



Washington, DC Update

Forest Service NEPA Regulations. On June 13, the Federal Register announced the Forest Service’s [proposed revisions](#) to its National Environmental Policy Act (NEPA) regulations to increase efficiency and bring the agency’s environmental analysis procedures into greater consistency with those of other agencies and the requirements of NEPA. The proposed rules are part of the agency’s Environmental Analysis and Decision Making (EADM) process and would be the first major changes to its NEPA regulations since the 1990s.

The draft rules incorporate science-based analysis and over a decade of experience with various projects that will allow the agency to get more work done on the ground while maintaining environmental stewardship. The proposed regulations also considered input received from the public following an Advanced Notice of Proposed Rulemaking (ANPR) published by the Forest Service on January 3, 2018. The proposed regulations represent a significant step forward towards reducing the time and cost of NEPA compliance for routine agency projects, including forests management and restoration treatments:

- New categorical exclusions (CEs) for restoration, roads, trail management, recreation, and special use permit activities, including a 7,300-acre forest restoration CE (maximum of 4,200 acres of mechanical treatments).

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- Removes the requirement for scoping on CEs and Environmental Assessments (EAs), consistent with White House Council on Environmental Quality regulations which only require scoping for Environmental Impact Statements (EISs).
- Additional guidance on when the agency can utilize a CE, including providing greater clarity on when “extraordinary circumstances” such as potential impacts on ESA-listed species preclude the use of CEs.
- Authorizes a “Determination of NEPA Adequacy” allowing the Forest Service to utilize older decision documents to support additional projects – ultimately reducing redundant analysis.
- Seeks to streamline NEPA decisions by incorporating adaptive management and conditions-based management.

Anti-forestry and activist groups have predictably responded by blasting the proposed rules as “gutting NEPA” and “cutting the public out” of decision making. For its part, the Forest Service has provided a clear rationale on the need for the regulation changes:

“Challenges like extended droughts, insect infestations and diseases have made the effort to protect people, communities and resources from threats like catastrophic wildfires even more difficult. Together, these challenges have strained available staff and resources across all our mission areas.

The agency has faced challenges due to trends of decreased funding and personnel because resources are increasingly being spent each year on wildfire. In 1995, wildland fire management funding made up just 16 percent of the Forest Service’s annual spending. In 2018 that spending accounted for 57 percent of the agency budget. There has also been a similar shift in staff to fire programs. There has been a 39 percent reduction in all non-fire personnel since 1995.

More than 80 million acres of land the Agency manages still need to be treated to mitigate risk for fire and disease. This created a backlog of forest, watershed, and range restoration projects. Additionally, the majority of environmental decisions the Forest Service makes relate to special use permits. More than 5,000 of these new special use permits, or renewals are awaiting environmental analysis and decision affecting more than 7,000 businesses and 120,000 jobs.”

AFRC submitted [comments](#) in response to the 2018 ANPR highlighting a series of needed changes, including several components ultimately included in the Forest Service proposal. AFRC has also highlighted the need for greater adherence to the guidance issued by the White House Council on Environmental Quality (CEQ) for the length and time needed for EAs and Environmental Impact Statements. While the Forest Service has not addressed this in its proposed rulemaking, Deputy Chief Chris French did issue a [May 30 memo](#) urging Regional Foresters to use CEs “as the first choice and used whenever possible” and “accomplish forest health and hazardous fuels work in the most responsible expedited ways possible.”

The Forest Service will be accepting comments on the proposed rule for 60 days, through August 12, 2019. Comments can be submitted and viewed at [regulation.gov](#). AFRC is encouraged by the Forest Service proposed rulemaking and will be organizing a comment effort on behalf of AFRC’s members and allied organizations. The Hill newspaper also recently featured an [opinion piece](#) from Healthy Forests, Healthy Communities’ Nick Smith explaining the importance of the reforms.

Senate Wildfire Hearing. On the same day as the public announcement on new NEPA regulatory package (June 13), the Senate Energy and Natural Resources Committee held its annual oversight hearing of Forest Service and Bureau of Land Management (BLM) wildland fire programs ahead of the summer wildfire season. Senators generally expressed strong bipartisan support for taking steps to reduce fire threats to local communities and treat at-risk forests, including Committee Chair Lisa Murkowski (R-AK) and Ranking Member Joe Manchin (D-WV). Senator Manchin even noted how acres burned has increased dramatically in recent years as annual federal timber harvests fell from a high of about 12 billion board feet (bbf) to 2-3 bbf over the past three decades. Senator Steve Daines (R-MT) commended the agency’s NEPA reforms and noted that California streamlined its state regulations for timber harvests on private lands.

Unfortunately, some Democratic senators used the hearing to blast the Forest Service’s proposed NEPA rulemaking package calling them a “rollback of environmental laws,” an “ideological pipedream,” and a “full employment act for lawyers” that would only invite a “litigation derby” challenging the rules. Confusingly, many of these comments came from senators who have publicly stated that expensive paperwork and redundant analysis for routine activities are paralyzing the Forest Service and should be addressed. A webcast of the hearing is available [online](#).

Administration Personnel Moves. On June 21, Forest Service Chief Vicki Christiansen announced the appointment of Chris French as the permanent Deputy Chief, National Forest System – a position he has been filling in an acting capacity. French has been a key leader in the agency’s efforts to streamline agency procedures and regulations that limit its ability to make progress towards treating the agency’s 80 million acres of at-risk forestland. A career Forest Service employee, French joined the agency in 1991 and has served in various capacities inside and outside of Washington, D.C., including director of the Ecosystem Management Coordination staff – a position that oversees the agency’s implementation of NEPA and other laws and regulations. AFRC congratulates Chris on this well-deserved promotion.

Nearly 60 percent of the Interior Department’s top political appointments – those subject to Senate-confirmation – are currently unfilled. This includes the Deputy Secretary position that has been unfilled since David Bernhardt was elevated to Interior Secretary. Other key open positions include the Director of the BLM, U.S. Fish and Wildlife Director, and Interior Solicitor.

On June 5, Susan Combs was confirmed by the U.S. Senate to serve as the Assistant Secretary of the Interior for Policy, Management, and Budget in a 57-36 vote. Combs’ nomination languished in the U.S. Senate since she was first nominated in 2017 and she was subsequently re-nominated in 2019. The Senate Energy and Natural Resources Committee recently approved the nomination of Robert Wallace to serve as Assistant Secretary of the Interior for Fish, Wildlife and Parks in 19-1 vote. Wallace, a Wyoming native who served as a committee staffer on Capitol Hill and worked as a lobbyist for GE Energy, was nominated by President Trump in May. Dan Jorjani was nominated to serve as Interior Solicitor in February and is now awaiting a vote by the full Senate after facing opposition from Senate Democrats. President Trump has yet to nominate a permanent BLM Director and has instead relied on political appointees to serve in an acting capacity. /Heath Heikkila

Federal Forest Resource Coalition Updates

Senate Committee Reviews Forest Service Maintenance Backlog. The Senate Committee on Energy and Natural Resources had a hearing on June 18 to examine the maintenance backlogs of the Forest Service and other federal land management agencies. Lenise Lago, Associate Chief of the Forest Service, was on the stand, along with Liz Archuleta, Supervisor from Coconino County, Arizona; Scott Cameron, Principal Deputy Assistant Secretary for Policy, Management and Budget with the Department of the Interior; Dan Puskar, CEO of the Public Lands Alliance; and Jessica Wahl, the Executive Director of the Outdoor Recreation Roundtable. You can watch the hearing [here](#).

In her opening statement, Lago pointed to the \$5.2 billion maintenance backlog of the Forest Service alone, \$3.6 billion of which is road maintenance. She said to combat this backlog, the Forest Service is “taking bold steps to streamline our environmental review process...” to “speed up important work that could protect communities, livelihoods, and resources.” Lago also brought up the funding received from the Federal Lands Transport Program (FLTP). Less than 5% of funds from the FLTP go to the Forest Service, despite the Forest Service having four times more roads than any other federal land manager. She emphasized the point that “deferred maintenance is scheduled maintenance that doesn’t get done,” again highlighting the need for implementation of the proposed changes to NEPA regulations. Senator Angus King (I-ME) drove home the point of clearing the backlog in saying “deferred maintenance is debt that must be paid down.”

Chairwoman Murkowski (R-AK) asked Lago about the capital improvement plan that has yet to surface despite the FY18 appropriations bill requiring it be finished by this past spring. Lago assured her that the Forest Service was finalizing the plan, and it should be available in the “near future.” /*Bill Imbergamo, Federal Forest Resource Coalition*

Ninth Circuit Upholds Sunny South Project and Ensures Viability of Farm Bill CE

Setting legal precedent for nine western states, the Ninth Circuit [ruled](#) on June 24 in favor of the [Sunny South Project](#) on the Tahoe National Forest. The ruling is significant because it is the first appeals court decision to address a project under the insect and disease Categorical Exclusion (CE) under the [2014 Farm Bill provisions of the Healthy Forests Restoration Act \(HFRA\)](#). The court decided a separate NEPA analysis is not required when designating landscapes eligible for the Farm Bill CE. This ensures implementation of the Farm Bill CE will not be hamstrung by unnecessary or speculative paperwork, and that the Forest Service can get to work on forest restoration in designated landscapes.

AFRC intervened in the case on behalf of our member Sierra Pacific Industries, the purchaser of the Sunny South timber sale, and [argued the case](#) to the Ninth Circuit in December 2018. The district court ruled in favor of the project in 2017, and both the district court and Ninth Circuit rejected motions for injunction pending appeal. ([August 2017](#) and [September 2017 Newsletters](#)).

The Farm Bill CE authorizes projects to treat up to 3,000 acres in designated areas without preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and authorizes the Chief of the Forest Service to designate additional eligible areas. The project is in a Chief-designated area, so the plaintiffs argued that a separate NEPA process was required for the landscape designation itself. Such a ruling would have undermined the usefulness of the Farm Bill CE, entangling projects in repetitive NEPA loops. The Ninth Circuit agreed, in an [opinion](#) written by Obama-appointed Judge Jacqueline Nguyen, that the designation of a landscape under the Farm Bill CE does *not* require its own NEPA process.

The court found that a NEPA analysis was not required because “the designation of landscape-scale areas does not ‘change the status quo.’ Designating landscape-scale areas does not mark the commencement of any particular projects; it only identifies swaths of land suffering from the harms of insect or disease infestation where certain priority projects *may* be implemented.” The

court explicitly recognized the urgency of the forest health crisis. “To conclude otherwise would undercut Congress’s intent in amending the HFRA, which was to address ‘the speed and widespread impact of [insect] infestations.’” “Given the imminence of these ‘threats,’” the court found, “Congress plainly intended to allow the Forest Service flexibility to combat them quickly.” As such, “Reading a NEPA analysis requirement into the HFRA with respect to landscape-scale area designations would conflict with the statute’s overall purpose of expediting the response to declining forest lands.”

Although the court did not decide as to whether the Forest Service must show that no “extraordinary circumstances” exist when using the Farm Bill CE, it upheld the agency’s determination that potential effects on the California Spotted Owl did not constitute extraordinary circumstances. The court recognized that the Forest Service “endeavored to ensure that the project did not affect the most important areas of the owls’ habitat.” The court also found it needed to defer to the Forest Service’s finding that “individual owls may be negatively impacted in the short-term, but the species would benefit in the long run.”

The ruling is a positive step forward to increasing the pace and scale of forest restoration.

/Lawson Fite

Stunning Turnaround as Courts Lift Injunction Against Seiad-Horse Project

Sometimes the underdog wins. In a remarkable comeback story, the [Seiad-Horse Risk Reduction Project](#) on the Klamath National Forest can now proceed after the district court reversed course, staying its prior injunction pending appeal, and the Ninth Circuit refused a last-minute request to halt project work. This means the full implementation of the project was able to occur on June 13, as soon as owl surveys were completed. The result is a huge win for AFRC and its members in and around the Klamath as well as for everyone with a stake in forest health. It is also a big legal step toward better post-fire management of our national forests.

The project was designed following the 2017 Abney Fire to reduce safety hazards and reduce the risk of future large-scale high severity fire losses of late-successional habitat. The project includes 39 miles of roadside hazard tree removal and area salvage of 1,269 acres, mostly in late-successional reserves (LSR), and may produce up to 19 mmbf of timber.

Environmental groups challenged the project’s compliance with the Northwest Forest Plan’s Aquatic Conservation Strategy and the Plan’s snag-retention standards, as well as claiming an EIS was required. AFRC intervened, and the district court held a hearing during the government shutdown, rejecting the government’s request to stay the hearing. ([January 2019 Newsletter](#)).

On January 25, the district court enjoined parts of the project, in an [opinion](#) that appeared out of step with recent Ninth Circuit precedent. The court rejected the Forest Service’s reading of two provisions of its own Forest Plan, where the agency is normally entitled to significant deference. The court also did not consider the substantial private and public interests in reducing the risk of further severe fire, protecting safe travel, and defending the community of Seiad Valley.

AFRC appealed the injunction order to the Ninth Circuit, and on April 16 filed a motion to stay the injunction pending appeal. Federal court [rules](#) empower a district court to suspend, modify,

restore, or grant an injunction when an appeal is pending. The Forest Service subsequently filed its own stay motion. In our motion, AFRC focused on the increased fire risk for this summer because of fine fuel growth following a wet winter, which threatens the future of the forest, local communities, and first responders; the risk of irreparable harm, because of rapid timber deterioration to small loggers working to implement the project; and the infeasibility of implementing the full project without the units under injunction.

Judge Nunley issued the order staying the injunction on May 31. The order reversed course on the snag-retention claim, finding the project would not decrease habitat suitability because it does not degrade or remove any habitat. The district court also stated that the balance of harms had shifted because it was now clear that all the sale work must be completed to support the suite of project restoration activities. The district court recognized that forgoing “critical elements of the Project” would expose the public to risks that otherwise could be lessened by the full implementation.

Plaintiffs then sought an emergency injunction pending appeal from the Ninth Circuit, which was denied on June 11, by Motions Panel Judges Clifton and N.R. Smith. As limited operating periods for owl conservation (in effect since January) were lifted on June 10, this permitted all project work to resume within days.

This is a victory for a vision of forest management that uses harvest strategically to reduce risks, accelerates the development of desired conditions, and supports rural communities. It is also the third time in the last year or so, along with the Pioneer and Tower/Grizzly cases, where courts have declined to enjoin carefully designed post-fire forestry work.

Briefing on the underlying appeal is nearly complete, and the case may be argued as soon as August. In the meantime, project work can proceed to help mitigate an otherwise dangerous fire season on the Klamath.

AFRC thanks Julie Weis of Haglund Kelley LLP for her outstanding work on this case. We also appreciate the work of the Forest Service and the Department of Justice as well as Siskiyou County, CA, which filed an *amicus* brief highlighting the importance of the project to the community. /*Lawson Fite*

Smokey Gets the Go-Ahead After A Decade of Planning and Six Years of Litigation

As its name implies, the [Smokey Project](#) on the Mendocino National Forest is designed to prevent forest fires, particularly in the Buttermilk LSR where conditions present a significant risk to late-successional conditions. Smokey uses techniques including thinning from below, plantation thinning, and hand thinning to treat about 6,300 acres with 930 acres to be commercially thinned. AFRC member Trinity River Lumber Co. (TRLCo) holds the contract which is likely to produce up to 8.5 mmbf of timber, largely overstocked white fir. The case was challenged in court, and AFRC intervened on TRLCo’s behalf and [argued](#) the case in the Ninth Circuit.

On June 4, three judges of the Ninth Circuit [upheld](#) the project – likely concluding over ten years of planning and six years of active litigation. Smokey has received three separate biological opinions in that time, with one re-consultation triggered by the 2012 spotted owl critical habitat rule and a second triggered by the apparent movement of one owl pair. After summary judgment briefing, the district court largely upheld the project but sent some issues back to the Forest Service for a brief remand. ([June 2017 Newsletter](#)) Once the Forest Service completed the remand, most notably analyzing whether alternatives with diameter caps would meet the purpose and need, the district court dissolved its prior partial injunction in March 2018. It then denied a request for injunction pending appeal, permitting TRLC to begin operations in August 2018.

The Ninth Circuit upheld the geographic scope of analysis, which included all treatment units and area within a 1.3-mile radius of these units. The court noted this was “based on FWS’s recommendation to analyze impacts within the spotted owl’s ‘home range,’ and appears to account for the location and movement patterns of the spotted owls, thereby warranting deference to the agencies’ judgment.”

The court also upheld the Forest Service’s conclusions that none of the alternatives using a diameter cap would meet both project purposes of fuels reduction and maintenance of owl habitat. Because Smokey is a project under the [Healthy Forests Restoration Act](#), an alternative needs to be considered in detail only if it “meets the purpose and need of the project.” While the plaintiff group did not challenge the Forest Service on the merits here, it asserted that the agency should have considered an alternative that was only funded using appropriated dollars and service contracts in the apparent belief that approach would result in less timber harvest. The Ninth Circuit didn’t buy this argument. “Whatever arguments might support such a policy,” the court held, the plaintiff group “has not shown it is improper for USFS to carry out its forest management mandates by contracting with private parties for timber removal.” Finally, the court agreed that an EIS was unnecessary, noting that the district court held the agency to its “hard look” obligations when issuing a limited remand.

This decision is an encouraging step forward to full implementation of those elements of the Northwest Forest Plan and the spotted owl Recovery Plan which encourage active management to reduce fuels, enhance forest health, and retain important industry infrastructure. AFRC appreciates the support of our members and partners throughout this long litigation, particularly former Staff Attorneys Scott Horngren and Rob Molinelli, who originally intervened in the case.
/Lawson Fite

Judge Approves Crystal Clear Restoration Project

On May 7, Oregon District Court Judge Mosman issued an order ruling against plaintiffs Bark, Cascadia Wildlands, Oregon Wild, and WildEarth Guardians on their challenge to the [Crystal Clear Restoration Project](#) (CCR Project) on the Mt. Hood National Forest. A month later, on June 18, he issued his written [opinion](#).

AFRC intervened on behalf of our member High Cascade, who was awarded the Ahoy Stewardship Contract. Subsequently, after the summary judgment hearing, AFRC member Boise Cascade was awarded the Bilge Stewardship Contract. In total, the Forest Service will award

seven contracts, and it will take eight years to implement the project. This is one of the largest projects coming off the Mt. Hood in recent years and will generate about 40-60 mmbf.

The CCR Project is designed to improve stand conditions and reduce the risk of high-intensity wildfire, as well as promoting safe fire suppression activities. The project is located near the Warm Springs Wildland Urban Interface (WUI) and the Juniper Flats WUI. The Forest Service proposes to thin 11,742 acres: 4,244 acres of sapling thinning, 4,004 acres of plantation thinning, and 3,494 acres of non-plantation thinning. The project will also conduct treatment within the White River LSR, which is an authorized treatment under the NWFP because it seeks to protect the LSR from large-scale wildfire and/or insect and disease epidemics. Overall, treatment will occur in either dry or moist mixed-conifer forest types and place a greater emphasis in areas that were identified as needed for strategic fuel treatment in the Mt. Hood Strategic Fuel Treatment Placement Plan. Also, there are no known owls in the project area. However, treatment will downgrade 1,059 acres of suitable habitat and remove 859 acres of dispersal habitat.

Plaintiffs' challenge raised three claims for relief under NEPA, the National Forest Management Act (NFMA), and the Travel Management Rule. Judge Mosman ruled against all three claims. First, the court concluded that an EIS was not required due to "significant" effects to the environment and rejected plaintiffs' argument that thinning to reduce fire severity is "highly controversial" concerning "mature forests not departed from natural conditions." Plaintiffs alleged that "the best available science" suggests that logging mature forests does not improve forest health or reduce fire severity. The court concluded, however, that although plaintiffs had produced some evidence that casts doubt on the Forest Service's conclusions that thinning in non-plantation stands will prevent fires, plaintiffs did not raise a substantial question as to whether the project will cause significant effects in light of the context of the project (less than one percent of the moist mixed conifer stands in the project area are considered old growth).

The court also relied on the context of the project when rejecting plaintiffs' assertion that the logging of older stands for the benefit of the northern spotted owl is highly controversial. The court noted that there is no habitat currently occupied by the owl and that it is "inappropriate to use the stand scale as the relevant context in this case—every project in NSO habitat has a significant effect when viewed at a small scale." The court also rejected plaintiffs' NEPA claims related to cumulative effects and ecologically critical areas (holding that an LSR is not a unique characteristic of the project area) and rejected plaintiffs' NEPA claims for failure to take a hard look and failure to analyze a reasonable range of alternatives.

Second, Judge Mosman determined that the Forest Service did not violate NFMA. Plaintiffs alleged that the CCR Project did not comply with NFMA for two reasons: (1) the project did not comply with the NWFP's restriction on active management of LSRs; and (2) the project violated the Forest Plan's requirement for snag retention. The court found no violation of NFMA due to the project's thinning in the LSR, and that the project complied with the White River LSR Assessment. Even though the project area is currently below the standard for snags, the court found that the project, overall, complied with the Forest Plan's snag retention requirement.

Finally, the court rejected plaintiffs' claim that the project violated the Travel Management Rule. The court found that the Forest Service did not identify a minimum road system and was not required to do so.

Overall, the court's decision reaffirms the Forest Service's ability to manage in mature forests stands, LSR, and owl critical habitat to reduce fire risks and improve forest resiliency.

Plaintiffs have appealed the unfavorable decision to the Ninth Circuit, but WildEarth Guardians elected not to participate in the appeal. Plaintiffs also moved for an injunction pending appeal before the district court, which was ultimately denied. High Cascade will likely begin harvesting in the next few weeks. /Sara Ghafouri

Oregon Legislature Passes GNA Reporting Bill

Despite a divisive legislative session overall, the Oregon legislature passed [House Bill \(HB\) 2953](#) – a legislative priority and victory for AFRC. The bill, introduced by Rep. Bonham (R-The Dalles) and Rep. Brock Smith (R-Port Orford), requires the Oregon Department of Forestry (ODF) to report outcomes from all projects pursued in the state under the Good Neighbor Authority Agreement (GNA) to an interim committee relating to economic development. The reports will be submitted in even-numbered years.

In 2014, Congress authorized GNA, and in March 2016, Governor Brown signed a Master GNA Agreement with the Forest Service. This new authority allows ODF and the Oregon Department of Fish and Wildlife (ODFW) to implement federal projects using federal and state funds. Subsequently, in 2018, the Oregon Legislature passed HB 4118, which required ODF and ODFW to work with federal land management agencies to prioritize certain projects under the GNA Master Agreement. The bill authorized a one-time allocation of \$500,000 to increase GNA project work and required the Governor and Portland State University to develop recommended goals. A list of the Federal Forest Restoration Program's cumulative accomplishments from 2014-2019 can be found [here](#).

HB 2953 is an important piece of an overall effort to increase transparency concerning ODF's GNA program and the Federal Forest Restoration Program. Thank you to Reps. Bohnam and Smith for your work on this bill. /Sara Ghafouri

Forest Products Modernization Updates

Last fall, the Forest Service held a series of "Partner Feedback Sessions" to gather feedback from multiple stakeholders on the agency's effort to modernize the delivery of forest products. The effort, aptly named Forest Products Modernization (FPM), aims to create efficiencies in how the agency manages forests, delivers forest products, and implements timber sales. Collectively, these efficiencies should enable the Forest Service to better meet the public's demand for both forest products and healthy, productive national forests. ([October 2018 Newsletter](#)).

Last month, Forest Service hosted an interactive webinar to update the public on its progress and status. The agency made it clear that the FPM is not designed to culminate in a final set of policy and business practice improvements, but rather act as an ongoing commitment to adapting and improving the way the agency delivers its program outputs. To date, the effort has

established a working group focused on forest product markets and utilization, reduced the amount of time and money marking trees in timber sales, and scaled up the use of the Good Neighbor Authority.

The most tangible output of this effort is the modification of the agency's established minimum rates for the sale of saw timber and other convertible products. Previously, the agency had established three distinct minimum rates for high, medium, and low-value species in the form of dollars/hundred cubic feet and represented the lowest amount of payment the agency would accept for the sale of those products. In many regions where the demand for timber products is high, minimum rates are regularly exceeded at public auctions due to competitive market-based bidding. However, in some regions where the Forest Service sells low-value forest products that are not in high demand or that have a relatively high associated cost, those minimum rates represent a higher price than the market could pay.

In response, the Deputy Chief sent a [letter](#) last month that directed the agency to lower these three minimum rates down to a single base rate. This new base rate will be set at \$0.25/CCF (the previous minimum rate was set at \$1.00/CCF).

The letter indicates that this modification is designed primarily to remove barriers to successful timber sale implementation created by the required removal of low-value product. It will not result in a wholesale reduction of advertised base rates as the Forest Service will continue to appraise their timber sales and establish appropriate minimum rates.

However, this change should provide the agency with added flexibility to account for low-value material that either represents a cost to purchasers or a very marginal profit. It should also facilitate the implementation of forest restoration-based projects that focus on forest product removal to meet land management goals rather than to meet local demand for forest products.
/Andy Geissler

“Restoration” on the Malheur

On June 10, AFRC held a field trip on the Malheur National Forest which revealed disturbing patterns in the ability to achieve forest land management objectives. The purpose of the field trip was to review the upcoming Rattlesnake HFRA project on the Emigrant District.

At the first stop, participants looked at a dry mixed conifer forest where stocking levels cannot be adequately reduced even though all the white fir has been removed from the stand. The requirement to leave early seral trees, in this incidence ponderosa pine, greater than 21 inches diameter at breast height (dbh), is becoming increasingly problematic. While white fir competing with ponderosa pine is considered an acceptable “biological reason” for removing trees greater than 21 inches dbh, pine competing with pine, and ultimately compromising the health and viability of the entire stand, is not.

The second stop revealed similar issues. Adequately reducing stocking levels will not be achieved over much of the stand due to the number of trees greater than 21 inches. The “late and old structure” (LOS) requirement in the eastside screens is defined as ten trees per acre greater than 21 inches. This is becoming problematic on eastside forests when young white fir has taken

over sites but cannot be removed due to the LOS requirement. In addition to not meeting silviculture objectives, the small average diameter of the saw logs for removal and the requirement to remove all non-saw material from the site combine to produce a negative revenue project. Leaving some trees across diameter classes is necessary for this stand and is critical to providing healthy trees in the future.

A discussion about “connectivity corridors” was the final stop on the field trip. These corridors, as required by the eastside screens, are being lost to insects, disease, and fire. Connectivity corridors do not appear to be working as intended, and the “no management” requirement continues to compromise the objective. There was consensus by the group that changes must be made to the eastside screens if restoration objectives and the viability of our drier forests on the east side of Region 6 are to be achieved and maintained. *Irene Jerome*

OSU Early Seral Biodiversity Science & Management Workshop

From June 10-11, the Forest Biodiversity Research Network held a workshop at Oregon State University (OSU) to discuss current and ongoing research related to early seral forests. The OSU-based network conducts collaborative research throughout the world’s forest ecosystems to foster global awareness of biodiversity, facilitate science-based solutions, and support a sustainable future for both nature and society. Scientists representing academia, state resource agencies, federal agencies, forest products companies, and scientific associations presented. Abstracts of the presentations can be found [here](#).

The first day consisted of several scientific presentations and a panel discussion on early seral management techniques and how those treatments affect biodiversity. Representatives from the Oregon Department of Forestry, BLM, Forest Service, a forest management company and a small woodland owner identified barriers to creating early seral habitat such as upfront costs of young stand management, viewsheds, public input, and marbled murrelet/other protected species.

The BLM specifically highlighted internal challenges such as resistance to change and external challenges with messaging from anti-harvest groups. The Forest Service shared that the public wants forests to look like forests (large trees) and do not think about the lifetime of a forest, and how social science can also be a barrier.

Other key takeaways included:

- The Northwest Forest Plan matrix designated lands need to focus on creating quality early seral in plantations that were previously only thinned.
- Federal lands must create both high-quality complex early seral forests and late seral forests.
- The demand for wood will continue to be the same or increase in the future, but the land base to manage for timber production is getting smaller.
- Western Purple Martins need early seral habitat to survive, and regeneration harvests may be a way to enhance their habitat and populations when some legacy trees are left on the landscape.
- Native bees need open canopies and the plant associations with them. As canopies close, bees leave or die off.

- Creating refugia for ground-nesting bees may be important to retain species richness and abundance. Bare soil is necessary and could be maintained on landings, temporary roads, or other areas in a stand.
- Early seral forests are extremely important for carnivorous food populations.
- Legacy or leave trees are extremely important to retain on the landscape of an early seral forest to provide nesting structure for the many avian species that rely on these forests for survival.
- When only looking at high-intensity fire history, the Western Washington Cascades historically consisted of between 45-90% late seral, while early seral represented between 1-30% (6% median). These percentages are likely to change in different locations and when looking at other fire regimes and histories. Modeling climate change effects may also affect future numbers.

The second day was a field trip to the “Intensive Forest Management Study” and a regeneration harvest completed by the BLM. Presentations and discussions included multiple scientific experiments related to the Intensive Forest Management Study and how the BLM manages their land under the new Resource Management Plans.

The workshop was encouraging and highlighted the need to continue to study the importance of early seral forests. /*Amanda Astor*

New Forest Supervisors Announced for Regions 1 and 6

AFRC staff is looking forward to working with the six new Forest Supervisors and district rangers that have recently been appointed in Regions 1 and 6. Several of these forests are key timber producers that the forest products industry heavily depends on for a sustainable supply of wood.

Matt Anderson - Bitterroot National Forest. Matt was previously a District Ranger for the Craig and Thorne Bay Districts of the Tongass National Forest. Other prior assignments included a Supervisor detail to the Manti-La Sal, Deputy Forest Supervisor on the Tongass, and field manager for the BLM in Wyoming and Colorado.

Kristin Bail - Okanogan-Wenatchee National Forest. Kristin will begin on September 1. She is currently serving on a detail in the Washington, D.C. office as the Acting Director for Watershed and Air Management. Her permanent position is Assistant Director, Resources and Planning for the BLM in Washington D.C. She also served as Forest Supervisor of the National Forests in North Carolina, Deputy Forest Supervisor on the Coconino National Forest, and District Ranger on the Ochoco National Forest.

Chad Benson - Kootenai National Forest. Chad is currently the Deputy Forest Supervisor on the Custer-Gallatin National Forest and was the Acting Forest Supervisor on the Kootenai in the fall of 2018. He was previously a District Ranger on the Powell Ranger District of the Nez Perce-Clearwater and Ninemile Ranger District of the Lolo. Chad replaces Acting Supervisor Cheryl Probert who will assume her role as Forest Supervisor on the Nez Perce-Clearwater.

Cheri Ford - Beaverhead-Deerlodge National Forest. Cheri has been the Acting Supervisor since last fall when Supervisor Melany Glossa became Deputy Regional Forester for the Eastern Region. Cheri was previously the Deputy Forest Supervisor on the Salmon-Challis National Forest. She has also worked for the Bitterroot and Lolo National Forests and in the Regional Office in the soils and wildlife program.

Craig Trulock - Malheur National Forest. Craig has currently been serving as the Acting Forest Supervisor. He was previously the Deputy Forest Supervisor on the Rogue River-Siskiyou National Forest. Prior assignments include District Ranger on the Bridger-Teton National Forest and District Ranger on the Nez Perce-Clearwater National Forest.

Carolyn Upton - Lolo National Forest. Carolyn was previously on the Medicine Bow-Routt National Forest and Thunder Basin National Grasslands in Colorado where she was the Deputy Forest Supervisor. She also served as a District Ranger on the Walker Ranger District on the Chippewa National Forest and the Ecosystem Staff Officer on the Idaho Panhandle Forest.

Quinn Carver - District Ranger for the Seeley Lake Ranger District on the Lolo National Forest. Quinn has been serving as the interim ranger for the past few months. He was most recently the natural resources officer on the Kootenai. He also served as a wildlife biologist on the Helena National Forest. Quinn's appointment is a terrific win for the wildfire-prone Seeley Lake area as he has an extensive background in timber planning, sale, implementation, wildfire issues and the species concerns of Montana.

AFRC will be meeting with the new Supervisors and looks forward to partnering with these Forests to increase the pace and scale of active management. / *Tom Partin*

Emerging Leaders 2019

The HFHC and AFRC Emerging Leaders Program was held in Anderson, CA, on May 31. The program is in its third year and was created to train future leaders in the forest products industry on issues such as federal policy, advocacy, public engagement, and leadership.

AFRC President Travis Joseph started the day with a detailed overview of federal land management policy, how bills move through Congress, and how Congressional staff and Members of Congress tackle issues. This was an informative look into how individuals and organizations can influence both legislative agendas and rulemaking in Washington, D.C.

Tara Jones and Ben Haupt, resource management leaders on the Klamath National Forest, and Steve Brink of California Forestry Association, gave presentations on the tools that the Forest Service has at its disposal to effectively manage national forests and how to encourage and support the agency to use them.

Andrea Howell, Sierra Pacific Industries; Nick Smith, Healthy Forests, Healthy Communities; and Diane Dealey Neill, Forestry Challenge; covered media relations and public opinion as it relates to federal forest management. The goal of the panel was to equip participants with tools for effective communication with the media, engage stakeholders on social media platforms, and to involve the next generation and share forestry principles with the public. The panel ended with

an exercise in examining a controversial timber sale, community reaction and involvement, and how the participants would handle the situation.

The day concluded with Chris Chase, Timber Products Company; Dan Tomascheski, Sierra Pacific Industries; and Mike Albrecht, Sierra Resource Management; who shared their perspectives on leadership and their paths to successful careers in the forest products industry. They spoke about what skills, values, and attributes – tangible and intangible – contribute to a leader’s success personally and professionally. It was a powerful panel with incredible experiences and information.

AFRC and HFHC would like to thank the speakers and participants for making our third Emerging Leaders Program a success. We look forward to future events. /Asha Aiello

Evergreen Habitat Volunteer Day

On May 28, AFRC staff volunteered at its sponsored Habitat for Humanity home for the Hpaw Yam family in Vancouver, WA. The day was spent installing siding. The competitive AFRC staff members split into two teams to complete one full side and half of another side of the duplex. The team was thrilled to work alongside one of the homeowners making the day even more special.

Due to consistent large volunteer groups and nice weather, the duplex is coming along faster than anticipated and should be completed this fall. AFRC will set up another volunteer day soon and looks forward to potentially working with our partners at the Washington Department of Natural Resources and Forest Service to complete a home and make a dream come true for the Hpaw Yam family. Check out [progress](#), [past videos](#), and additional photos [here](#). AFRC extends its sincere appreciation and gratitude to its members for generous contributions, volunteer time, and building materials. This project would not be possible without their vision and commitment to serving families and communities in need. /Asha Aiello

