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Washington, D.C. Update

With the House of Representatives on its annual August recess, it has been a relatively quiet month in Washington, D.C. The Senate has been in session this month as it continues to work through confirmations of President Trump's judicial and political appointee nominations.

Administration nominations. On August 28, the Senate voted to confirm Jim Hubbard to serve as USDA Under Secretary for Natural Resources and the Environment. The Senate approved his nomination and two, other non-controversial nominees, by voice vote just before breaking for the Labor Day holiday. Hubbard was nominated by President Trump in April and received a hearing and approval by the Senate Agriculture Committee in July. As reported in the [July AFRC News](#), during his July 24 confirmation hearing Mr. Hubbard spoke about the need to increase active management of the federal forests. Hubbard also signaled his support for

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legislative proposals to provide the Forest Service with additional authorities to streamline forest management projects and reduce frivolous litigation. As a former Colorado state forester, Hubbard may also look to increase coordination with the states through use of the Good Neighbor Authority. AFRC looks forward to working with Under Secretary Hubbard to improve the health of our federal forests and the communities that rely on them through active management.

On August 30, our industry through the Federal Forest Resource Coalition (FFRC) sent a [letter](#) congratulating Mr. Hubbard on his confirmation and highlighting some of the challenges and opportunities facing the Forest Service, local communities, and our industry.”

On August 1, the Senate Environment and Public Works (EPW) Committee narrowly approved President Trump's nomination of Mary Neumayr to serve as Chair of the White House Council on Environmental Quality (CEQ). Neumayr has been serving as the CEQ chief of staff and was tapped to serve as chair after the previous nominee, Kathleen Hartnett White, withdrew from

consideration after her nomination ran into controversy in the Senate. Neumayr previously served as counsel to the House Energy and Commerce Committee and held positions in the George W. Bush Administration, including the Justice Department's Environment and Natural Resources Division. The nomination passed on a narrow 11-10 vote and is now pending before the full Senate.

CEQ NEPA Reform. Democrats on the EPW Committee pointed to concerns about the Trump Administration's proposal to streamline its National Environment Policy Act (NEPA) regulations as the basis for voting against the Neumayr nomination. CEQ received over 10,000 comments before the comment period ended on August 20, although many of the comments received were form letters. It is not clear if the Trump Administration will move forward with a regulatory reform package, but Neumayr cited the length of time since CEQ's NEPA regulations were last updated and the growing time required to complete NEPA reviews as reasons for reviewing the regulations.

Senate legislative hearing, Wild Olympics. On August 22, the Senate Energy and Natural Resources Public Lands, Forests, and Mining Subcommittee held a [legislative hearing on 14 public lands bills](#), including the *Wild Olympics Wilderness and Wild and Scenic Rivers Act* ([S. 483](#)). The Wild Olympics legislation is sponsored by Senator Patty Murray (D-WA) and would create an additional 125,000 acres of wilderness on the Olympic National Forest (ONF) and designate 19 additional river segments as Wild and Scenic, further restricting forest management activities on tens of thousands of additional acres.

Prior to the hearing, AFRC sent a [letter](#) to the Subcommittee expressing its concerns with the legislation and suggested Congress instead seek comprehensive, collaborative solutions to improve the health of the Olympic Peninsula's forests and communities, rather than one-sided wilderness legislation. AFRC's letter provided specific suggestions to address key barriers for sustainable timber harvests under the ONF's nearly 25-year-old forest plan, including costly and time-consuming Survey and Manage requirements, unscientific restrictions on harvesting all trees over 80 years old, and a lack of land designated for ongoing, sustainable timber management.

The Forest Service's [written testimony](#) - provided by soon-to-be Region Six Regional Forester Glenn Casamassa, who is currently an Associate Deputy Chief - expressed general support for the intent of the legislation, but cited specific concerns with the inclusion of previously managed and roaded areas as proposed wilderness and Wild and Scenic areas that weren't found to be suitable through the ONF's forest planning process. These specific concerns weren't cited by the Forest Service under the Obama Administration when the Wild Olympics legislation last received a Senate hearing in 2016. Wild Olympics did not advance out of Committee in 2016 and has never received a hearing in the House of Representatives, where a companion version of the bill has been introduced by Congressman Derek Kilmer (D-WA).

The Subcommittee also received testimony on [S. 2160](#), the *Protect Collaboration for Healthier Forest Act*, which is sponsored by Senator Steve Daines (R-MT). The bill would create a pilot system of "baseball style" binding arbitration for collaborative forest management projects on national forests in Forest Service Region One. During the hearing, Senator Daines spoke about

the large number of collaboratively-developed forest restoration projects in Montana and Northern Idaho that are tied up in litigation and the need for an alternative, streamlined approach to addressing what is often process-driven litigation. In response to a question from Senator Daines, Associate Deputy Chief Glenn Casamassa expressed the Forest Service's support for finding alternatives to costly and time-consuming litigation.

USDA Releases New Forest Restoration Strategy. On August 16, Secretary of Agriculture Sonny Perdue was joined on Capitol Hill by Interim Forest Service Chief Vicki Christiansen, Washington State Forester George Geissler, and Senators Lisa Murkowski (R-AK), Maria Cantwell (D-WA), Ron Wyden (D-OR), and Steve Daines to announce the release of a new strategy for improving forest conditions across landscapes. The strategy outlines how the Forest Service plans to work more closely with states to identify “targeted treatments in areas with the highest payoffs.” The 28-page [report](#) largely summarizes the tools and authorities currently available to the agency to accomplish needed treatments, including the limited authorities recently adopted by Congress in the March Omnibus bill.

During the press event, the speakers underscored the urgency of the threat posed by declining forest health and catastrophic wildfire seasons, but there was little talk of providing the agency additional authorities to tackle the challenge.

The Farm Bill remains the last and best chance to pass additional forest management reforms this Congress. The House version includes a robust package of forestry reforms, while the Senate Farm Bill provides few additional reforms. The stark differences between the two bills, which extend beyond the forestry title, will be hammered out when the Conference Committee has its first meeting on September 5 in Washington. */Heath Heikkila*

AFRC Comments on CEQ NEPA Implementation

The Council of Environmental Quality (CEQ) has only updated their regulations implementing NEPA once since those regulations were originally adopted in 1978. Now, 40 years later, CEQ has begun the process of revising its procedural regulations to provide efficiencies on how federal agencies will implement NEPA in the future. On June 19, CEQ issued an [Advance Notice of Proposed Rulemaking](#) entitled, “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.” The advance notice requested comments on 20 specific questions addressing the NEPA process, scope of NEPA review, and general NEPA implementation.

On August 20, AFRC submitted [comments](#) on CEQ's proposed rulemaking, which outlined 46 recommendations. In our comments, AFRC acknowledged that the one-size-fits all, planning-based mindset, once popular in the 1970s, is extremely outdated. According to the *2016 Annual Report* of the National Association of Environmental Professionals, NEPA regulations are the main reason why it takes the Forest Service or Bureau of Land Management nearly five years to complete an Environmental Impact Statement. In addition, the Federal agencies' failure to meet Congressionally funded timber target levels is due to delays resulting from NEPA compliance and lawsuits challenging NEPA compliance.

AFRC's comprehensive comments focused on revisions to the NEPA process and scope of NEPA review, as well as providing specific recommendations on deletions or modifications to the current text of CEQ's regulations. /Sara Ghafouri

AFRC's Habitat for Humanity Home Chosen

AFRC is extremely pleased to announce that we have chosen the location for our third Habitat for Humanity home.

AFRC will be partnering with Evergreen Habitat for Humanity of Clark County, Washington on their newest project, McKibbin Commons. We are sponsoring the final house in the subdivision and anticipate breaking ground on the home in late fall, with the build finishing in fall of 2019.

[McKibbin Commons](#) is a 10-home subdivision in Vancouver, Washington. The site has provided some unique and special opportunities for families in the metro area, including partnerships with Geometry in Construction, Women Build, Faith Build and more. It is named in memory of former state representative and Clark County Commissioner John McKibbin.

AFRC is excited to sponsor this home not only for a deserving family but also for the opportunities it provides to partner with elected officials, and others such as the Washington Department of Natural Resources, Forest Service, and our incredible members. Not only are we able to do the right thing but this is a unique way to tell our industry's story - simply put, AFRC members' infrastructure and expertise makes building homes possible. /Asha Aiello

Region 6 Regional Forester Announced

On August 17, Forest Service Interim Chief Vicki Christiansen [announced](#) the appointment of Glenn Casamassa as the new Regional Forester for the Pacific Northwest. Casamassa's start date is September 17. He has been with the Forest Service for over 30 years, including most recently serving as Associate Deputy Chief for the National Forest System where he frequently testified on pending legislation before Congress. In addition to his service in the Washington Office where he has been active in the Forest Service's regulatory reform efforts, Casamassa worked on national forests in Arizona, Alaska, Utah, and Colorado. He replaces Jim Peña, who retired earlier this summer.

AFRC plans to meet with Regional Forester Casamassa soon after his arrival and will work to organize a meeting with the industry in the early Fall. In the meantime, please join me in congratulating Glenn Casmassa on this opportunity to bring new leadership to Region 6 at this critical time. /Travis Joseph

AFRC Objects to Flawed Blue Mountains Plans Revision

The [announcement](#) of the revised Forest Plans for the Blue Mountains (Umatilla, Wallowa-Whitman, and Malheur) claimed that the result would be "more jobs" and "more timber output" once those plans were "fully implemented." Therein lies the problem as the plans reduce the available landscape for management while claiming more output will result. This is a pattern that has occurred over and over in federal forest planning, including the Northwest Forest Plan and the Resource Management Plans for the O&C Lands. The culmination of a 15-year planning effort, the Blue Mountains revisions should be an opportunity to get things right.

With the extreme need for forest restoration in northeast Oregon as well as the tenuous state of the local industry infrastructure, the plans would enable treatment of only one-third of what is needed. For these reasons, AFRC joined with its members and partners to file objections to the Blue Mountains plan. AFRC's [objection](#) focuses on the key issues that preclude sustainable and necessary forest management, including suitable land base and low timber volumes. Even if fully implemented, the projected 197 million board feet (MMBF) timber output is at least 100 MMBF short of what area mills need.

AFRC's objection also highlights issues that are specific to the needs of northeastern Oregon. For example, the plans claim to address the arbitrary limit on removal of trees greater than 21 inches in diameter, known as the "Eastside Screens," which were put in place in a rushed fashion in 1995. Rather than discarding these limits, which are now a high barrier to effective forest restoration, the plans impose an exemption process that is so onerous it is unlikely to be used. The plans also rely on some elements of the 2012 Planning Rule despite being developed under the 1982 Planning Rule.

The objection initiates a 90-day resolution period, when the draft decision will be reviewed by the Forest Service's Washington Office. */Lawson Fite*

Ninth Circuit Undercuts Collaborative Landscape Management

A Ninth Circuit [ruling](#) on August 13 strikes an unfortunate blow against collaborative landscape management. The court rejected the Lost Creek-Boulder Creek collaborative project, which is part of the Collaborative Forest Landscape Restoration Program (CFLRP). Most strikingly, the court's analysis contains a fundamental misunderstanding of forest planning. It wrongly assumes that the project's design is binding on future projects in the same area, though the project did not amend the governing forest plan. The irony is that the project focuses on restoration rather than timber production, and the court accepted the environmental groups' challenge on that basis. The court's decision is so flawed that the government has already taken the unusual step of filing a petition for rehearing.

In the Payette National Forest, fire suppression has led to accumulations of small and medium-sized trees, making wildfires harder to control and more damaging to the land and adjacent communities. A diverse group of private and not-for-profit interests came together and formed the [Payette Forest Coalition](#) (PFC). Despite different backgrounds, the group found a shared interest in reducing uncharacteristic wildfires, improving wildlife habitat, water quality and watershed health, enhancing recreational access, and supporting the economies of local communities. The PFC worked closely with the Forest Service to design the Lost Creek-Boulder Creek project, which aims to restore approximately 80,000 acres.

The project reflects a common understanding that doing nothing is not an option. Without prescribed burns and noncommercial thinning, at least 40,000 acres remain at risk of mortality from insect, disease and fire, 25 culverts will not be replaced (to the detriment of bull trout), and 55 MMBF of logs will not be manufactured into wood products while maintaining the approximately 1,100 associated jobs.

Environmental plaintiffs alleged that the Forest Service improperly failed to consult on bull trout critical habitat at the Forest Plan Level, improperly relied on a draft wildlife conservation strategy, improperly changed the desired condition for forested lands within the project area and failed to follow the proper procedures regarding the minimum road system in the project area. AFRC attorneys represented both the PFC and Adams County in the litigation.

The district court rejected all these challenges. In denying a request for injunctive relief, it found “the collaborative efforts of all Defendants in developing the Project is in the public’s interest,” and that “the public has an interest in supporting the collaborative process that was used in this case to develop the Project.”

The Ninth Circuit ignored all these factors, and its opinion does not mention the collaborative process at all. Instead, it assumes that the restoration emphasis of the project is a binding forest plan amendment and compares that to the existing forest plan, rather than analyzing whether the project is consistent with the forest plan. This upside-down ruling shows that litigation reform is a necessary element to any meaningful change on our forests.

The PFC has [reiterated](#) its commitment to restoration work despite the court setback. AFRC will continue to work with the PFC in its efforts to bring meaningful forest restoration to the Payette and appreciates the work of our partners on the Forest. */Lawson Fite*

District Court Upholds Lostine Project

On August 17, Judge Michael Simon from the U.S. District Court of Oregon upheld and adopted Judge Sullivan’s Findings and Recommendation in its entirety for the Lostine Project. This lawsuit was the first to challenge the meaning of a “collaborative process” under the Farm Bill.

Magistrate Judge Sullivan had rejected plaintiffs’ arguments about the lack of collaboration noting that plaintiffs repeatedly insisted that a “formal collaborative group” was required for project development, “even though there is no legal authority for such requirement.” [See June AFRC News.](#)

The Forest Service worked with stakeholders to develop the Lostine project to remove hazard and danger trees that pose a risk to the public, create defensible space around residential and historical areas; reduce fuel loads and the risk of high intensity fires, and thin dense forest stands to improve forest resiliency to insects, disease, and wildfire. AFRC filed an *amicus* brief highlighting that the Lostine Project was, in fact, developed through the type of collaborative process required under the Farm Bill.

We are pleased to see two judicial decisions acknowledging the importance of the Lostine Project and providing the correct interpretation of “collaborative process” under the Farm Bill. Plaintiffs have 60 days from the date of the order to appeal Judge Simon’s decision to the Ninth Circuit. */Sara Ghafouri*

Mt. Hood Timber Revenues Aid Other Resources

The Mt. Hood National Forest is one of the most productive timber growing Forests in Region 6 and is also one of the most heavily used for recreation. On the Mt. Hood, the two user groups

have a symbiotic relationship. Under the leadership of new Forest Supervisor Richard Periman, the Mt. Hood is on a trajectory to build its timber program from the current 33 MMBF up to 40 MMBF by Fiscal Year 2020. Periman also hopes to use other tools such as the Good Neighbor Authority and Farm Bill Categorical Exclusions to further increase the pace and scale of needed forest health treatments.

With timber harvest comes timber receipts back to the Forest either in the form of retained receipts from stewardship projects or monies back in the form of K-V dollars. These dollars are funding necessary projects to help deal with increasing recreational impacts and improve water quality on the Forest. On August 14, AFRC staff participated in a field trip with AFRC member Interfor that was hosted by the Clackamas Stewardship Partners. The purpose of the trip was to view areas of overuse by recreational shooters and examine installation of a new culvert over the South Fork of the Clackamas River which will improve fish passage. Both projects were funded in part by retained receipts generated by timber sales. The group also looked at old roads that had been filled with brush and stumps making them impassable to Off Highway Vehicles, thus preventing rutting and erosion.

Representatives from [Clackamas County Dump Stoppers](#) and [Trash No Lands](#) explained that part of their funding comes from timber sale retained receipts and are both active partners with the Forest Service to rehabilitate the forest from recreational damage. In fact, Dump Stoppers received \$50,000 to help fund their efforts this year. These receipts help the groups clean up trash in undesignated shooting areas and establish and maintain designated areas.



Forest receipts are also helping fund a large water passage improvement being installed on the South Fork of the Clackamas River (see pictures below). A new 20-foot arched culvert is replacing an old culvert that was damaged and did not support fish passage further upstream. This new culvert will ensure adequate water passage during a flood stage thus preventing siltation and allowing resident cutthroat trout to migrate upstream. The Forest contributed \$270,000 of the total \$700,000 for this culvert replacement and installation.



AFRC and our members are grateful for the timber coming from the Mt. Hood National Forest, and it is rewarding to see some of the dollars spent on stumpage being used to benefit a variety of resources. Groups such as the Clackamas Stewardship Partners are seeing the advantages of partnering with the timber industry to assist with the resources they value being improved at the same time the Forest is managed. /Tom Partin

Oregon Adds Tools for Forest Product Workers and Grassroots Engagement

Forest products employees are the industry's best advocates. Unfortunately, they are often the least informed about the specifics of forestry and its contributions to communities, economic influence and environmental health. While the industry has begun to drive incredible messaging about the links between a thriving forest products industry and economic and environmental health, we must ensure that that messaging comes from our internal as much as our external resources.

A new educational program from the Oregon Forest Resources Institute (OFRI) aims to help inform the approximately 61,000 Oregonians with forest-related jobs about contemporary forestry practices and instill a sense of pride of their work in the state's forest products industry.

Companies can use the online [Forest Proud toolkit](#) to order or download the materials free of charge to share with their employees. These include fact sheets, a booklet for new employees, posters and slideshows for display in work areas, and [infographics](#) for sharing on social media. There's also a Forest Proud Oregon [webpage](#) and [Facebook page](#).

The Forest Proud materials reinforce key reasons employees can be proud to work in Oregon's forest products industry and gives them the confidence to represent the industry to friends and neighbors and recruit new employees. AFRC staff met with OFRI as they prepared to launch Oregon Forest Proud and discussed launching similar programs in other states. OFRI has frequently worked with other states to alter everything from videos to written material to reduce the cost and time in introducing programs to other areas. For more information on replicating programs such as these, contact Inka Bajandas, bajandas@ofri.org or 971-673-2948.

An additional tool [Oregon Forests Forever](#), a campaign to grow grassroots support of Oregon forests and the forest products industry through fun, engaging information. An example of this is an article on how Japan is actually creating alcoholic beverages with [wood](#). Their Facebook page invites people to share photos and stories about how they engage with the forests. Oregon Forests Forever and corresponding campaigns are aimed at educating and engaging the public to become advocates for sustainable forest management. Below are two examples of their upcoming digital media campaign.



AFRC supports these efforts and is interested in seeing these types of programs grow in other member states. If you would like more information on replicating programs such as these, contact Asha Aiello at aaiello@amforest.org or 503-222-9505. /Asha Aiello