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**February 2018**

## **AFRC Annual Meeting, April 3-5**

There is still time to [register](#) for this year's Annual Meeting being held April 3-5 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 [program](#) begins on Tuesday, April 3 with the AFRC Open golf tournament, followed by the opening reception. Wednesday, April 4, will feature keynotes from Congressman Bruce Westerman (confirmed) and Senator Steven Daines (invited), 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 5, 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 using the group code "1Y2839" or online [here](#). The group rate is \$162.00/night for a forest view room, \$172.00/night for a fireside room and \$182.00/night for a river view room. **The cut-off date for the room block is March 3.**

Please plan to join us in April at beautiful Skamania Lodge!

### **AFRC 2018 Annual Meeting April 3-5, 2018**

#### **Tuesday, April 3**

11:30 am     **Golf Tournament: The AFRC Open**  
Four-person teams, scramble format on the 18-hole, par-70 course at Skamania Lodge

6:30 pm     **Welcoming Reception**

#### **Wednesday, April 4**

7:30 am     **Breakfast Panel: Telling Our Story**  
Nick Smith, Executive Director, Healthy Forests, Healthy Communities

- 8:00 am      **State of the Association: The Timber Industry’s Resurgence**  
Travis Joseph, President
- 8:45 am      **Keynote Address: A Political Perspective of Federal Forest Reforms**  
U.S. Representative Bruce Westerman, House Committee on Natural Resources
- 9:30 am      **Networking Break**
- 10:00        **Morning Panel: New Leadership, New Direction**  
Chris French, Associate Deputy Chief of the U.S. Forest Service
- 11:00 am     **A New Vision for Federal Forest Management**  
Senator Steve Daines (R-MT), Committee on Energy and Natural Resources
- 12:00 pm     **Lunch Keynote: Healthy Forests and Rural Economies in Washington**  
Hilary Franz, Washington Commissioner of Public Lands
- 1:00 pm      **Afternoon Panel: Fighting for a Sustainable Future on Washington’s DNR Lands**  
Rod Fleck, City of Forks  
Russ Pfeiffer-Hoyt, WSSDA Trust Land Task Force  
Representative Jim Walsh –House Agriculture and Natural Resources Committee  
Senator Kevin Van De Wege – Chair, Senate Agriculture, Water, Natural Resources, and Parks Committee
- 2:00 pm      **Public Forest Managers’ Breakouts**  
Region 1 – Christine Dawe and Carol McKenzie  
Region 4 – Mary Farnsworth  
Region 5 – Barnie Gyant  
Region 6/BLM – Jim Pena, R6 Regional Forester; Jamie Connell, BLM State Director  
DNR – Darin Cramer, Division Manager; Koshare Eagle, Asst. Division Manager
- 5:30 pm      **Social Hour/Banquet**

**Thursday, April 5**

- 7:30 am      **Breakfast Panel: U.S. - Canada Softwood Lumber Trade Update**  
Steve Swanson, President & CEO, Swanson Group  
Zoltan van Heyningen, Executive Director, U.S. Lumber Coalition
- 8:45 am      **The Bill and Heath Show: Forestry in the “Swamp”**  
Bill Imbergamo, Executive Director, Federal Forest Resource Coalition  
Heath Heikkila, Director of Government Relations, AFRC

- 9:45 am      **The Lawson and Sara Show: AFRC's Legal Program**  
Lawson Fite, General Counsel, AFRC  
Sara Ghafouri, Staff Attorney, AFRC
- 10:30 am      **Hotel Checkout**
- 11:00 am      **Board of Directors Meeting/Luncheon** (members only)

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

On February 8, Congress reached a comprehensive agreement on legislation to loosen budget caps adopted in 2011, provide additional disaster relief funding, extend children's healthcare, and avert another government shutdown. The legislation, which President Trump signed into law the early morning hours of February 9, paves the way to increase spending by \$296 billion over the next two years, including \$165 billion for increased defense spending and the remainder for increased domestic discretionary spending. The legislation also included another Continuing Resolution to fund the government through March 23, when Congress is expected to finally pass an appropriations measure to set specific spending levels for the remainder of Fiscal Year 2018.

Unfortunately, despite another last-minute push, Congressional negotiators once again failed to include a package of federal forest management and fire suppression funding in this must-pass legislation. We believe there is broad support for packaging about a half-dozen management reforms with a fix to how the government funds wildfire suppression. But negotiations once again broke down in the final hours. We are disappointed that Congress failed to reach agreement on these common-sense reforms and have now turned our focus to pushing for their inclusion in the Omnibus funding bill expected by March 23.

*FY19 Budget Request.* Meanwhile, last week President Trump released his Fiscal Year 2019 budget request. The President's budget request proposes across the board reductions to most programs in the Forest Service and Department of the Interior. The Timber Management account would be cut by \$24 million (7 percent) and the Roads budget would be cut by \$102 million (58 percent). Despite this, the Forest Service budget proposes increasing timber outputs from 3.4 billion board feet to 3.7 billion board feet. It is not clear how the agency would achieve these increased outputs with the reduced funding levels, although the agency's current focus is on reducing the time and cost required to prepare projects and utilize new authorities, such as Good Neighbor Authority agreements. AFRC supports these efforts to increase efficiencies.

Meanwhile, the BLM's FY19 Budget request proposes to cut Western Oregon (O&C) forest management funding by \$16 million (15 percent). The budget documents indicate that the agency plans to offer 205 million board feet (mmbf) of harvest for sale, which is the Allowable Sale Quantity under the 2016 Obama Administration Resource Management Plans (RMP), but falls short of the 278 mmbf promised under those plans through additional thinning volume.

AFRC sent a letter to the Appropriations Committee and Oregon Congressional Delegation outlining our concerns with the reductions and the need to increase Western Oregon timber harvests consistent with the O&C Act. AFRC is also coordinating with the Federal Forest Resource Coalition (FFRC) to outline concerns with the proposed funding reductions at the

Forest Service. Given the increased spending levels authorized under the recent budget agreement, we don't anticipate these cuts to be adopted by the Congress. /Heath Heikkila

## Washington State Legislative Update

As the month of February comes to an end the Legislature is entering its final week of its 60-day session. February was an action-packed month on DNR trust land issues. The highest profile development was an hour-plus debate on the floor of the House of Representatives regarding the proposed Marbled Murrelet Long-Term Conservation Strategy (MMLTCS) and [House Bill 2285](#), which would codify Commissioner of Public Lands Hilary Franz's "solution table" to mitigate likely losses to jobs, timber volume, and trust revenues.

The legislation was brought to the floor of the House for debate on February 12 with a [proposed striking amendment](#) that addressed many of the concerns identified by our industry. There were two amendments offered by Rep. Jim Walsh (R-Aberdeen), including [one](#) that sought to clarify that any analysis of the impacts of the MMLTCS be compared to the underlying 1997 Washington state lands habitat conservation plan and Alternative B, which was rejected by DNR staff without any documented justification and despite strong concerns from the beneficiaries. HB 2285 provides no baseline to compare the economic and revenue impacts of the MMLTCS, so it is unclear how DNR would measure its impacts.

The amendments set off a lively floor debate – perhaps the longest over a natural resource issue in decades. Numerous Republicans made impassioned floor speeches in support of the amendments and urged the Legislature to step up to its fiduciary responsibility to the beneficiaries. Rep. Mike Chapman (D-Port Angeles) largely led the Democrat effort against the amendments, which were both voted down by straight party-line votes, 49-48. You can view the debate by visiting [TVW.org](#) and proceeding to the 24-minute mark. The legislation ultimately passed by a 54-43 vote and is now nearing a vote on the Senate floor.

*Alternative B Budget Proviso.* On February 21, the Senate Ways and Means Committee adopted a [budget proviso amendment](#) offered by Senator Kevin Van De Wege (D-Sequim) that would require the Department of Natural Resources (DNR) to submit "Alternative B" as a second alternative for the MMLTCS to be evaluated by the U.S. Fish and Wildlife Service (USFWS).

DNR appears to be claiming Alternative B does not comply with the Endangered Species Act, but has never provided any basis for that determination. Instead, on November 7, 2017 the Board of Natural Resources selected a DNR staff proposal that set aside over 30,000 acres of trust lands beyond Alternative B - valued at over \$400 million for the beneficiaries.

The beneficiary community overwhelmingly supported Alternative B along with a group of bipartisan legislators from affected districts. The budget proviso would merely require DNR to submit Alternative B to the USFWS, in conjunction with the staff alternative, in the hopes that a plan with the least impact to trust beneficiaries and rural communities can be approved under the federal ESA. AFRC staff recently testified in front of the Senate Ways and Means Committee on House Bill 2285 and the Alternative B Budget Proviso. That video is also available at [TVW.org](#) and begins at the 51:30 mark.

It is not clear whether this budget proviso will survive in a final budget agreement. If you have not done so already, please take a moment to contact your legislators and ask for their support, as well as sending a short ‘thank you’ note to Kevin Van De Wege for his leadership ([Kevin.VanDeWege@leg.wa.gov](mailto:Kevin.VanDeWege@leg.wa.gov)).

*Trust Valuation.* AFRC has also made requiring a trust valuation and review of DNR’s management of state trust lands a high priority for this legislative session. There are two vehicles moving in the Legislature, including [Senate Bill 6140](#) and a [budget proviso](#) that was added to the House Supplemental Operating Budget. AFRC is working with key legislators and allied organization in the hopes of moving one of these approaches over the finish line.

AFRC staff has testified at numerous legislative committee meetings about the importance of the DNR timber sale program and opportunities for the Legislature to provide leadership on this critical issue to the future of our industry, beneficiaries, and rural economies. We are very pleased with the Legislature’s interest in the issue and the opportunity to continue these efforts in future sessions. /Heath Heikkila

## **Supreme Court Slams Door on White Castle Sale, Missing Opportunity to Clarify Rights of Industry Intervenors**

On February 22, the Supreme Court [denied](#) the petition for *certiorari* in the White Castle case, which AFRC attorneys had filed on behalf of Scott Timber Co. ([December 2017 Newsletter](#)). This ends the case and, as the project area has now been reclassified under the governing management plan, ends the White Castle timber sale as well. The case is an example of how additional process and delays—here, the district court required an EIS for a 187-acre timber sale—result in projects ultimately being cancelled. The project was initiated in 2011, signed in 2012, but has been stuck in litigation ever since.

It also highlights the need for a straightforward design and description of the project. White Castle uses well-understood silvicultural techniques in combinations suggested by Norm Johnson and Jerry Franklin. The emphasis on using “Norm and Jerry” forestry may have caused public and judicial confusion about the scope of the project.

AFRC asked the Supreme Court to clarify that an order requiring an EIS is appealable by an industry intervenor. While the Ninth Circuit dismissed the appeal in this case, the rule in the Tenth Circuit and elsewhere would have allowed an appeal. A circuit “split” is one of the factors that goes in to whether a case is reviewed. The decision not to review a case is not precedent and does not prevent a future case coming up on the same issues.

To accept the case, four of the nine Supreme Court Justices must agree to take it. Thus, it is possible that some of the Justices believed the case should have been reviewed. According to the Federal Judicial Center, the Supreme Court takes about 125 to 150 cases each year out of over 7,000 petitions, an acceptance rate of less than 2%. On the same day the Court turned down the White Castle petition, it also turned down three other environmental cases: one regarding water pollution rules, another on uranium exposure, and one on reclamation permitting.

AFRC will continue to press for intervenor rights in this area and for streamlining NEPA in the agencies and the Courts. We appreciate the opportunity to work with Scott Timber and Carpenters Industrial Council on this case, and the support of many partners who submitted amicus briefs, including the National Association of Home Builders, Western Resources Legal Center, and Pacific Legal Foundation. */Lawson Fite*

## **AFRC Appeals Elk Camel Protest Denial to the IBLA**

While protesting and appealing protest denials of BLM decisions are second nature to environmental advocates, it is a less common occurrence for AFRC. As reported in our [August 2107 Newsletter](#) and [October 2017 Newsletter](#), AFRC filed an administrative protest on the Elk Camel Forest Management Project, the first project the Butte Falls Resource Area has developed under BLM's new 2016 Resource Management Plans (RMP). BLM denied AFRC's protest on October 6, 2017. AFRC has now elevated its concerns to the Interior Board of Land Appeals (IBLA).

On February 23, AFRC filed its Statement of Reasons (opening brief) in support of the appeal. AFRC asserted two claims. First, BLM failed to develop or analyze in detail an alternative that adheres to the harvest plan within the 2016 RMP. AFRC proposed an alternative that proposed treatments in conformance with the vegetative models in the 2016 RMP. BLM summarily rejected AFRC's alternative even though such an alternative was viable and reasonable. In doing so, it violated NEPA.

Second, BLM violated the Federal Land Policy & Management Act (FLPMA) by failing to manage stands in conformance with direction to conduct regeneration harvest in specific types of stands within the harvest land base. The Elk Camel Project will treat only 77 acres out of the 306 acres available for regeneration harvest in the harvest land base. Instead of following the vegetative modeling and management directions to conduct regeneration harvest for stands older than 110 years to meet the declared ASQ, BLM has elected to conduct commercial thinning in older stands instead. BLM is required to file a response within 30 days.

The O&C Act requires BLM to manage their timberlands under the principal of sustained yield. This has been interpreted to mean that they will manage their lands in a way to allow them to sell their declared annual sale quantity (ASQ) every decade for 200 years allowing for annual fluctuations. To determine what ASQ level can meet this requirement, the agency uses complex computer models that contain detailed inventory data on every stand of timber across their 2.3 million acre land base and a myriad of management scenarios that can be applied to these stands. This vegetative model harvests and grows very specific stands of timber across a very specific timeline to ensure that the declared ASQ is sustainable. It is only by adhering to the harvest schedule used to validate the sustainable ASQ in the models that the BLM and the public knows that they are managing sustainably. Because the BLM chose to only manage 19% of their lands for sustained yield timber management under the current RMP, there is very little room for any deviation from the modeled harvest schedule.

Unfortunately, in developing this project, BLM ignored the importance of designing projects in conformance with the sustained yield calculation made in the vegetative models and designed treatments that will jeopardize their ability to manage their land base sustainably. This is the

very situation that led the BLM to develop new RMPs—the fact that BLM did not fully implement the Northwest Forest Plan. In BLM’s 2012 Resource Management Plan Evaluation Report, it concluded that “implementation of the timber management program was departing substantially from the outcomes predicted in the 1995 RMPs” and “timber sales associated with the lands allocated to sustained yield timber production have continued to depart substantially from the assumptions of the RMP determination of the allowable sale quantity (ASQ).” AFRC is very concerned that the BLM will repeat this mistake in implementing the new RMPs. Treatments proposed in the Elk Camel Project do not conform with the “assumptions of the RMP” and if duplicated across the entire BLM will lead to the same conclusion that they are not managing the O&C Lands on a sustained-yield basis. Due to the importance of this issue to the future management of the O&C lands, as well as the implications to AFRC members, we are committed to pursuing this issue at the highest levels. /*Ross Mickey*

## **Region 6 Holds Environmental Analysis & Decision-Making Roundtable**

The Forest Service has recently launched an agency-wide effort to improve efficiencies and effectiveness related to environmental analysis and decision making (EADM). The agency has scheduled Regional “Roundtables” across the country to collect feedback and solicit insight from various stakeholders on how to best focus the effort. The first Roundtable was held February 22-23 for Region 6 in Portland.

During the Roundtable, agency representatives from the Washington D.C. office and Region 6 office shared their perspectives on the EADM effort and how it relates to the Advanced Notice of Proposed Rulemaking (ANPR) released in January. The ANPR is focused on NEPA regulations and policy while the EADM is broader in scope. Ultimately, the reports developed from each Roundtable will be synthesized into a single national report and shared with the staff working on the rulemaking. Although these reports will not constitute an “official comment” for the record, they will provide the public an additional opportunity to provide substantive feedback to the rulemaking process through another avenue.

Discussion amongst public stakeholders at the Roundtable focused on ways the agency can improve its efficiencies through various disciplines such as training, performance, and policy. At the close of the Roundtable, Region 6 representatives provided their perspectives on the process. The primary questions they are asking themselves are “what are we trying to accomplish by meeting NEPA? And, are the environmental documents we are creating aligned with this intent?” The agency indicated that a final proposed rule will be published for public comment in early summer. /*Andy Geissler*

## **AFRC Staff Attorney Sara Ghafouri Testifies in Support of Oregon’s Good Neighbor Authority Bill – HB 4118**

In the short 2018 Oregon legislative session, Representatives Daniel Bonham (R-The Dalles) and David Brock Smith (R-Port Orford) have co-sponsored HB 4118, a bill that establishes policies for the State’s use of Good Neighbor Authority (GNA). Under the 2014 Farm Bill, GNA allows the State of Oregon to act as an agent of the Forest Service and BLM to carry out certain services on National Forest System or BLM lands. Although Oregon has used GNA on a few projects on

federal lands, “the state has not used the GNA to its full potential,” according to Representative Bonham in his [op-ed article](#) in The Dalles Chronicle.

HB 4118 as [introduced](#) directs the Oregon Department of Forestry to increase timber harvest volumes from public lands, contribute to job creation, reduce wildfire risks, improve wildlife habitat and watershed health, and prioritize the use of GNA projects with the goal of establishing a financially “self-sustaining program.” As proposed, the bill sought to have the Secretary of State conduct an audit of all expenditures made relating to monies that fund the Federal Forest Restoration Program, which oversees GNA projects, and provide the Department of Forestry with an additional \$500,000 for the “purpose of supporting the development, and implementation of projects on federal lands.”

On February 13, the House Committee on Agriculture and Natural Resources held a hearing on the bill. AFRC Staff Attorney Sara Ghafouri testified in support of the bill, along with providing the Committee written [testimony](#). In AFRC’s view, the State of Oregon needs to follow the path of Idaho, Montana and Washington and prioritize GNA as a tool to implement forest projects *beyond* what the Forest Service has been congressionally funded to accomplish and increase the pace and scale of federal forest management. Incentivizing the use of GNA is a win-win for diverse stakeholders. A recording of AFRC’s testimony can be found [here](#).

On February 15, the House Committee adopted [amendments](#) and unanimously approved the bill. The bill is now pending before the Joint Committee on Ways and Means. /Sara Ghafouri

## **Region 1 Salvage Update**

Post-fire salvage efforts are moving forward briskly on both the Kootenai and Lolo National Forests following the devastating wildfire season of 2017. During last summer and fall, nearly 300,000 acres burned on the Lolo and nearly 90,000 acres burned on the Kootenai.

Regional Forester Leann Marten put together a Post-Fire Response Team that reports directly to her. The team has used a combination of tools to assess salvage opportunities, including ortho-imagery that is being collected to verify coarse filter data information, and 3D models of stands which are being developed to help ascertain stand conditions and salvage opportunities. The filtering process so far has looked at physical factors (slope, distance to roads, burn severity, etc.). During the winter, crews have been making onsite visits to the burned areas to refine possible acres and volumes of salvage.

The following chart was provided by Region 1 and highlights potential post-fire harvest by acres, level of analysis, if an Emergency Situation Determination has been requested, and progress of public input. The chart was last updated on February 5.



<b><u>2018 Salvage NEPA Projects</u></b>	<b>Total Burned Acres</b>	<b>Potential Salvage Acres</b>	<b>Level of Analysis</b>	<b>Potential Emergency Situation Determination (ESD) Request</b>	<b>Initiated Scoping</b>	<b>Completed Scoping</b>	<b>Initiated 30-DAY Public Comment Period on EA (if applicable)</b>	<b>Completed 30-DAY Public Comment Period on EA (if applicable)</b>	<b>Completed ESD Request (if applicable)</b>	<b>Signed Decision</b>
<i>Project Name</i>	<i>Fire and Project Information</i>				<i>NEPA Project Timeline</i>					
Bluejacket / Nez Perce-Clearwater NF	1,010	80	CE	N/A	10/20/17	11/20/17	N/A	N/A	N/A	12/01/17
Tamarack / Kootenai NF	413	199	CE	N/A	09/23/17	10/13/17	N/A	N/A	N/A	11/08/17
Gibraltar Ridge / Kootenai NF	12,938	250	CE	N/A	01/19/18	02/09/18				
Liberty / Lolo NF	33,263	250	CE	N/A						
Moose Peak / Kootenai NF	13,903	50	CE	N/A	01/19/18	02/09/18				
Moose Peak / Lolo NF	13,903	250	CE	N/A	01/23/18					
Meyers / Beaverhead-Deerlodge NF	73,316	174	EA	No						
Little Hogback / Beaverhead-Deerlodge NF	39,374	1,200	EA	No						
Cub Creek / Kootenai NF	7,080	1,624	EA	Yes	12/19/17	01/16/18				
Sheep Gap / Lolo NF	25,182	2,152	EA	Yes	10/31/17	12/01/17				
Sunrise / Lolo NF	26,310	2,718	EA	Yes	10/31/17	12/01/17				
Rice Ridge / Lolo NF	160,190	4,838	EA	Yes	12/29/17	01/22/18				
Caribou / Kootenai NF	24,753	5,268	EA	Yes	12/15/17	01/14/18				
West Fork / Kootenai NF	20,072	5,300	EA	Yes	12/19/17	01/17/18				

Both Forests have provided some very rough estimates of potential salvage volumes. These figures are based on using an average volume per acre and will change when timber sale layout begins early this spring.

**Lolo National Forest Scoping Numbers:**

Rice Ridge - 4,838 acres = 30 MMBF

Sheep Gap - 2,152 acres = 17 MMBF

Sunrise - 2,718 acres = 22 MMBF

Moose Peak - 250 acres = 2 MMBF

Liberty - 250 acres = 2 MMBF

**Total: 63 MMBF**

**Kootenai National Forest Scoping Numbers**

Caribou- 5,268 acres = 23 MMBF

Gibraltar Ridge - 250 acres = 1.5 MMBF

West Fork - 5,300 acres = 27.5 MMBF

Moose Peak - 50 acres = .5 MMBF

Cub - 1,624 acres = 7.5 MMBF

**Total: 60 MMBF**

Both Forests have also already sold decks of logs that were generated during fire line construction. The Kootenai has sold 5 mmbf while the Lolo has sold 2.5 mmbf of deck volume. The Lolo and Kootenai timber sales programs for FY18 will be almost exclusively salvage with

green projects setback for later years. AFRC and our member companies will be holding meetings with these Forests in mid-March to get updates on salvage efforts and the newest estimated volume numbers. The salvage sales will likely be offered in late spring and early summer. */Tom Partin*

## **AFRC Welcomes New Field Forester Amanda Astor**

AFRC is pleased to announce the hiring of Amanda Astor as the Association's Southwest Oregon Field Forester. Amanda joins AFRC from the Forest Service, where she worked as a forester in timber sale preparation on the St. Ignace Ranger District on the Hiawatha National Forest in Michigan.

Amanda made her way to the U.S. Forest Service (USFS) through the highly competitive Pathways Timber Intern program. As a USFS forester, Amanda worked on interdisciplinary teams for completion of NEPA documents, design of timber sales, timber sale reconnaissance and layout, prescription interpretation and implementation, development of cruise plans, and timber sale contract development. Amanda led the District's six-person crew in the field during layout, marking, and cruising operations.

Amanda graduated with a degree in forestry from Colorado State University, where she focused on silvicultural techniques and forest policy and minored in Botany. While working fulltime for the Forest Service, she also earned a graduate certificate in forest carbon science, policy, and management from Michigan State University. Amanda is passionate about community involvement and volunteerism, including active participation in the Society of American Foresters and a biology/forestry internship to help develop and implement a community project in Tres Brazos Valley, Panama.

Amanda's knowledge of natural resource management and environmental science, her passion for sustainable forestry and healthy communities, combined with her professional expertise within the USFS, make her an ideal fit for AFRC. We are proud to welcome her to the team!  
*/Travis Joseph*