



## Register Now for the AFRC Annual Meeting: Celebrating 20 Years of Success



Rooms at Skamania Lodge are going fast for the AFRC's 20th Annual Meeting, April 14-16 in beautiful Stevenson, WA. If you are planning to join us and wish to enjoy this unique hotel featuring amazing views and great service, [click here to register and reserve your room as soon as possible](#).

The AFRC Annual Meeting brings together leaders in industry and government for focused discussions and interactive panels on public lands management. Our agenda features Chief of the U.S. Forest Service Vicki Christiansen, Dr. Brooks Mendell of Forisk and many other excellent and informative panels and speakers.

Don't miss this opportunity to network with colleagues in the industry, learn about key issues and policy innovations affecting federal forest management, and meet with key federal land management executives and decision makers. [Register and book your room today](#). /Nick Smith

## Washington, DC Update

*President Trump's Fiscal Year 2021 Budget Request.* On February 10, the Trump Administration released its Fiscal Year 2021 (FY21) budget request, which Democrats on Capitol Hill predictably and swiftly dismissed. The President's budget request keeps the Forest Service budget flat, although it does include modest increases for some of our industry's priority accounts – Forest Products (up \$12 million, 3.2%), Hazardous Fuels (up \$65 million, 15%), and Forest Service Roads (up \$1.8 million, 0.8%) – while reducing other line items. The increases for Forest Products and Roads programs are largely offset by cost of living increases, so little additional money would likely make it to the field. Forest Service land acquisition would be zeroed out and the State and Private Forestry and Research accounts would see significant reductions under the President's request.

The budget request includes language highlighting the Administration's support for "active management tools, including the Good Neighbor Authority, timber harvests, stewardship contracts, and planned and unplanned wildfire ignitions" to treat 3.5 million acres to reduce hazardous fuels and sell 4 billion board feet of timber. We are encouraged by the focus on active management and will be working in

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Congress to secure additional increases in the Forest Products and Roads budget in the hopes of exceeding the acreage and harvest levels goals outlined in the budget.

The Administration's FY21 budget request for the Bureau of Land Management (BLM) would direct \$112.8 million to the O&C Lands line item – a \$1.8 million increase over the FY20 funding level. We believe additional funding may be necessary for the BLM to comply with a potential court order following recent decisions by DC District Court Judge Richard Leon finding that the BLM has failed to comply with the timber mandates of the O&C Act. We expect Judge Leon to issue a decision on a potential remedy in the next few months.

Interestingly, the budget request includes conflicting information about the volume of timber the BLM plans to offer in FY21. The BLM budget “highlight document” states that the agency intends to “offer approximately 270 million board feet of timber in 2021” and that it “will continue to plan for offering up to 500 million board feet of timber in 2021, pursuant to its obligation under the O&C Act.” We hope to receive greater clarity from the BLM on the agency's sale plans next year.

*House Takes Up Wilderness Legislation.* On February 12, the U.S. House of Representatives approved a package of wilderness bills that would designate 1.4 million acres of new Wilderness in Colorado, California, and Washington state – including the Wild Olympics Wilderness and Wild and Scenic Act. The most controversial measure is H.R. 2546, the Colorado Wilderness Act of 2019 sponsored by Rep. Diana DeGette (D-CO), which would designate 740,000 acres (more than 1,150 square miles) of Wilderness across 33 areas. Much of the area proposed for Wilderness is in the district of Rep. Scott Tipton (R-CO), who opposes the legislation.

The package also includes Rep. Jared Huffman's (D-CA) Northwest California Wilderness and Wild & Scenic proposal, which would create eight new Wilderness areas and designate 379 miles of Wild & Scenic rivers. AFRC expressed its opposition to the proposal when it was passed by the House Natural Resources Committee. Healthy Forests, Healthy Communities (HFHC) has been organizing a grassroots campaign in opposition to the proposal.

AFRC has spent considerable time on the Wild Olympics legislation. In December, AFRC sent a [letter](#) to Rep. Derek Kilmer (D-WA) and Sen. Patty Murray (D-WA) outlining specific concerns with the proposal and requesting a limited number of changes, including removing proposed wild & scenic river designations from DNR state trust lands. Rep. Kilmer's office made modest changes to the proposal, but they fell short of addressing our major concerns. One of the most significant concerns is the impact of new planning requirements that will shift Forest Service staff away from preparing timber sales and other on-the-ground work to preparing 19 new “Comprehensive River Management Plans” to satisfy a requirement in the Wild & Scenic Rivers Act.

HFHC is now running an advocacy campaign in western Washington seeking to educate the public about the impact of the proposal and the need for balanced legislation that meets the environmental and economic needs of the Olympic Peninsula by increasing active management on the Olympic National Forest.

The Trump Administration has issued a veto threat on the legislation. We don't expect the full Senate to pass any public lands bills until later this year when it may try to assemble another public lands omnibus bill – likely after the November election.

*Forest Service Road Funding.* On February 6, the House Transportation & Infrastructure Subcommittee on Highways held a hearing on the transportation needs on public and tribal lands, the first such hearing on the topic in the Committee’s recent history. Full Committee Chairman Peter DeFazio (D-OR) noted that while recent highway bills have provided some funding to maintain road systems on public lands, “the needs far outweigh the available resources.” He called the road maintenance backlog at the Forest Service and other Federal land management agencies “staggering.” In his public statement, Chairman DeFazio noted: “My district alone has a deferred maintenance backlog of over \$100 million for Forest Service roads, trails, and bridges. Addressing these maintenance needs is crucial to ensure these road systems provide access for critical safety needs such as emergency access and wildfire management.”

In addition to appropriated funds, the Forest Service road system is funded through deposits made by timber purchasers on timber sales and with a small portion of the “mandatory” funds in the Federal Lands Transportation Program (FLTP). Mandatory funds are provided without needing annual appropriations from Congress. Unfortunately, over the last five years, the Forest Service received just under five percent of the funding from this program, despite having a road maintenance backlog nearly as large as that found on public lands administered by the National Park Service.

AFRC has been working closely with the Federal Forest Resource Coalition (FFRC) on an effort to increase the road funding available to the Forest Service. FFRC recently led a coalition of public land users and conservation groups in support of significantly boosting available funds from the FLTP for Forest Service roads. In [a letter](#) to Chairman DeFazio and Ranking Member Sam Graves (R-MO), the groups noted that “a sound road system is needed to help prevent damage to vital water provisions and to provide recreation, forestry and fire fighting access that are key to rural economies and downstream urban citizens,” and called on the Committee “to direct a more equitable portion of the Federal Land Transportation Assistance Program to the extensive National Forest System (NFS) road network.”

AFRC and FFRC are also advocating for funding increases in the Forest Service’s discretionary budget though the FY21 Interior Appropriations bill. /*Heath Heikkila, Bill Imbergamo (FFRC)*

## **Washington Legislative Update**

*Forestry and Climate Change Legislation.* Over three-quarters of the 60-day Washington legislative session is now in the books with the Legislature set to adjourn on March 12. Carbon legislation supported by the timber industry ([HB 2528/SB 6355](#)) continues moving forward with the help of sponsors Sen. Kevin Van De Wege (D-Sequim), Rep. Bill Ramos (D-Issaquah) and others. The House version (E2SHB 2528) has overwhelming bipartisan support and passed the Washington State House by a 95-0 vote.

The carbon legislation has undergone modest changes but would still establish a state policy that recognizes Washington’s forestry sector – working private forests, loggers, sawmills, and other wood products manufacturers – as a net “sequesterer” of carbon. AFRC partnered with the Washington Forest Protection Association on the legislation to ensure that it treats the timber industry as a united sector—each part of the industry relies on each other to sequester carbon in working forests and wood products.

AFRC is also following other carbon related legislation. [House Bill 2311](#) was requested by Governor Jay Inslee and would update Washington’s existing greenhouse gas emission limits, which were put into place in 2008. The legislation would also establish a state policy promoting the removal of excess carbon from the atmosphere through voluntary and incentive-based sequestration activities on natural and working lands and by recognizing the potential for sequestration in products and product supply chains.

Governor Inslee's legislation requires that any such effort be done in cooperation with the owners and managers of private and state working forests. Finally, the legislation would require state agencies to seek all practicable opportunities to cost-effectively maximize sequestration through their non-land management agency operations, consistent with existing legal mandates, requirements, and statutory objectives. AFRC worked with the prime sponsor, Rep. Vandana Slatter (D-Bellevue) and House Environment Committee Chair Joe Fitzgibbon (D-Vashon), to secure an amendment on the floor of the House to clarify this mandate only applied to non-land management activities. The amendment ensures that nothing in the bill could be interpreted as new direction for the management of state trust lands dedicated to sustainable timber management.

*Legislative efforts related to DNR's Sustainable Harvest Calculation.* On February 6, the Senate Agriculture, Water, Natural Resources & Parks Committee, chaired by Senator Kevin Van De Wege, held a work session to explore the harvest reductions recently approved by the Board of Natural Resources. At its December 2019 meeting, the Board of Natural Resources adopted a Sustainable Harvest Calculation (SHC) that formally institutes a 465 million board feet (MMBF) annual harvest target from DNR state trust lands for FY 2015-2024. This represents a 15-percent reduction (85 MMBF annually) from the previous 550 MMBF SHC and corresponds to an annual loss of about \$30 million in timber revenues to trust land beneficiaries and DNR management costs. This level of reduction will also lead to the loss of more than 1,500 direct, high-paying jobs in the forestry sector.

AFRC's Matt Comisky and Sierra Pacific Industries' Bill Turner were joined on a panel by Angus Brodie from DNR, Clallam County Commissioner Randy Johnson, and City of Forks Attorney/Planner Rod Fleck. The industry and beneficiary panelists all urged an independent, third-party review of the SHC. More details on the work session can be found [online](#).

On February 24, the Senate Ways and Means Committee released its proposed supplemental operating budget (Senate Bill 6168), which included a \$200,000 budget proviso for an independent, third-party review to be overseen by the University of Washington's Olympic Natural Resources Center. At a Ways and Means Committee hearing that afternoon, DNR's Angus Brodie [testified in opposition](#) to the proviso stating it would use "taxpayer funds to pay for third-party opposition research for a lawsuit currently pending against the state," a reference to litigation challenging the SHC. AFRC staff followed Mr. Brodie in testifying before the Committee and clarified that an independent, third-party review of the SHC is an appropriate fiduciary responsibility of the trustees, is needed to ensure accuracy and transparency, and has nothing to do with the litigation challenging the SHC.

After discussions between DNR, AFRC, and legislative leaders, a proviso was adopted in Committee on February 25, that reflected input from AFRC, DNR, Senator Van De Wege and Senate Ways and Means Chair Christine Rolfes (D-Bainbridge Island). DNR's official position on the Senate compromise is still unclear. The compromise would slightly limit the scope of the third-party review and house it at the [Joint Legislative Audit and Review Committee](#) (JLARC), a non-partisan legislative committee that works to make state government operations more effective, efficient, and accountable. The proviso directs JLARC to contract with an independent consultant to perform the review and consult with beneficiaries, the forest products industry, and the environmental community.

AFRC appreciates the efforts of Senator Kevin Van De Wege and Ways and Means Committee Chair Senator Rolfes to craft a compromise approach that retains an independent, third-party review. We will be working to organize support for the proviso with beneficiaries and others as budget negotiations commence between the House and Senate. /Heath Heikkila

## AFRC Goes to the Supreme Court in “Cowpasture” Case

On February 24, the United States Supreme Court heard [argument](#) in the “Cowpasture” [case](#) concerning the authority of the Forest Service to issue a permit for the Atlantic Coast Pipeline to cross the Appalachian Trail. The Court vigorously questioned all the attorneys but appears poised to rule in favor of the Forest Service, which would be a positive development for the vitality of the National Forest System as well as increasing the pace and scale of forest restoration.

The [Fourth Circuit](#) Court of Appeals in Richmond, Virginia had [vacated](#) the permit, reasoning that the Trail is “lands in the National Park System” where the [Mineral Leasing Act](#) does not permit a pipeline right of way. The Secretary of the Interior has “overall administration” of the Appalachian Trail under the National Trails System Act, which has been delegated to the Park Service. The Park Service has referred to the Trail as a “unit” of the Park System. The Park System is [defined](#) as “any area of land and water administered by” NPS for “park, monument, historic, parkway, recreational, or other purposes.” So the court, in a feat of backward logic, said that must mean the Trail is “lands in the National Park System.”



AFRC and 16 other forestry associations filed an [amicus brief](#) in the Supreme Court in December urging the Court to reverse the Fourth Circuit. Our brief raised issues of context and consequences. If the ruling is held up, vast swaths of the National Forest System would be instantly transferred to the Park System, and would no longer be subject to Forest Service direction and authorities, but to the more-restrictive Parks regime. This is particularly concerning at a time when there is a forest health crisis and the need for more active management is broadly recognized. We pointed out 60 National Forest System Units that are potentially affected by the case since they are transected by trails administered by the Secretary of the Interior. Fifteen of these trails stretch almost 38,000 miles across 32 states.

In addition to submitting the brief, we were able to participate in the Washington Legal Foundation’s “On the Merits” [publication](#) and attend the February 24 argument along with counsel for the parties and *amici*.

At oral argument, the questioning of Tony Yang of the Solicitor General’s Office started from Justices Ginsburg and Kagan, followed by Justice Sotomayor. Mr. Yang noted that transferring the footprint of every Interior-administered national scenic or historic trail would give the Park Service power over dams operated by the TVA or Hanover, NH, home of Dartmouth College. Paul Clement, representing Atlantic Pipeline argued next, at which point Justice Alito asked if the Court could decide the case by splitting the land surface from the sub-surface. Mr. Clement pointed out the potential results including transferring significant portions of Yosemite National Park to the Forest Service along the Pacific Crest Trail, and downtown Selma, Alabama, part of the Selma to Montgomery National Historical Trail.

Counsel for the respondents (plaintiffs), Michael Kellogg, was questioned substantially by Chief Justice Roberts and Justices Gorsuch and Breyer. Justice Roberts, responding to Justice Kagan’s earlier questioning, pointed out the Trail could be thought of like an easement across the National Forest land. Toward the end, Justice Sotomayor remarked that Mr. Kellogg had not answered the “parade of horrors” question and Justice Alito characterized plaintiffs’ claim as a “gotcha” argument.

Although there is no set timeline for Supreme Court decisions, they typically come by the end of the Court's term in June. AFRC's Legal Team appreciates the assistance of our partners in this effort and the work of current and former AFRC law externs Nolan Smith and Stephanie Keys. /*Lawson Fite*

### **Eastside Screens Amendment on the Fremont Winema**

The Fremont Winema National Forest is soliciting public comment on a proposal to amend a portion of their Land and Resource Management Plans (LRMPs) relating to management guidelines established in the 1990s known as the Eastside Screens. Beginning in 1994, formal plan amendments cemented the "interim wildlife standard" into each of the eastside Forest's LRMPs. Among other restrictions and guidelines, these amendments included a requirement to defer harvest of any trees over 21 inches diameter at breast height (dbh) in most scenarios. The intent was to maintain late and old structural components in forest stands within watersheds where it is determined that there is a lack of old forest structure.

The management paradigm on eastside national forests has evolved over the past 15 years toward large landscape forest restoration projects with a focus on reducing hazardous fuels and restoring old forest structure. One significant component of such restoration projects is the protection and preservation of old ponderosa pine trees through the harvest and removal of competing vegetation; this includes smaller ponderosa pine as well as other tree species. As eastside forests started analyzing such treatments, many noticed that the 21-inch diameter limit was a barrier to attaining the restoration end results they desired; in particular, a barrier to adequately protecting and preserving old ponderosa pine trees. As a result, the Regional Forester sent a letter to the eastside Forest Supervisors in 2003 noting that "a survey of eastside silviculturists revealed that the interpretation of screen direction, including 21 inch diameter limitations, is limiting their ability to meet the screens objective of providing late and old structural stands." This letter then urged the Supervisors to pursue project specific plan amendments to address portions of the screens that present these barriers to meeting objectives. Beginning in 2006, the Fremont Winema heeded this request and has since identified a need for a plan amendment to cut white fir trees over 21 inches dbh on most vegetation management projects.

Through the current proposal, the Fremont Winema is intending to amend the interim wildlife standard in their LRMP in a manner that will no longer require them to pursue individual amendments on every vegetation management project. Amending the standard would allow removal of individual white fir trees over 21" dbh where needed, to protect old-growth trees, restore species composition and stand structure, maintain diversity components, and improve forest resiliency to fire, drought, insects and disease. The foundation of this proposal is set on over a decade of professional experience from practicing Forest Service silviculturists as well as support from the scientific community. In their 2014 synthesis paper titled *The Ecology and Management of Moist Mixed-Conifer Forests in Eastern Oregon and Washington: a Synthesis of the Relevant Biophysical Science and Implications for Future Land Management*, the authors determined that "strict age or size limits on tree harvest that are not sensitive to site conditions, disturbance history, and topo-edaphic settings can hinder some restoration efforts and may reduce resiliency."

The Forest intends to complete the NEPA analysis of the amendment using the categorical exclusion outlined at 36 CFR 220.6(e)(16). If this amendment by the Fremont Winema is successful it will fulfill a realization by many practicing foresters and research scientists that forest management driven by firm arbitrary limitations such as tree diameter, tree age, or stand density is ultimately flawed. We look forward to similar proposals by the other five National Forests in eastern Oregon. /*Andy Geissler*

## **Nez Perce-Clearwater National Forest Plan DEIS Open for Comment**

The Nez Perce-Clearwater National Forest spans 4 million acres between Idaho and Montana, providing timber, recreation, wildlife habitat and more. The Forest Service has released a [Draft Environmental Impact Statement](#) (DEIS) for the new forest plan and is seeking public comment. This is an important opportunity to help shape the future management of these forests that support the regional forest products infrastructure and thousands of jobs. Your comments on the plan can be sent through the Healthy Forests, Healthy Communities (HFHC) web site [by clicking here](#).

The Nez Perce-Clearwater forest plan has not been revised in many years. During this time, timber harvests have declined dramatically. The Nez Perce and Clearwater forests grow the equivalent of over 600 MMBF per year, but only 46 MMBF per year has been harvested on average. As a result, much of the forests have become overgrown and need treatment. According to the National Insect and Disease Risk Assessment, 65 percent of the Nez Perce-Clearwater - excluding wilderness and roadless areas - are at risk of wildfire, insects and disease. Between 1987 to 2017, approximately 53 percent of the national forest burned in wildfires.

The DEIS identifies at least eight counties in Idaho and Montana that contain infrastructure and communities that utilize timber from the Nez Perce-Clearwater. In Idaho, each million board feet harvested supports 18 jobs. Successful management of the resources identified in the Nez Perce-Clearwater plan is attainable. Resources such as timber and wildlife are not mutually exclusive. It is possible to provide a stable and predictable supply of timber; sustain rural economies; recover fish and wildlife species listed under the Endangered Species Act; provide clean air and water; and provide habitat for viable populations of wildlife species all at the same time.

By commenting, you can encourage the Forest Service to increase forest management activities and ensure adequate road systems on the 18 percent of the forests that is determined to be suitable for timber harvesting. This will support more jobs in our communities, keep the forests accessible, provide a diversity of habitat for wildlife, and reduce wildfire and insect and disease risks to the forests. Comments are due by April 20. AFRC will be submitting comments. *Nick Smith*

## **AFRC and HFHC Participate in 82<sup>nd</sup> Annual Oregon Logging Conference**

The 82nd annual Oregon Logging Conference was held February 20-22, bringing forest industry professionals to Eugene for seminars, equipment demonstrations and exhibits. The conference also featured the 3rd Annual Future Forestry Workers Career Day encouraging nearly a thousand high school students to learn more about forestry and the many career opportunities available in the industry.

The theme of this year's conference was "Working Forests: Carbon Keepers" to highlight the fact that working forests and manufactured wood products are highly effective in sequestering carbon.

As usual, AFRC members and staff were heavily involved at OLC throughout the three-day event. For example, Seneca teamed up with Petersen to provide logs for an equipment display as well as providing positive messaging. Heidi Leib of Boise Cascade presented an OLC resolution in opposition to the uplisting of the Marbled Murrelet from threatened to endangered status. AFRC SW Oregon Field Forester Amanda Astor helped organize Oregon Women in Timber's annual dinner and auction benefitting the "Talk About Trees" educational program, and staffed OWIT's booth in the exhibit hall (*photo, right*).



Swanson Group's Jim Dudley helped organize the "Your Voice and Vote Counts" seminar to educate and encourage conference participants to get involved in the political process. During the seminar, Todd Stoffel of #TimberUnity shared his story of how he became motivated to set aside his log hauling business to help form a grassroots movement in response to proposed "Cap and Trade" legislation in Salem. Oregon Forest & Industries Council President Kristina McNitt discussed pending issues in the Oregon Legislature and efforts to protect practices on privately-owned forests.

AFRC President Travis Joseph (*photo, left*) discussed the many challenges, opportunities and solutions to increasing timber outputs and management activities on federal land; described recent victories by AFRC's legal program, efforts of the monitoring program, and the need for participants to be involved. "We have an environmental crisis and we, you, are the experts who should be helping find a solution.

You are the solution. This isn't an industry of the past, it's an industry of the future," Travis said.



In closing the Your Voice and Vote Counts seminar, Nick Smith shared the various strategies and tools that are available to the grassroots. Nick stressed the importance of voting in upcoming elections, challenging candidates on the issues, and supporting candidates that support working families in the forest sector. In the exhibit hall, HFHC shared a booth with #TimberUnity, which attracted hundreds of visitors and supporters throughout the conference. /Nick Smith