of new Categorical Exclusions (CEs) ranging from 10,000 to 30,000 acres for larger, collaboratively-developed projects. The legislation also contains important regional priorities, including a technical correction to the O&C Act that clarifies its original intent that the BLM offer a minimum of 500 million board feet of timber annually. AFRC staff has [prepared a section-by-section summary](#) of the legislation and the House Natural Resources Committee also released a [one-page summary](#).

*Senate Developments.* On the other side of Capitol Hill, there is growing momentum in the U.S. Senate. On October 19, Senator Maria Cantwell (D-WA) introduced the [Wildland Fires Act of 2017](#), which includes the so-called “Pine Pilot” to streamline forest thinning and hazardous fuels reduction treatments in Ponderosa Pine forests. Cantwell is the Ranking Member on the Senate Energy and Natural Resources Committee and has become a strong advocate of the types of forest thinning treatments she has toured in Eastern Washington. AFRC staff worked with the Senator’s office on the legislation and is encouraged by the introduction of forest management reforms by a prominent Democratic Senator. She was joined in introducing the legislation by her Democratic and Republican Senate colleagues from Washington, Oregon, and Idaho.

Among other provisions, the Pine Pilot would categorically exclude hazardous fuels reduction and thinning activities with certain limitations on approximately 2,000,000 acres across the West. AFRC looks forward to working with the Senator to move her concept forward as part of a package of common sense fire funding and forest management reforms.

On October 25, the Senate Environment and Public Works (EPW) Committee [held a hearing](#) on draft legislation that built upon a September EPW hearing in which AFRC's Lawson Fite testified on three different legislative proposals (see [September Newsletter](#)). Unfortunately, the same bipartisan momentum that existed at the earlier EPW hearing was not as evident at the October hearing. Minority testimony and comments from several Senate Democrats suggested that no new additional tools or management reforms are currently necessary to help the Forest Service address its massive backlog of forest restoration work, which now tops 80 million acres. Instead, their focus was on the need for additional funding.

The hearing can be viewed at the [committee webcast](#). During the hearing, Senator Jeff Merkley (D-OR) raised concerns about legislative proposals that allow “no environmental reviews” and go back to the “timber wars of the past” (found at 1:57:20). AFRC has been in touch with the Senator's office to better understand the comments and reference.

Generally, there appears to be growing, bipartisan consensus on an outline of forest management reforms, but less consensus on a budgetary mechanism to end fire borrowing and how to arrest the growth in the 10-year wildfire suppression spending average – which continues to put pressure on the Forest Service's non-fire budget. Hopefully the Administration and Congress can reach an agreement on both fire borrowing and forest management reforms in time to include them in one of the must-pass legislative vehicles likely to move through Congress in December.

*Forest Service.* There are encouraging initial signs coming from the Forest Service under new Chief Tony Tooke. The Chief recently assembled agency leadership in Phoenix to focus on the key issues facing the agency, particularly the forest health crisis that threatens 80 million acres of federal forests, communities, and neighboring landowners. New Associate Deputy Chief Chris French has led an extensive review of the agency's internal regulations and its approach to NEPA compliance, which costs far too much and takes too long.

The agency's leadership has concluded that it will be unable to make any significant progress to address the forest health crisis unless the agency becomes more efficient through increased use of existing streamlined authorities, the development of new administrative authorities, and more robust internal training efforts. Following the Phoenix meeting the Chief has established monthly reviews with each Regional Forester to track progress towards increasing outputs, both in volume produced and acres treated, under existing funding. The summary and materials from the Phoenix meeting are available at AFRC's [website](#).

While it is still early, AFRC is encouraged by this renewed effort to streamline, focus, and prioritize agency operations to increase the pace and scale of forest management and restoration efforts, while also holding agency leadership accountable for outcomes. There is a great deal the agency can accomplish administratively; however, we will also continue to advocate for new Congressional authorities since those will be given greater deference in the courts. We will also

need to secure additional funding for the agency's forest management projects and a fire funding solution. /Heath Heikkila

## **BLM Denies AFRC Protest**

As reported in our [August Newsletter](#), AFRC filed an administrative protest of the Elk Camel Forest Management Project. Elk Camel represented the first project completed by the BLM that was designed to conform with the agency's newly adopted Resource Management Plans (RMPs), which were signed in August 2016.

AFRC's primary concern regarding the 2016 RMPs is whether the BLM will implement projects that will collectively meet the O&C Act mandate of managing forest stands in conformity with the principles of sustained-yield. The RMPs designated approximately 20% of the statutorily-unique O&C lands as "Harvestable Land Base" (HLB) where sustained-yield forestry must occur. The first objective identified for the HLB allocation in the 2016 RMPs documents this mandate as "manage forest stands to achieve continual timber production that can be sustained through a balance of growth and harvest." To achieve this "balance and growth" the 2016 RMPs developed Allowable Sale Quantities (ASQs) and declared that "not less than the annual sustained yield capacity...shall be sold annually." These ASQs were calculated through a detailed modeling effort that assumed a balance of both regeneration and thinning treatments.

AFRC's protest expressed concerns about whether the Elk Camel project was designed in conformity with the RMP's sustained yield objective by adhering to the harvest models developed by the BLM. In summary, AFRC's protest asserted that:

- The BLM is required to meet its RMP objective of "manag[ing] forest stands to achieve continual timber production that can be sustained through a balance of growth and harvest."
- The BLM developed and designated ASQs that were determined to fulfill the above RMP objective of sustainable timber production.
- The ASQs were calculated through a detailed modeling effort that included a balance of regeneration harvest and thinning.
- The Elk Camel project ignored this modeling effort and thus proposed treatments that are inconsistent with the agency's own stated objective.

On October 6, the BLM denied AFRC's protest. The following assertions made by the BLM in its written denial are particularly troubling:

- Management objectives are not rules by which the BLM determines implementation actions.
- It is not possible to evaluate whether a single project is meeting RMP management objectives.
- The modeling assumptions used for setting ASQs in the RMP are not management direction that the BLM is required to follow.
- The "strategic nature" of the vegetation modeling renders meaningless any determination of whether an individual project "adheres" to the vegetation modeling for the RMP.

Fully unpacking these assertions by the BLM would consume another newsletter article. However, in brief, this response raises serious questions as to whether the BLM will be able to meet its stated RMP vegetation management objectives and how the BLM intends to ensure individual projects are consistent with its overarching management plan as modeled. The issue has been elevated to the national office. */Andy Geissler*

## **National FTPC Meets in Duluth**

The fall meeting of the National Federal Timber Purchasers Meeting was held on October 18 in Duluth, Minnesota. All Regions of the Forest Service were represented along with members of the U.S.F.S Washington Office, BLM personnel, and timber industry representatives from across the country.

The meeting covered a broad range of topics. Some of the highlights, include:

- The group was treated to a presentation regarding community involvement and caring for employees by Bell Lumber & Pole. Based in New Brighton, MN, Bell is also an AFRC member with operations in Lebanon, OR and Conway, WA.
- Nationally, the Forest Service sold 2.8 billion board feet (bbf) of their 3.0 bbf target (95%). Regionally, target accomplishment ranged from a low of 51% (R-10) to a high of 106% (R-1). The other Regions' accomplishments were 99% (R-2), 104% (R-3), 98% (R-4), 62% (R-5), 94% (R-6), 104% (R-8) and 103% (R-9). Region 5's disappointing performance was apparently abetted by the continued mortality epidemic.
- Nationally, the BLM sold 231 million board feet (MMBF) of their 237 mmbf target (97%). Sales in Western Oregon accounted for 198 mmbf which was 95% of their 208 mmbf target. BLM acknowledged that the expansion of Cascade-Siskiyou National Monument affected their ability to meet targets by removing harvestable lands in the Klamath Falls Resource Area.
- The Chief indicated that the national target for the Forest Service in 2018 will be between 3.3 and 3.4 bbf.
- The group discussed the proper use of Stewardship Agreements with non-profit partners. FTPC is concerned about ensuring oversight of these agreements and a competitive marketplace.
- The Forest Service presented efforts to streamline the NEPA process including possible development of a Categorical Exclusion for future projects that capture a bulk of agency work with Findings of No Significant Impact over the last few years. A rulemaking may be initiated in early 2018.
- The BLM is also undertaking an effort to streamline their administrative process.
- The Forest Service shared statistics on NEPA implementation and litigation impacts. The average Forest Service EIS now takes 1,373 days (versus 817 in 2005). Unsurprisingly, litigation impacts are highest in Regions 1 and 6, while other Regions have relatively little litigation.
- The announcement that the K-V authority given to the Forest Service in 2006 by Congress to collect funds for projects outside of the sale area boundary will finally be available to the field. The Forest Service stated a letter is "on the Chief's desk" for signature.
- The Forest Service clarified that the Regional Forester has the authority/responsibility to set the minimum piece size in timber sale contracts. The industry is requesting that the

Forest Service use the local industry standard. In the West, the local standard for sawlogs is a 16’ piece with a 6” top. The current Forest Service specification of an 8’ piece represents major logistical and safety problems for loggers and mill operators. AFRC sent a letter to Region 6 Regional Forester Jim Peña requesting he make this change.

- The group also reviewed various technical issues that the National FTPC has been working on over the years, such as virtual boundaries and invoicing processes.

AFRC appreciates the work of our industry and agency partners. The next FTPC meeting will be the week of April 30, 2018 in Flagstaff, Arizona. */Ross Mickey & Lawson Fite*

## Status of GNA and Farm Bill CE Implementation

In connection with the October FTPC meeting, the Forest Service provided updated statistics on its implementation of Good Neighbor Authority and the Farm Bill Insect and Disease Tools, including the 3,000-acre Categorical Exclusion (CE).

### *Farm Bill Implementation*

To date, 109 projects have been proposed: 94 CEs, 12 Environmental Assessments (EAs), and 3 Environmental Impact Statements (EISs). Projects involve 48 national forests and 23 states. Region 1 has made the most of Farm Bill authorities to date.

Project documents complete to date by Region:

Region	CEs decided	EAs decided
1	11	5 (+ 4 in progress)
2	4	0 (2 EIS in progress)
3	2	0 (1 EIS in progress)
4	7	0 (1 in progress)
5	12	0
6	5	0
8	23	0
9	2	1 (+ 1 in progress)

### *GNA Implementation Status*

125 agreements have been signed in 33 states, including:

- 29 master agreements
- 71 supplemental project agreements
- 25 standalone project agreements

Below is a list of GNA FY17 timber volume by region (Forest):

Region 1	7 MMBF (Nez Perce-Clearwater NF)
Region 2	1.3 MMBF
Region 6	1.9 MMBF (Fremont-Winema NF)
Region 8	2.7 MMBF
Region 9	49.7 MMBF (6 NFs in MI/WI/MN)
Region 10	30 MMBF (Tongass NF)

*/Lawson Fite*

## **Chetco Bar Fire BAER Report**

The Forest Service recently completed the Burned Area Emergency Response (BAER) report for the Chetco Bar Fire. A presentation prepared by the BAER team can be found here:

<https://inciweb.nwcg.gov/incident/article/5631/42126/>.

The BAER is a Forest Service program that focuses on identifying imminent risks posed to various resources and human safety following wildfire events. The goal is to minimize risk and prevent unacceptable resource damage resulting from the fire's effects.

Several key findings in the BAER report include:

- 43% of the 119,113 fire acres burned at moderate to high intensity
- 12% of affected Forest Service acres are on lands allocated as Matrix where sustainable timber management is a primary goal. This 12% represents nearly 20,000 acres.
- Suppression costs totaled \$69,806,708
- 282 miles of road are located within the fire perimeter
- 26 northern spotted owl nest patches were affected by the fire
- 37% of affected suitable nesting habitat for the marbled murrelet burned at moderate to high severity
- An initial flush of ash and sediment is expected to move through affected stream courses during this winter's first rain events.

Obviously, there was a considerable loss of wood fiber as a result of the fire and that loss will continue to accumulate over the next several months. This resource value is not one that is considered and analyzed by the BAER team. However, the Forest is using a Rapid Assessment Team to assess this resource loss and possible measures to capture what value remains. /*Andy Geissler*

## **Region 1 Tackles Fire Salvage and Restoration**

In an unparalleled effort to address the impacts of 16 major wildfires and a total of over 700,000 acres burned in Region 1 this summer and fall, the Region has put together a Post-Fire Response Team that reports directly to Regional Forester Leann Marten. Mike Elson, who is on detail from Region 3, will lead the team and has established six major project work leads to help assess post-fire harvest opportunities: acquisition management; budget; ESA consultation; salvage; BAER; communications and engineering.

In a presentation made to Region 1 timber purchasers on October 13, Christine Dawe, Steve Brown, and other team members outlined a three-pronged approach for addressing salvage opportunities and needs: 1) employ a consistent approach to identifying areas for post-fire harvest opportunities, 2) maximize efficiency and potential for success, and 3) minimize exposure to risk. The process steps include first using a Coarse Filter to identify potential treatment opportunities across the landscape, then using high resolution imagery and field visits to validate possible salvage areas.

The team is using up-to-date techniques to gather data which is being collected digitally and stored on a cloud platform for immediate availability to both the Forest and Region. Fine scale ortho-imagery is being collected to verify coarse filter data information, and 3D models of stands are being developed to help ascertain stand conditions and salvage opportunities.

Fire Name	Total Acres	Potential Salvage Acres	Preburn MMBF	BF/Acre
Caribou	25,990	6,060	80.0	13,193
Cub Creek	7,080	2,110	33.5	15,859
Deep Creek	17,924	4,035	66.5	16,476
Gibraltar Ridge	15,357	514	5.9	11,536
Goat Creek	9,094	641	5.1	7,916
Liberty	33,263	1,211	11.7	9,653
Little Hogback	39,374	1,332	14.4	10,815
Lolo Peak	60,518	2,970	27.3	9,175
Meyers	73,316	1,117	10.6	9,476
Moose Peak	16,289	2,154	25.7	11,917
Park Creek	21,328	1,663	5.3	3,159
Rice Ridge	180,161	7,177	49.5	6,903
Sheep Gap	27,182	5,790	54.1	9,348
Sunrise	28,773	2,418	22.0	9,120
Weasel	4,704	595	8.1	13,547
West Fork	23,107	8,173	97.1	11,876

While the numbers in the chart above are just estimates (coarse filter), there appears to be a significant potential number of acres available for salvage. The filtering process so far has looked at physical factors (slope, distance to roads, burn severity, etc.), but has not yet factored in biological factors (bull trout habitat, etc.). Therefore, the suitable areas will continue to be refined. Additional areas may also be found in the field that the filter missed. It also doesn't specifically consider industry needs/capacity or socio-political considerations, although the team has reached out to the industry to better understand capacity to take salvaged material. Those factors will all be addressed as the team continues with the fine filter and NEPA process. The Region is looking at a variety of tools to bring the salvage volume to the marketplace quickly including roadside CEs and EAs that can be completed within one year.

AFRC would like to thank Region 1 for their proactive approach to quickly analyze and hopefully bring to market salvage volume that still has economic value and that the industry desperately needs. */Tom Partin*

### **AFRC Intervenes in Bull Run Project Challenge**

On October 24, AFRC moved to intervene on behalf of Sierra Forest Products to support the Bull Run Project on the Sequoia National Forest. Currently, all of Sierra Forest Products' contracts on the Sequoia National Forest are held up in litigation by Earth Island Institute and Sequoia ForestKeeper. AFRC's intervention was granted on October 30.



The Forest Service developed the Bull Run Project in response to the lightning-induced Cedar Fire that burned approximately 29,322 acres in the summer of 2016. The purpose of the Bull Run Project is to remove dead or dying trees that create unsafe conditions for travelers and firefighters and also provide economic value. The project proposes to harvest hazard trees along 50.2 miles of road (3,500 acres).

Plaintiffs' lawsuit alleges that the Forest Service violated NEPA because the Forest Service authorized the project under a categorical exclusion (CE) rather than preparing a more extensive Environmental Assessment (EA) or Environmental Impact Statement (EIS). Plaintiffs claim that the project does not meet the requirements of the three CEs identified in the Revised Decision Memo – 36 C.F.R. § 220.6(d)(4) (repair and maintenance of roads); 36 C.F.R. § 220.6(e)(6) (timber stand and/or wildlife habitat improvement activities); and 36 C.F.R. § 220.6(e)(11) (post-fire rehabilitation activities, not to exceed 4,200 acres). In the alternative, plaintiffs assert that “extraordinary circumstances,” involving the mountain yellow-legged frog, Pacific fisher, and California spotted owl, preclude the Forest Service from invoking a CE for this project and instead the agency must prepare an EA or EIS. Finally, plaintiffs also claim the Forest Service improperly segmented its analysis from another independent project in the area – the Spear Creek Project.

On October 9, plaintiffs filed a motion for preliminary injunction to halt the project. In support of its motion, plaintiffs seek to import a 250-acre limitation from a different CE to prevent the Forest Service from allowing commercial harvest under the three CEs identified in its Revised Decision Memo, which either have no acreage limitation or a significantly higher acreage limitation. AFRC filed an opposition brief on plaintiffs' motion for preliminary injunction on behalf of Sierra Forest Products. This case is before Judge O'Neill in the Eastern District of California. A ruling from the Court is expected soon. */Sara Ghafouri*

## **President Trump Will Shrink Bears Ears and Grande Staircase-Escalante National Monuments**

On October 27, President Trump announced that he will reduce the size of the Bears Ears and Grande Staircase-Escalante National Monuments in Utah. According to the [Washington Post](#), President Trump and Secretary Zinke spoke to Senators Hatch (R-Utah) and Lee (R-Utah) about shrinking the monuments' size. President Trump did not specify how he intends to change the monuments' boundaries, but he intends to visit Utah in early December.

As reported in our [September Newsletter](#), the text of Secretary Zinke's report, or a draft version, was leaked to the Washington Post and the Bears Ears and Grande Staircase-Escalante were among several monuments included in the report. President Trump's decision on Bears Ears comes as he is preparing decisions on other monuments, according to the Washington Post.

AFRC has no indication of whether President Trump will reduce the Cascade-Siskiyou National Monument boundaries or when further announcements will be made about its status and recommendation. */Sara Ghafouri*



## **Judge Leon Grants Additional Stay in Cascade-Siskiyou Monument Litigation**

On October 2, the government requested an additional 60-day stay in the Cascade-Siskiyou Monument litigation, alleging that a stay would give President Trump more time to review Secretary Zinke's recommendations and take potential action. AFRC opposed the motion, asserting that a stay was unnecessary since the government has made no representation as to when the President may make a decision, or what form that decision might take. We also indicated that a delay is not needed since our case is presently a purely legal claim and, unless the President rescinds the entire Monument expansion, any decision by the President will still result in the court resolving the purely legal question at issue.

On October 30, Judge Leon granted the government's motion and the case is stayed until December 1. At the end of the stay, the parties will submit a joint status report on further proceedings in this matter. /Sara Ghafouri

## **Black-Backed Woodpecker and N. Rocky Mountains Fisher Listings Not Warranted**

On October 5, the U.S. Fish and Wildlife Service (Service) announced its 12-month findings on petitions to list 25 species as endangered or threatened species under the Endangered Species Act. The Service found that the listings for the Oregon Cascades-California and Black Hills populations of the Black-Backed Woodpecker along with the Northern Rocky Mountains Fisher population were not warranted. The listing of 14 Nevada springsnail species, Barbour's map turtle, Bicknell's thrush, Big Blue Springs cave crayfish, the eastern population of the boreal toad, Florida Keys mole skink, Great Sand Dunes tiger beetle, Kirtland's snake, Pacific walrus, and San Felipe gambusia were also not warranted. The Service's 12-month findings can be found [here](#). /Sara Ghafouri

## **DNR Launches 20 Year Forest Health Strategic Plan**

On October 25, in front of a standing room only crowd in Cle Elum, Washington, Commissioner Hilary Franz unveiled the Department of Natural Resources [20 Year Forest Health Strategic Plan](#). The 20 Year Forest Health Strategic plan consists of five goals each backed up with a series of strategies to attain each goal.

Goal 1: Conduct 1.25 million acres of scientifically-sound, landscape-scale, cross-boundary management and restoration treatments in priority watersheds to increase forest and watershed resilience by 2037.

Goal 2: Reduce risk of uncharacteristic wildfire and other disturbances to help protect lives, communities, property, ecosystems, assets, and working forests.

Goal 3: Enhance economic development through implementation of forest restoration and management strategies that maintain and attract private sector investments and employment in rural communities.

Goal 4: Plan and implement coordinated landscape-scale forest restoration and management treatments in a manner that integrates landowner objectives and responsibilities.

Goal 5: Develop and implement a forest health resilience monitoring program that establishes criteria, tools, and processes to monitor forest and watershed conditions, assess progress, and reassess strategies over time.

The Forest Health Advisory Committee (FHAC) was created to assist in developing and implementing the forest health and treatment framework. Many of the those appointed to the FHAC were involved in the development of the 20-year plan. AFRC, along with members Boise Cascade, Vaagen Brothers Lumber, and the Washington Contract Loggers Association are members of the FHAC. Over the next several months the Committee will be using the 20 Year Forest Health Strategic Plan as a tool to help the state increase the pace and scale of treatments on Eastern Washington forests. */Matt Comisky*

### **AFRC is Growing – Join our Team!**

Do you love being outdoors and in the woods? Are you looking for a challenging – but rewarding – job that is different every day and exposes you to new learning opportunities? 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 a team-oriented organization *obsessed* with making a difference in public land management? If so, the American Forest Resource Council might be the right fit for you. Check out our [website](#) for details.