

November 24, 2014

Senate Committee Passes Flawed Wyden O&C Bill

On November 13, the Senate Energy and Natural Resources Committee passed an amended version of Senator Ron Wyden's (D-OR) "Oregon and California Land Grant Act of 2014" by a vote of 15-7. After months of discussions with Congressman Peter DeFazio (D-OR) and Oregon Governor John Kitzhaber (D) to find a compromised proposal, Wyden instead choose to move ahead with a one-sided proposal supported only by environmental organizations. The amended version of the legislation sets aside nearly three-quarters, or 1.8 million acres, for permanent protection in the form of more wilderness, wild and scenic rivers, old growth protections, and a myriad of other special conservation areas. Meanwhile, the limited acreage that remains open to management will be subjected to the same paralysis and litigation that cripples management today.

The unanimous [concerns of our industry](#) and the affected counties, through the Association of O&C Counties, were ignored as the Wyden office opted not to enlist any of the constructive language put forth by the counties and forest products industry.

Over the course of this past year as new versions of the bill were released publicly, AFRC, the Association of O&C counties, and others provided extensive comments and suggestions that we believed would help deliver the certainty for harvest volume, receipts back to the counties, certainty from litigation, and a balanced harvest from all BLM districts. Rather than working with all parties impacted by management on the O&C lands, the Wyden office chose to work with a small number of environmental groups to draft this latest version of the legislation. With each draft the acreage being set aside increased, culminating in a nearly 300,000 acre increase in this latest version.

The Wyden office enlisted the aid of Dr. K. Norman Johnson, professor of forestry at Oregon State University, to work directly with a BLM modeler in the Salem District Office to identify lands and a harvest regime that could possibly hit a volume target of 310-320 mmbf for five decades. However, the analysis never considered whether the BLM could actually harvest hundreds of thousands of acres designated as critical habitat for the northern spotted owl and marbled murrelet, as well as other new and existing restrictions. With no legislative language mandating these harvests or streamlining Endangered Species Act compliance, most of these harvests will not occur.

In addition to the BLM land base that Senator Wyden's office claims will produce 310-320 mmbf, the bill also calls for transferring some of the BLM lands to several Indian Tribes in western Oregon, and those lands will supposedly beef up timber production by an estimated 9-16 mmbf. The final part of the management puzzle in the Wyden bill is the transfer of 102,000 acres of Forest Service lands (not yet indentified) that will produce an additional 60 mmbf of timber. Based on initial feedback from the Forest Service, it is pretty clear that any gains made to the BLM program by the transfer of those lands

will impact and reduce the Forest Service harvest by a similar level—so essentially there is no net gain in harvest. Unfortunately, Senator Wyden has continually rejected calls for an independent, objective analysis to determine what the bill would actually do. On November 19, [The Oregonian Editorial Board renewed its call](#) for this analysis. The next day the Association of Oregon Counties adopted a [resolution](#) also calling for an independent analysis.

With just a handful of legislative days remaining before Congress adjourns, Senator Wyden does not appear to be interested in negotiating with Oregon's House delegation and has promised to attach his O&C proposal to a must-pass tax or spending bill. Wyden's approach is a far cry from what has taken place with the bipartisan, compromise legislation sponsored by Congressmen Peter DeFazio (D-OR), Kurt Schrader (D-OR) and Greg Walden (R-OR) to restore balance to the management of O&C lands. Their bill passed out of the full House of Representatives in September, 2013 with input from a broad group of interested parties and was independently modeled by Governor Kitzhaber's O&C Task Force. That analysis showed the House legislation would result in annual harvest levels of about 550 mmbf and county timber revenues of over \$100 million. The legislation also provides legal certainty that the harvests would occur, just as it provides legal certainty for the conservation of lands.

It is unclear what Wyden's chances are of attaching his O&C legislation to a must-pass bill in the waning days of the Lame Duck session, but as the current Chairman of the Finance Committee he has considerable influence. AFRC and our allies will continue working with key members of the House of Representatives to prevent the passage of this dangerous legislation in its current form. Below are links to additional resources on the latest with the Wyden legislation.

AFRC [Press Release](#) on Senate Committee Passage. [Joint Industry Letter](#) to Senate Committee. AFRC [Comments](#) to Wyden. Association of O&C Counties [Comments](#) to Wyden. /Tom Partin

2014 Election and the 114th Congress

With last week's concession of Alaskan Democratic Senator Mark Begich to Republican Dan Sullivan, Republicans have now picked up eight Senate seats this election cycle. The GOP is poised to pick up a ninth Senate seat when Senator Mary Landrieu (D-LA) faces off against Congressman Bill Cassidy (R-LA) in a December 6 runoff election. Meanwhile, Republicans picked up twelve seats in the House, with another probable pick up that is heading for a recount in Arizona. It was a historic evening for Republicans, who will control both chambers of Congress for the first time in a decade.

Congress returned for its Lame Duck session on November 12, with much of the initial focus on organizing for when the 114th Congress convenes in January. On the forestry front, there will be a number of important changes. In the House, Congressman Rob Bishop (R-UT) was selected to chair the Natural Resources Committee with the retirement of Congressman Doc Hastings (R-WA). Meanwhile, the defeat of West Virginia Democratic Congressman Nick Rahall opened up the Ranking Member position on the House Transportation and Infrastructure Committee (T&I), which will be filled by Congressman Peter DeFazio (D-OR). DeFazio is currently serving as the Ranking Member of the House Natural Resources Committee, which he will vacate in favor of the T&I Committee. Congressman Raul Grijalva (D-AZ), a darling of the environmental community, has been selected as the next Ranking Member on Natural Resources. House Democratic Caucus rules may require DeFazio to leave the Natural Resources committee altogether, which would be unfortunate.

Just days after being selected as the next chairman of the Natural Resources Committee, Congressman Bishop announced that Jason Knox will serve as committee Staff Director and Todd Ungerecht will assume the position of Deputy Staff Director. Jason Knox previously served as a staff member on the committee's forestry subcommittee, the Senate Budget Committee, and most recently the House Energy and Commerce Committee. Todd Ungerecht, a long-time staff member for Congressman Doc Hastings, also served for former Senator Slade Gorton (R-WA) and as a political appointee at the National Oceanic and Atmospheric Administration (NOAA) under the George W. Bush Administration.

Meanwhile, Senator Lisa Murkowski (R-AK) is poised for a big increase in clout in the Senate. The Senator will chair the Senate Energy and Natural Resources Committee as well as the Senate Interior Appropriations Subcommittee, which funds the Department of the Interior, Forest Service, and other agencies. If the current Chair, Senator Mary Landrieu, loses her runoff election, Senator Maria Cantwell (D-WA) would likely assume the Ranking Member position on the Energy and Natural Resources Committee. Senator Ron Wyden (D-OR), who will become Ranking Member on the Senate Finance Committee, will remain the most senior Democrat on the Energy and Natural Resources panel.

The newly elected members of the 114th Congress will receive their committee assignments in the coming weeks, providing more clarity on the makeup of key committees. Incoming western Senators Steve Daines (R-MT), Cory Gardner (R-CO) and Dan Sullivan (R-AK) will likely seek out committees with jurisdiction over forestry, energy, and other natural resource issues.

In the meantime, the 113th Congress is currently scheduled to be in session for just two more weeks before adjourning for the year. Plenty remains undone, including passing a spending bill to fund the government when the current Continuing Resolution expires on December 11 to avoid another government shutdown. Also on the agenda is legislation to extend many popular business and personal tax provisions and the reauthorization of defense programs. /Heath Heikkila

EPA Vision for Biomass Improves

On November 19, Janet G. McCabe, Acting Assistant Administrator for the Environmental Protection Agency (EPA) issued a memo emphasizing the critical role that America's forests play in addressing carbon pollution in the United States by removing nearly 12 percent of total U.S. greenhouse gas emissions each year from the atmosphere.

The memo outlines how in 2011 the EPA developed the first draft of the *Framework for Assessing Biogenic CO₂ Emissions from Stationary Sources* and submitted it to a Science Advisory Board (SAB) for peer review. McCabe stated in her memo that "Information considered in preparing the second draft of the Framework, including the SAB peer review and stakeholder input, supports the finding that use of waste-derived feed stocks and certain forest-derived industrial byproducts are likely to have minimal or no net atmospheric contributions of biogenetic CO₂emission, or even reduce such impacts when compared with an alternate fate of disposal."

The memo also outlines how states that are rich in forest biomass may wish to include the use of biogenic feedstocks in their Clean Power Plan. Further, EPA expects to recognize the biogenic CO₂ emissions and climate policy benefits of waste-derived and certain forest-derived industrial byproduct feedstocks, based on the conclusions supported by a variety of technical studies, including the revised

Framework. These feedstocks, however, must be derived from sustainably derived agricultural and forest sources.

This memo appears to show a significant shift in how the EPA views forest related biomass and how the agency made use of the good data and information submitted. /*Tom Partin*

Summer of Fire

The summer of 2014 was a relatively quiet year for fires nationally. Fire statistics from the National Interagency Fire Center (NIFC) show the average for 2004 to 2013 was 7,132,895 acres burned by an average of 66,765 fires. Nationwide 50,304 fires burned 3,440,219 acres. However, in the Pacific Northwest the story is quite different, both Washington and Oregon saw an above average year of wildfires.

The two states combined had 4,294 fires which burned 1,383,958 acres. While the two states combined accounted for only 8.5% of the fires nationally, they had 40% of the total burned acres. Compare this with 2013 where the northwest saw 4,389 fires but only 503,993 acres burned. These acres consisted of a variety of ownerships including private, Forest Service, and Washington State Department of Natural Resources (DNR). Like most fires, 2014 came with significant costs. The Northwest Interagency Coordinating Center reports as of October 29, total firefighting costs amounted to \$459,935,506 or \$332.33 per acre burned. This figure is for fire suppression activities and does not include the even bigger cost of damage to infrastructure, timber, and the tragic loss of homes.

As the smoke cleared on many of these fires, the impact to timber was being evaluated by the respective landowners. Some private landowners are already wrapping up their salvage work on the fire killed trees. DNR began evaluation of the need to protect the trust beneficiary's value even before some of the fires were officially declared out. The two biggest fires were the Snag Canyon Fire and the Carlton Complex. On the Snag Canyon Fire, DNR identified 1,019 acres of economical viable salvage opportunities. Through a lot of hard work by DNR staff especially in southeast Region, this sale was brought to auction on November 20 and there was a lot of interest and bidding for the 8 mmbf of timber. DNR's northeast Region has been diligently working to prepare salvage sales within the Carlton Complex. The first of these is anticipated to bring roughly 4.7 mmbf of needed volume to market in December. It is AFRC's hope that the remaining viable acres for salvage will be sold soon. At the time of this article, evaluations and field work is still taking place for the remaining DNR salvage work.

Despite having a significant amount of acres burned, (130,734 on the Okanogan-Wenatchee National Forest alone) the Forest Service will have a relatively small contribution to the wood supply coming from the fires in eastern Washington. This is due to a variety of issues, including land allocations and economic viability. After screening the fire areas and removing land allocations such as wilderness, inventoried roadless areas, proposed wilderness, slopes greater than 35%, and comparing these with burn severity, the forest identified a relatively small amount of acres which could potentially be salvaged. The largest was approximately 3,000 acres within the Carlton Complex. However, due to budgetary limitations, access issues and more significantly the limitation on the use of Categorical Exemptions (CEs) in close geographic locations, this resulted in the identification of one 250 acre CE. We are hopeful the forest may find additional methods to bring volume to market. Not only do salvage projects produce volume needed by the existing infrastructure but it also provides means for accelerated recovery through generating funds for replanting, road maintenance, and other fire recovery needs.

There is one bright spot on the vegetation management front on the Okanogan-Wenatchee within the Carlton Complex. The forest was within a few weeks of signing a decision notice on the South Summit EA, but unfortunately the fires of the Carlton Complex burned through this planning area. The fire will reduce the project size by about 30% but by re-evaluating the EA in a timely manner the forest hopes to treat this area soon. This management activity should reduce the risk and intensity of future fires in the area. /*Matt Comisky*

Final USFS Sales Numbers

In last month’s newsletter, we reported the tentative accomplishments numbers for the Forest Service’s timber sale program. The final figures have been released and show that the Forest Service sold 2.8 billion board feet (bbf) of timber in FY14. Of that volume, 300 mmbf was personal use firewood, and a significant amount of volume is still under appeal in Region 1. A breakout by Region and percent accomplishment is listed below. All volumes are in mmbf and may vary a bit from the CCF volumes that are reported by the agency due to conversion factors.

<u>Region</u>	<u>Target</u>	<u>Sold</u>	<u>% Accomplished</u>
1	285	278	99
2	250	241	95
3	125	170	129
4	115	113	99
5	500	295	59
6	603	598	99
8	525	555	103
9	350	360	103
10	70	105	157

In an effort to increase the pace and scale of restoration on our national forests, Chief Tom Tidwell stated that he would like to sell 3.1 bbf of timber in FY15. The final targets for each Region have not been assigned from the Washington Office, and will depend on final agency budget numbers. /*Tom Partin*

Status of the Rogue

After meeting only a third of their assigned target in Fiscal Year 14, the Rogue River-Siskiyou National Forest is attempting to turn a corner. The leadership on the forest expressed a commitment to meet assigned targets and, more importantly, to the initiation of new NEPA projects that will generate timber volume in the future (currently the forest only has two signed decision documents that can provide the level of timber expected of the forest). The Rogue has been assigned a target of 40 mmbf for FY15 and 10 mmbf of this total is being considered “make-up volume” for the shortfalls in FY14. Along with this year’s plan, the forest provided a 5-year action plan that outlined how they will sustainably achieve a target of 30 mmbf/year beyond 2015. This plan contained draft NEPA timelines and anticipated dates for signed decisions that will support what we expect to be a balanced timber sale program that considers the importance of sales evenly distributed across both the geographical provinces and the calendar year.

Currently the field staff is working to lay out timber sales on both the Bybee EA (High Cascades Ranger District) and the Eden Ridge EIS (Powers Ranger District) for auction in the first and second quarters of FY15. This timeline will be a challenge to meet with a timber field staff that has been depleted over the past few years in conjunction with the diminished timber sale program as a whole on the forest.

Seasonal employees who have never held a paint can in their lives are being tasked with marking the timber on these valuable sales. With these uncertainties, AFRC is monitoring the layout and marking of these sales to ensure adequate volume is designated for harvest and silvicultural prescriptions are met. AFRC will also continue to advocate for the use of implementation tools such as designation by prescription to expedite the layout of these sales while achieving the same results in the woods. /*Andy Geissler*

Study Shows Restoration Needed

A [report](#) published in the January 2015 edition of *Ecology and Management* indicates that over 41% of the forests in eastern Washington and eastern and southwest Oregon are in need of forest treatments to get them back to their Natural Range of Variability (NRV) levels. The report which was funded by the Forest Service Pacific Northwest Region, The Nature Conservancy in Oregon, The Nature Conservancy in Washington, and the Icicle Fund found that 39% of Forest Service lands in those Regions (6,146,817 acres), 52% of BLM lands (905,000 acres), and 45% of state owned forests (433,000 acres) are in need of forest restoration to move present day landscape scale forest structure towards NRV.

In this study the authors demonstrated a new approach for evaluating where, how much, and what types of treatments are currently needed to restore NRV in forest structure. NRV is defined as a frequency distribution of ecosystem characteristics, including the appropriate spatial and temporal scales for those distributions and a reference period, typically prior to European settlement.

Findings showed that the highest proportion of restoration need is in southwest Oregon (3,263,000 acres, 51% of all forests) and northeast Washington (955,000 acres, 46% of all forests). The overall proportions of restoration needed were slightly lower within the Oregon Blue Mountains (2,705,000 acres, 38% of all forests) and Oregon East Cascades (2,139,000 acres, 36% of all forests).

This coordinated study provides a comprehensive look at how far our inland forests are out of balance and in need of restoration. This report coupled with the Secretary of Agriculture report highlighted in last months' AFRC newsletter certainly presents compelling reasons why accelerated restoration is needed in so many of our forests throughout the west. /*Tom Partin*