

**May 26, 2016**

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

### *Legislation*

AFRC continues to monitor Congressional negotiations over a possible package of legislative reforms to streamline federal forest management activities and address “fire borrowing.” Ever since a bipartisan, bicameral deal was left out of a must-pass spending bill in December, all eyes have been on Senators Lisa Murkowski (R-AK) and Maria Cantwell (D-WA) – the Chairman and Ranking Member of the Senate Energy and Natural Resources Committee.

In the six months since Senators Murkowski and Cantwell went to the Senate floor to defend scuttling the December forest management and fire funding reform package, the Energy and Natural Resources Committee has dedicated most of its time to moving comprehensive energy legislation – leaving little time or focus available for forestry legislation. Since the Senate passed the Committee’s energy bill (S. 2012) by a bipartisan vote of 85-12 on April 25, the Committee began turning its attention to forestry legislation.

On May 25, Senators Murkowski and Cantwell were joined by Senators Ron Wyden (D-OR), Mike Crapo (R-ID) and Jim Risch (R-ID) in releasing draft fire funding and forest management legislation. The legislation would streamline the NEPA planning process to require only the proposed action and no action alternative be considered for collaboratively developed projects designed to reduce hazardous fuels, restore forest health and resilience, protect a municipal water supply or communication site, and improve wildlife habitat.

The legislation also includes a pilot program intended to accelerate collaborative hazardous fuels reduction activities in Ponderosa Pine and dry-site Mixed Conifer forests with a high or very high wildfire potential. The projects must maximize the retention of large trees, as appropriate, for the forest type and promote forest resiliency. If the Secretary determines that emergency circumstances exist and the risk of not taking action outweighs the environmental impacts of the project, the pilot seeks to provide streamlined authorities for NEPA compliance. Each qualifying project would be subject to a requirement for multi-party monitoring for a five-year period to assess the positive or negative effects. It is AFRC’s understanding that the pilot grew out of Senator Cantwell’s experience with forest restoration efforts in Northeast Washington.

On the fire funding front, the draft legislation would end fire borrowing by providing the Forest Service access to off-budget emergency spending once the agency exhausts its appropriated wildfire suppression budget, which is based on the 10-year suppression average. The fire funding fix does not provide the Forest Service budgetary relief to address the continual growth of the 10-year average to free up more resources for proactive forest management efforts within its discretionary budget. However, in low cost

fire years that come in below the 10-year average the agency could direct any leftover suppression funding to fuels reduction projects.

AFRC is reviewing the draft legislation and will be providing comments to the Energy and Natural Resources Committee, which is accepting input from the public through Monday, June 13 at [wildfire@energy.senate.gov](mailto:wildfire@energy.senate.gov). We expect that the Committee will hold a hearing on the legislation shortly thereafter and hope the legislation will pave the way for negotiations with the House, which has already passed the Resilient Federal Forests Act (H.R. 2647). The draft legislation and a summary of the bill can be found at the Committee's website (<http://www.energy.senate.gov/public/index.cfm/republican-news?ID=034FB88A-F007-42E9-B56A-95576411E548>)

Finally, in a surprising move, the House of Representatives is set to take up the Senate energy bill and has amended it with the House's own energy bill and dozens of other House-passed bills that the Senate has not acted on. Included in the list of bills attached to the energy bill are the Westerman bill (H.R. 2647) and the Western Oregon Tribal Fairness Act (H.R. 2791), which would provide tribal lands to the Cow Creeks and Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians from BLM lands in Western Oregon. The inclusion of these bills could conceivably make forestry provisions germane for discussion if the House and Senate go to conference to negotiate an energy bill.

### *Appropriations*

On May 25, the House Interior Appropriations Subcommittee marked up the spending bill for the Forest Service, U.S. Department of the Interior, Environmental Protection Agency (EPA), and other federal agencies. The \$32 billion appropriations bill was passed by a voice vote despite Democratic opposition to several high profile environmental policy riders and funding cuts to the EPA and the Land and Water Conservation Fund (LWCF).

The House Interior Appropriations bill would provide a \$25 million increase for the National Forest System Forest Products line item – bringing the primary account used for planning and implementing Forest Service timber sales to \$385 million (a 7 percent increase). The Hazardous Fuels program would receive an additional \$20 million under the House legislation (a 5 percent increase). Overall, the Forest Service's budget continues to be dominated by the growth of the 10-year wildfire suppression average, which grew by an additional \$63 million this year. If enacted these funding increases should result in a further ramp up of the Forest Service's timber sale program. The Committee's report language includes an expectation for a 4.0 billion board foot national timber target, which is up significantly from this year's target of 3.2 billion.

Also included in the legislation is a new Categorical Exclusion (CE) modeled after provisions passed by the House of Representatives in H.R. 2647, the Resilient Federal Forests Act sponsored by Representative Bruce Westerman (R-AR). The 3,000 acre CE would be available for projects on Forest Service and BLM lands to address insect and disease infestation, protect a municipal water supply, reduce hazardous fuels, or modify critical habitat to reduce the risk of loss from catastrophic wildfires.

For the BLM O&C lands, the bill funds the program at the Administration's budget request level of approximately \$107 million, which is \$800,000 less than the current enacted level. Last year the Administration proposed – and Congress adopted -- a \$6 million reduction to the O&C land management program, in part due to the pending completion of the BLM's new Resource Management

Plans (RMPs). AFRC will continue working to increase the funding available for the BLM timber sale program and hold the agency accountable for meeting its primary obligation under the O&C Act.

It is also AFRC's understanding that both the House and Senate Interior Appropriations Committees may include report language raising concerns about the BLM's new RMPs and the small amount of timber being offered by the agency. AFRC is also working with allies in the Congress to secure appropriations language directing the Forest Service to fully utilize the expanded Knutson-Vandenberg (K-V) authority to incentive the use of traditional timber sales to accomplish restoration activities outside of sale boundary areas.

The full House Appropriations Committee is expected to take up the Interior Appropriations Bill after Congress returns from its Memorial Day recess in June. Democrats on the Committee will likely have amendments ready to strip some of the environmental riders or to restore the cuts to LWCF, which would fall from \$450 million in 2016 to \$322 million in 2017 under the current legislation.

The Senate Appropriations Committee hasn't released its schedule for June, but it is expected the Senate Interior bill will see action sometime after the recess. With Congress set to largely turn its focus to the election this summer and fall, it is unlikely any final appropriations bills will make it to the president's desk until after the November elections. So, get set for more continuing resolutions. /Heath Heikkila

## **AFRC Files Protest of BLM's "Lose-Lose-Lose" Plan for Western Oregon**

On May 13, an AFRC-led coalition submitted a [protest](#) of BLM's proposed resource management plan (PRMP) for Western Oregon timberlands. Congress set aside these unique lands, referred to as the O&C lands, for sustained-yield timber production in 1937. Fifty percent of the timber revenue is shared proportionately by the counties containing the lands. Departing from its statutory mandate, BLM designed a plan which continues to diminish timber harvest while failing to address threats to wildlife and forest health.

Because of the missed opportunities to benefit wildlife, the environment, rural communities, and the remaining timber infrastructure, the PRMP turned a "win-win-win" potential into a "lose-lose-lose" plan. BLM's own modeling highlights the missed opportunity. Regardless of the level of timber harvest, whether zero or maximum-sustained yield, in none of the scenarios does timber harvest appreciably affect spotted owl survival and recovery. The only factor that could make a difference is barred owl control. Yet the PRMP takes no steps toward barred owl control while dramatically reducing the areas of these lands that are barred (pun intended) from active, sustained-yield management.

AFRC's protest addressed several key deficiencies of the PRMP:

- Ignoring the timber mandate of the O&C Act to establish no-harvest reserves across 75% of the O&C land base;
- Planning to sell less than the allowable sale quantity during implementation, again violating the O&C Act;
- Improperly constructing the purpose and need and alternatives for environmental analysis;
- Lack of scientific support for BLM's reserve network plan;
- Arbitrary restrictions on salvage harvest when such harvest is needed to address heightened wildfire threats.

Under BLM regulations, a protest is a preliminary step before litigation. BLM plans to issue a protest decision this summer, along with a final RMP, which could then be challenged in court. In addition to the AFRC-led protest, protests were filed by the [Association of O&C Counties](#), the Coquille Tribe, and a coalition of environmental groups. The Oregon State Sheriffs Association did not file a formal protest, but wrote to BLM highlighting problems with the PRMP. The Sheriffs Association noted county revenue from O&C lands is essential to providing a variety of public services, including “mental and public health, sheriff patrols, jails, libraries, social and many others.” It continued, “Several Oregon counties are on the brink of insolvency, and the inability to pay for public services has led to increasing crime rates and poverty.”

AFRC was joined by a coalition of 31 member companies and affiliates, individuals dependent on economic benefit from timber harvests, landowners affected by increased fire risk due to lack of federal management, and the following associations: Associated Oregon Loggers, Carpenters Industrial Council, Douglas Timber Operators, Oregon Small Woodland Owners Association, Oregon Forest & Industries Council, Southern Oregon Timber Industries Association, and Western Wood Preservers Institute. AFRC appreciates the support of these individuals and organizations. */Lawson Fite*

## **AFRC Calls on Oregon Delegation to Lead on O&C**

On May 26, AFRC sent a letter to Oregon’s congressional delegation calling on Senate and House members to revive efforts to achieve a legislative solution to resolve two decades of failed agency management plans for Western Oregon’s unique O&C Lands.

In the [letter](#), AFRC outlined how the BLM’s latest proposed resource management plan (PRMP) will result in a protracted court battle and further threaten Oregon’s rural communities, forest health, and the forest products industry that depends on the O&C Lands for raw materials to manufacture wood products used by every American every day.

Using the BLM’s own analysis and data contained in the BLM’s [Final Environmental Impact Statement](#), AFRC outlined some of the major legal, scientific, and logistical flaws of the plan, including:

**The PRMP would limit sustained yield timber production to less than 20 percent of the total O&C land base**, despite federal law clearly stating that *all* O&C timberlands *shall* be managed for sustained yield.

**Even under the flawed Northwest Forest Plan, the current management plan for the O&C Lands, the BLM is capable of producing 400 million board feet (MMBF) of timber per year.** According to the BLM, the new PRMP would produce 278 MMBF/year, or 122 MMBF/year less than the Northwest Forest Plan, which has already reduced O&C timber harvests by more than 85 percent from historic levels.

**The PRMP would devastate southwest Oregon, a geographic area with the highest concentration of O&C Lands and that faces the greatest risk of wildfire.** If implemented, the PRMP would reduce proactive management in southwest Oregon by more than 50 percent, and shift more work to the northern BLM districts where more intensive harvests would occur. Reducing geographic dispersal of timber harvests while increasing the use of intensive management practices directly contradicts the goals of O&C legislation introduced in the U.S. Senate and the House of Representatives.

**The BLM's own analysis shows that the PRMP would have no effect on the likelihood of recovering the Northern Spotted Owl**, whose populations have already declined by 55 to 75 percent since 1992 primarily due to the effect of the barred owl and wildfires. In fact, the BLM's own analysis shows that whether the agency harvests no trees, or maximizes timber harvests, the long-term population trends of the Northern Spotted Owl (NSO) remain the same.

**The PRMP does not address any of the fundamental constraints on the BLM's ability to get work done on the ground.** In fact, the PRMP contains language that would prohibit "incidental take" of the Northern Spotted Owl until a management plan is put in place to reduce NSO interaction with the barred owl. Put simply, the BLM would not be allowed to fully implement the PRMP until the U.S. Fish and Wildlife Service designs, approves, and receives Congressional funding for the lethal removal of thousands of barred owls in Western Oregon.

The Oregon Delegation was unable to reach a compromise between differing House and Senate O&C legislative proposals in 2014. Despite the lack of an agreement, the competing proposals shared similar components and demonstrated general consensus around the level of timber harvest from the BLM lands. In fact, Senator Wyden's legislation was intended to generate annual harvests of 450 MMBF and bipartisan House legislation championed by Reps. Greg Walden, Peter DeFazio, and Kurt Schrader would have led to annual harvests of approximately 550 MMBF. The latest BLM PRMP falls far short of generating these levels of harvests or the associated county timber receipts.

The 18 O&C Counties, which have long relied on the shared timber revenues from O&C timber harvests to fund basic county services like law enforcement, mental health services, and roads, have already announced that they will challenge the plan in federal court. While AFRC may also be forced to pursue legal options to compel the federal government to follow the law, the letter expressed a clear desire for the delegation to find an Oregon solution to an Oregon problem. The letter states:

*Given the flaws of the PRMP and its clear contradiction of the delegation's legislative vision for these lands, we ask – on behalf of the thousands of Oregonians and businesses that depend on the management of these lands – that you again work together to find an effective, lasting, bipartisan compromise. The truth is, despite good intentions and hard work, existing legislative O&C proposals do not appear likely to be signed into law. However, we believe there are similar components and outcomes in both the Senate and House efforts that can, and should, provide the foundation for renewed discussions. This issue is too important to a large segment of rural Oregon not to be resolved, no matter how great the temptation to give up in frustration over the failure of past efforts.*

*At AFRC, we are committed to working constructively with you to finally bring a resolution to the O&C Lands crisis in Western Oregon. We strongly believe that a solution designed with local input and passed by our democratically elected leaders would be a more durable and broadly supported approach than having the management of Oregon's public forests – and the future of our rural communities – be subject to the whims of federal judges. We stand ready to help.*

Recent editorials from the [Bend Bulletin](#) and the [Roseburg News Review](#) have also highlighted the flaws of the new PRMP and called on the Oregon delegation to take legislative action to resolve the crisis facing communities across Western Oregon. /Travis Joseph

## **AFRC Weighs in on Oregon's Good Neighbor Agreement**

In late March, Governor Kate Brown, U.S. Forest Service Regional Forester Jim Peña, State Forester Doug Decker, and Oregon Department of Fish & Wildlife Director Curt Melcher signed a Good Neighbor Authority (GNA) agreement to increase opportunities for a state-federal partnership to manage national public forestlands.

The GNA authorities were passed by Congress in the 2014 Farm Bill and allow federal funds to be used by state agency staff or contractors to complete work directly on federal forestlands and to leverage state and other dollars. The intent of the authority is to increase the “pace and scale” of forest restoration activities across ownership boundaries to focus on statewide forest health results.

In early May, AFRC sent a letter to the signatories of the GNA agreement providing specific recommendations to the State of Oregon and U.S. Forest Service on how the agreement could expedite work on federal lands. AFRC identified opportunities within the Rogue-Siskiyou National Forest, the Siuslaw National Forest, the Deschutes National Forest, and the Blue Mountains where additional investments could significantly increase forest health, support the local infrastructure, and create additional jobs in rural communities.

You can read the letter by [clicking here](#) or visiting AFRC's website and clicking the tab “Resources.” /Travis Joseph

## **Board of Natural Resources Update**

Among the many duties of the Board of Natural Resources (BNR) are the approval of state trust land timber sales, establishing guiding land management policies, and setting the sustainable harvest level for the agency. This includes the review and adoption of environmental policies or modifications related to the Trust Land Habitat Conservation Plan (HCP). As AFRC has reported periodically over the course of the last few years, the BNR has been considering the adoption of a Long Term Conservation Strategy (LTCS) under the HCP and the update of the Sustainable Harvest Calculation (SHC). These have been lengthy planning efforts with significant complexities and challenges to moving them forward.

At the May BNR meeting, the Board directed staff to move forward in an expeditious manner on the LTCS and SHC efforts. While DNR has been actively moving these two processes forward it has been on a slower pace than many stakeholders expected. It is anticipated the BNR will begin seeing significant levels of detail presented at upcoming meetings.

For the LTCS, AFRC expects to see outputs from DNR's [Analytical Framework](#) and the Population Viability Analysis conducted by Dr. Zach Peery for each of the six alternatives in the near future. DNR has published two additional “Focus Papers” since AFRC's last article on the topic, including the “[Areas of Long Term Forest Cover](#)” and “[Potential Impacts and Mitigation](#).” The papers describe the concept of long-term forest cover and its contribution to marbled murrelet habitat and ideas around impacts from DNR activities and the mitigation associated with those activities. Information for the SHC, expected to be discussed in upcoming meetings, includes proposals on discount rates, management costs, and



arrearrage. These are some of the important inputs in addition to the forest inventory to the SHC modeling process.

AFRC expects additional updates over the course of the next several BNR meetings in preparation for release of Draft Environmental Impact Statements (DEIS) for both the LTCS and SHC. The LTCS will be a joint NEPA/SEPA document with the US Fish and Wildlife Service. The SHC DEIS will only be a State SEPA process. The release of these documents and their associated comment periods are expected to occur later this year. /*Matt Comisky*

## **Another Candidate for Public Lands Commissioner**

On May 18, [Steve McLaughlin](#), a retired Navy commander, [filed](#) for Washington State Commissioner of Public Lands. He is the first Republican to declare for the office currently held by Dr. Peter Goldmark who withdrew from the race on April 5. McLaughlin, a graduate of the University of Oregon, lives in Seabeck, Washington.

McLaughlin joins a field of four Democrats, [Hilary Franz](#), [Karen Porterfield](#), [Dave Upthegrove](#) and [Mary Verner](#) and Libertarian [Steve Nielson](#). (See, [AFRC newsletter April 29, 2016](#).) Under Washington's open primary law, the two candidates who garner the most votes on August 2, regardless of political party, will face-off in the general election November 8.

The filing deadline for the Washington primary was May 20. /*Ann Forest Burns*

## **DeLuca to Leave UW**

On May 10, University of Washington (UW) School of Environmental and Forest Sciences Director Tom DeLuca announced that he has accepted the deanship of the College of Forestry and Conservation at the University of Montana (UM). He will continue at the UW through December, 2016.

A soil biochemist, DeLuca came to the UW in August, 2012 from Bangor University in Wales. A University of Wisconsin-Madison and University of Iowa graduate, he began his academic career teaching forest soils at UM.

During his tenure at UW, DeLuca has served as a member of the Washington State Board of Natural Resources which oversees the Department of Natural Resources timber sale program that benefits a variety of trusts, including 20 timber counties and the state's K-12 schools and universities. No plans for an appointment to replace Dr. DeLuca have been made.

AFRC thanks Dr. DeLuca for his dedicated service on the BNR and wishes him well as he returns to Missoula. /*Ann Forest Burns*

## **Courts Allow Westside Fire Recovery to Move Forward**

On April 25, Judge Maxine Chesney (U.S. District Court, Northern District of California-San Francisco) denied a motion for a temporary restraining order (TRO) sought by the Karuk Tribe, Klamath Siskiyou Wildlands Center (KS Wild), and others against the Westside Fire Recovery Project on the Klamath National Forest. Plaintiffs then appealed to the Ninth Circuit and sought an emergency injunction. A two-judge panel, consisting of Obama appointee Mary Murguia and Carter appointee, and prominent

timber skeptic, Steven Reinhardt, denied the request. In a terse one-page order, the appellate judges found that plaintiffs “made an insufficient showing of likelihood of success on the merits.”

The Westside project was designed to recover from fires that burned over 183,000 acres in 2014. Close to half of the fire was in late successional reserves (LSRs) and nearly 17,000 acres of high-quality spotted owl habitat (nesting-roosting and foraging) burned at high severity. The project’s proposed treatments include risk-reduction salvage, within and outside of LSRs, roadside hazard treatments, fuels treatments, and reforestation. The total salvage covers 5,570 acres, with about 3,680 acres in LSRs (or two percent of the burned LSR area). The Forest Service’s project development incorporated some of the latest science on reburn risks that can be addressed by salvage and reforestation.

After lengthy and questionable delays in the consultation process, the National Marine Fisheries Service (NMFS) issued a biological opinion in January 2016, concluding that the project did not jeopardize Southern Oregon/Northern California Coast coho. The U.S. Fish and Wildlife Service issued its biological opinion in February 2016, authorizing incidental take of 103 spotted owls, largely in the form of habitat removal. The Karuk Tribe, Environmental Protection Information Center, KS Wild, and Center for Biological Diversity immediately filed suit against the NMFS biological opinion and brought National Environmental Policy Act and National Forest Management Act claims against the Forest Service, alleging violation of the Northwest Forest Plan standards for snag retention and work in riparian reserves. AFRC intervened as a defendant on behalf of itself, Siskiyou County, and two local landowners. Julie Weis of Haglund, Kelley is lead counsel, with assistance of AFRC staff and Brian Morris, Siskiyou County Counsel.

In denying the motion for TRO, Judge Chesney found that the project likely complied with the Northwest Forest Plan’s snag retention standards. She found there would be no significant impact on coho salmon. The court found a number of factors favored the project, including the fear of another catastrophic wildfire, and said that genuine fear was driving the project. She acknowledged that the need to move forward now is to a certain extent based on economics but held that the project itself is not.

Briefing on the appeal will continue throughout the summer. Work has proceeded since the denial of temporary relief in April. To date, AFRC members South Coast Lumber, Timber Products Co. and Siskiyou Cascade Resources have purchased sales from the project, and Oregon Overseas Timber, also an AFRC member, is also receiving logs. */Lawson Fite*

### **Judge Halts Johnson Bar Fire Salvage on Scenic Issues**

The Johnson Bar Fire Salvage Project involves salvage logging and reforestation of 2,104 acres along the lower Selway and Middle Fork Clearwater drainages (mostly skyline/heli) in the Nez Perce National Forest. Over 13,000 acres were severely burned in the summer of 2014. The fire resulted in high mortality, particularly among mixed conifer/western red cedar-grand fir stands. The project also includes maintenance/reconditioning of about 75 miles of roads and decommissioning of 20 miles of roads. AFRC members Idaho Forest Group (IFG) and R&R Conner Aviation purchased sales from the project, with total volume of 29 million board feet.

Idaho Rivers United and Friends of the Clearwater brought suit under NEPA, the Endangered Species Act, National Forest Management Act, and the Wild and Scenic Rivers Act (WSRA). AFRC moved to



intervene on behalf of IFG and R&R Conner. In a ruling out of step with prevailing precedent, the court denied intervention, finding that the purchasers did not have a protectable interest because they were on notice of potential litigation. Judge Dale also found that the purchasers were adequately represented by the government because of the economic drivers of the project.

On May 12, four days before work was scheduled to begin, the court issued an injunction. It found that plaintiffs were likely to succeed on one WSRA claim and on their NEPA claims, that irreparable harm to scenic values was likely, and that the balance of harms favored an injunction. The court also faulted the Forest Service's analysis of cumulative sediment effects of state and private harvests, reaching the novel conclusion that the Forest Service was required to not only consider cumulative effects but collect new data. Notably, the injunction order gave little consideration to private economic harms, despite the court's earlier assumption that intervention was not necessary to protect industry interests.

On May 23, the Forest Service announced that it intends to withdraw the project's Record of Decision. AFRC appealed the intervention decision and continues to explore ways to obtain as much salvage as possible. *Lawson Fite*

## **Court Remands Wolverine No-List Determination**

On April 4, Judge Dana Christensen of the U.S. District Court, District of Montana, issued an 85-page [opinion](#) which overturned the U.S. Fish and Wildlife Service's (the Service) decision to withdraw a proposal to list the wolverine as a threatened species. The court remanded the decision to the Service for further consideration. This decision applies to wolverines in the conterminous 48 states.

Potential wolverine listing has been a subject of constant litigation for the last ten years. In 2013, the Service proposed to list wolverines in the continental U.S., identifying climate change as the primary threat due to wolverines' dependence on snow for denning habitat. The Service withdrew the proposal in 2014, concluding that effects of climate change on wolverine behavior were uncertain, that evidence indicated expansion of the wolverine population, and that information indicated snow availability for denning was not limiting the wolverine population. Oregon's Department of Fish & Wildlife had commented that the listing was "very questionable" due to increases in the wolverine population.

[News coverage](#) emphasized the political elements of the ruling, noting political pressure that had been brought by affected states. However, the court's ruling did not rely on claims of political pressure. It rested on its conclusion about the wolverine's need for snow: "The wolverine displays an 'obligate' relationship with snow for natal denning purposes, meaning, quite simply, the wolverine requires snow in order to reproduce." In proposing the species for listing, the Service relied on two studies demonstrating this relationship and that climate change was reducing the amount of snow cover in the wolverine's range. In the court's view, the Service's withdrawal of the listing rule improperly discredited and nitpicked these two studies without indicating there was better science it was relying on. Specifically, the Service criticized the studies for not clarifying the mechanism of the relationship between wolverines and snow. The Court found this was arbitrary and capricious, noting that the "best available science" standard of the Endangered Species Act (ESA) does not require certainty.

The Court also faulted the Service for failing to adequately address adverse effects due to threats such as small population size and lack of genetic diversity. Here, Judge Christensen acknowledged it was possible these circumstances were no cause for alarm, but found the Service failed to explain why, and

inappropriately relied on an absence of data confirming a threat. The Court held the Service was required to explain why uncertainty should lead to a no-list conclusion.

The decision also addressed two broader issues under the ESA. The court upheld the Service's "Significant Portion of the Range Policy," which excludes past range of a species from the area that is considered in determining whether a species is presently in need of listing. The Court also rejected an argument from agricultural and off-highway vehicle users that the ESA does not authorize listing a distinct population segment (DPS) of a subspecies. The continental U.S. DPS is part of the North American wolverine subspecies. */Lawson Fite*

## **BLM Planning Rule Revisions**

On May 23, AFRC submitted [comments](#) to the BLM's [proposed revisions](#) of its Resource Management Planning Rule. The revised rule is part of an initiative nicknamed [Planning 2.0](#) which was launched by the agency in May, 2014.

While commending BLM's intention to improve transparency, consistency, and efficiency in the planning process, AFRC made a number of suggestions for improvement, including urging that information used in the planning process be screened for relevance and that commercial information, as well as scientific information, be considered. AFRC believes impacts on the local economy, including impacts to the local forest products manufacturing infrastructure, should be considered as a specific element in plan assessments.

Comments on the February, 2016 version of the rule will now be analyzed by BLM. A date for publication of a final rule has not been announced. */Ann Forest Burns*

## **New Medford BLM Manager**

Earlier this month the BLM announced that Elizabeth Burghard will be the new Medford District Manager. Ms. Burghard began her Federal career in 1998 as an archaeology technician in the Worland, Wyoming Field Office. Since then, Ms. Burghard worked in Buffalo, Wyoming and most recently was the Field Office Manager for the BLM's Cedar City, Utah Field Office.

AFRC welcomes Ms. Burghard to southwest Oregon and hopes to work with her in the future to build and maintain a robust timber program in a region of the state where public wood supply is crucial to the health of the forest products industry and the communities that it supports. If actively managed, the 750,000 acres of O&C Land on the Medford District has the potential to provide a diverse range of forest products in a sustainable manner while also providing for the full spectrum of recreational and environmental services that the public expects from these lands. Welcome Elizabeth! */Andy Geissler*

## **AFRC Welcomes New Members**

AFRC is proud and excited to welcome three new members to the Association: Siskiyou Cascade Resources, R&R Conner Helicopters, and the Loggers Association of Northern California.

Siskiyou Cascade Resources, located in the Medford/Ashland, Oregon area, provides services in the forestry industry, such as road building, commercial timber harvesting, pre-commercial thinning, brush piling, and mastication. Siskiyou Cascade Resources' primary purpose is "to complete projects that reduce fire danger, enhance wildlife habitat, and aesthetic appeal to the public in high use areas." The

company works with the U.S. Forest Service, Bureau of Land Management, and private landowners and serves Southern Oregon and Northern California customers.

R&R Conner Helicopters, based out of Conner, Montana, specializes in “external load lift applications in all climates, all seasons and any location.” R&R Conner uses medium-category Huey helicopters for logging and forestry operations, in addition to lift jobs involving seismic, construction, power lines, aerial mulching, back country lifts, aircraft recovery and removal, petroleum exploration, and fires. In 2011, R&R was recognized as one of the leading small businesses in the nation.

The Loggers Association of Northern California (LANC) was formed in 1975 to be an advocate for loggers and truckers throughout California and Southern Oregon. LANC provides opportunities for insurance cost savings, by group purchasing, as well as conducts education programs that will help maintain state-of-the-art logging and trucking practices and operations. LANC headquarters are in Mt. Shasta, California.

AFRC is always looking for opportunities to grow its “family” of members. The addition of Siskiyou Cascade Resources, R&R Conner Helicopters, and the Loggers Association of Northern California will bring new voices, quality experience, and more passion to AFRC’s already outstanding membership.  
*/Travis Joseph*

## **AFRC Launches New Website**

AFRC is pleased to announce it has launched a new website (though the web address will remain the same: [www.amforest.org](http://www.amforest.org)). The website is mobile friendly allowing visitors to access the same information in the same format on their phones and tablets, as on their computers.

AFRC will continue to use its website to keep members informed on key issues; provide policy ideas and solutions to Congress and federal agencies; publish press releases, articles, research, and timely white papers; as well as highlight profiles of its members.

Please take a minute to browse the new website and provide any feedback – good or bad – to Travis Joseph ([tjoseph@amforest.org](mailto:tjoseph@amforest.org)). AFRC extends a special thanks to Lee Ralls at Deus Machine based in Eugene for his creativity and hard work on the website. */Travis Joseph*

## **AFRC Welcomes Summer Law Clerk**

On May 23, AFRC welcomed summer law clerk Tyler Eastman to the Portland office. Tyler will work with AFRC through mid-August before returning to Lewis & Clark Law School for his second year. Prior to attending law school, Tyler worked as a timber sale administrator for four years, first with the Rogue River-Siskiyou National Forest and then with the Deschutes National Forest. Before and during college, he was a forestry technician with the Gifford Pinchot National Forest. Tyler holds a B.S. degree in Natural Resources Management from Oregon State University.

Tyler grew up in a timber family in Randle, Washington, one of the communities that has suffered greatly due to timber cutbacks over the past two decades. He has an uncle who works at AFRC member Cascade Hardwoods in Chehalis. Tyler decided to go to law school because he believes improvement in federal forest management is important to forest and community health and he wants to participate in that process.

In addition to his time with AFRC, Tyler will be working with the Western Resources Legal Center (WRLC) this summer. He will receive training and mentorship from AFRC and WRLC staff and attorneys over the summer. If you see Tyler at the Portland office or at an AFRC meeting, please be sure to say hello! */Lawson Fite*