

June 29, 2015

H.R. 2647 on a Fast-track

H.R. 2647, the “[Resilient Federal Forest Act of 2015](#)” introduced by Rep. Bruce Westerman (R-AR) and co-sponsored by Reps. Ralph Abraham (R-LA), Paul Gosar (R-AZ), Ann Kirkpatrick (D-AZ), Doug Lamalfa (R-CA), Reid Ribble (R-WI), Glenn Thompson (R-PA) Cathy McMorris Rodgers (R-WA), and Ryan Zinke (R-MT) appears to be on a fast track to receive a vote in the House of Representatives early this summer. A discussion draft of the bill was released on May 27 by the House Natural Resources Committee and was the subject of a hearing on June 3, in the Subcommittee on Federal Lands.

The bill was formally introduced on June 4 and passed out of the House Natural Resources Committee on June 11 by a vote of 22-15, with Jim Costa (D-CA) being the lone Democratic “yes” vote. On June 17, the House Agriculture Committee passed the bill as amended by the Natural Resources Committee by voice vote with the support of several Democrats, including ranking democrat Colin Peterson (D-MN). The bill appears to be headed for a vote by the full House sometime in July.

H.R. 2647 focuses on providing new streamlined authorities for the Forest Service and BLM to treat forests before and after catastrophic events, create more early seral habitat, place limits on litigation, and create new mechanisms to fund timber management projects. Many of the new authorities, including Categorical Exclusions (CEs), are tied to projects with the backing of collaboratives, Resource Advisory Councils (RAC), or Community Wildfire Protection Plans (CWPP).

Top 10 highlights of the bill include:

1. Analysis of only two alternatives (action and no action) is needed for collaborative, RAC, and CWPP projects.
2. A CE of up to 5,000 acres may be used for treating insects, disease, hazardous fuels, water yield, etc. If a collaborative, RAC, or CWPP supports the project, the CE can be as large as 15,000 acres.
3. A 5,000 acre CE may be used for improving or creating early seral habitat.
4. A 5,000 acre CE is available for salvaging dead and dying timber.
5. Mandates the completion of an Environmental Assessment (EA) within 3 months following large wildfires and requires that 75% of burned areas be regenerated within five years. Prohibits injunctions of salvage and reforestation projects.
6. Plaintiffs challenging collaborative, RAC, and CWPP approved projects must post a bond equal to the agencies legal and administrative costs. Plaintiffs can only recover the bond if they prevail and are prevented from receiving attorney fees under EAJA.
7. Resource Advisory Committees will be restructured to encourage local participation, more cost-effective projects, and 50% of SRS Title II funding will be directed at timber sale projects.
8. Stewardship authority is amended to allow retained receipts to be utilized to fund the cost of planning future projects and requires 25% of retained receipts to be shared with local counties.

9. Requires courts to balance short and long-term effects of forest management when considering injunctive relief.
10. Eastside screen regulations in Region 6 would no longer apply.

The bill appears to be gaining more support from the House Democrats and with another severe wildfire season about to hit, hopefully the added emphasis for supporting a bill to expedite improved forest management will bring additional votes when the bill is voted on by the full House. /Tom Partin

Barrasso Introduces Federal Forest Legislation

On June 25, Senator John Barrasso (R-WY) introduced S. 1691 “the National Forest Ecosystem Improvement Act.” The legislation includes a 1,000,000 acre annual acreage mandate for ecosystem restoration projects through mechanical treatments, of which at least 400,000 acres shall be accomplished through commercial thinning and 60,000 acres using even-aged management techniques. The legislation would streamline the NEPA process for these projects through the use of an EA limited to considering the proposed action and the no action alternative. The legislation also limits the size of the EA to 100 pages and requires completion within 180 days.

The bill allows the Secretary of Agriculture to annually select up to two ecosystem restoration projects per region for binding arbitration in lieu of judicial review. The projects must be developed collaboratively or be included in a Community Wildfire Protection Plan, and the binding arbitration must be completed within 90 days.

The legislation requires plaintiffs to post a bond in order to challenge ecosystem restoration projects, similar to H.R. 2647. The bill also incorporates the three CE’s authorized by H.R. 2647 for projects to address critical forest health challenges, conduct salvage operations following a catastrophic event, and to meet forest plan objectives for early seral forest habitat.

S. 1691 would streamline the ESA consultation process for projects carried out pursuant to a CE by allowing the Forest Service to make informal consultation determinations under “counterpart regulations” adopted by the US Fish and Wildlife Service and NOAA Fisheries. The counterpart regulations also establish deadlines for these agencies to evaluate projects proposed through formal consultation under a biological opinion.

The Senate Energy and Natural Resources Committee appears poised to take up the Barrasso bill and other forestry legislation in July. /Heath Heikkila

More Concerns with BLM’s RMPs

In the two months since the April 23 release of the BLM’s draft Resource Management Plans (RMPs) for Western Oregon, more concerns continue to be raised about the plans. On June 22, AFRC, Associated Oregon Loggers, Douglas Timber Operators, and Southern Oregon Timber Industries Association sent a [joint letter](#) to State Director Jerry Perez requesting that the BLM suspend the planning process until it prepares and analyzes a broader range of alternatives for the future management of these lands. The associations wrote:

“We believe all the current alternatives fail to meet the needs of these forests or comply with the O&C Act’s mandate for sustained yield timber management for the benefit of local governments and communities.

Despite containing over 1,600 pages and hundreds of tables and maps, the BLM’s draft RMPs outline a surprisingly narrow range of alternatives. The most glaring deficiency is the lack of alternatives analyzing options for carrying out sustained yield timber management across the O&C landscape. Instead, the options set aside a vast majority (68-86 percent) of BLM forestlands from any sustained yield management.”

The Association of O&C Counties also commissioned a [side-by-side analysis](#) of the plans authored by retired BLM analyst Chris Cadwell, a 30-plus year veteran of the agency.

In a June 20 [editorial](#), the Eugene Register Guard expressed similar concerns:

“The BLM needs to include at least one additional alternative, one that shows the effects of adherence to the 1937 act. At a minimum, such an alternative would illustrate the environmental and economic tradeoffs implied by the law. It might also goad Congress to do what needs to be done: Pass legislation that modernizes the legal basis for O&C lands management, incorporating current environmental concerns and providing counties with a greater degree of self-sufficiency.”

Meanwhile, federal and state elected officials are pressing the BLM for additional time to review and comment on the draft RMPs. Currently, the BLM has provided only 90 days for public comment, which ends on July 23. On May 14, Oregon’s Coastal Caucus of state legislators sent a letter to Perez requesting a 120-day extension. On June 17, a dozen Republican state senators sent a similar request. On June 24, Oregon Senators Ron Wyden and Jeff Merkley were joined by Reps. Peter DeFazio, Kurt Schrader, and Greg Walden on a letter to Perez in support of a 120-day extension.

Our industry and the O&C counties have been raising concerns with the BLM planning process for the past two years. Unfortunately, the BLM has largely ignored these concerns and appears to be on course to adopt a flawed RMP, raising the likelihood that the issue may ultimately have to be settled by Congress or in the courts. /Heath Heikkila

RMP Timber/Wildlife Workshop

The BLM has been holding a number of public meetings regarding the planned revision of their RMP’s. Handouts from these meetings can be found at <http://www.blm.gov/or/plans/rmpswesternoregon/handouts.php>.

One of the workshops focused on forest management and wildlife. The presentation on northern spotted owls (NSO) revealed that even though the proposed alternatives will set-a-side between 68% and 86% of BLM’s land base in NSO reserves and old growth protection, and increase in the size of large habitat blocks from 20 pairs to 25 pairs, none of the alternatives will counter the current decline in the NSO population which is being driven by the invasion of the barred owl. All alternatives have the same effect (none) save for one alternative that provides an improved East-West dispersal corridor. The barred owl overwhelms any change in habitat growth or protection.

The consolation is that they are meeting every habitat requirement of the original Jack Ward Thomas ISC Report, the 2004 5-year Status Review, the 2011 Recovery Plan and the 2012 Critical Habitat designation. All the regulatory boxes appear to have been checked and the northern spotted owl is still heading towards at least local extinction. */Ross Mickey*

BLM Volume Case Stumbles

On June 12, a 3-judge panel of the D.C. federal Circuit Court [ruled](#) that AFRC members Swanson Group Mfg. LLC and Rough and Ready Lumber Company failed to prove they are harmed by the failure of the BLM to offer more timber for sale on the Medford and Roseburg Districts. AFRC, Douglas Timber Operators and Washington Contract Loggers Association were also plaintiffs in the case.

The judges stopped short of saying that the plaintiffs could not have proved they have standing to challenge BLM's management of the O&C lands. They said that at the time Judge Leon made his decision, there was not enough evidence in front of him to allow him to consider the case.

The judges did not say Judge Leon was wrong when he [concluded](#) in 2013 that the BLM is obliged to offer for sale the amount of timber its Resource Management Plan sets as the annual Allowable Sale Quantity for each district. (See, [AFRC newsletter July 22, 2013](#).)

AFRC and its allies will continue their efforts to enforce the terms of the O&C Act. Whether that will mean appealing the Circuit Court's decision, filing a new lawsuit, or some other course has not yet been decided. */Ann Forest Burns*

Action on FS/BLM 2016 Budgets

Both the House and Senate have taken Committee actions to approve budgets for the Forest Service and BLM through the FY16 Interior, Environment and Related Agencies Appropriations bill, which is typically one of the more controversial appropriations measures. While it is encouraging that the Interior bill is beginning to move through the committee process, it is unclear if Congress will be able to pass the 13 individual appropriations bills or have to revert to the Omnibus packages or Continuing Resolutions (CRs) that have been typical in recent years. Unfortunately, CRs typically carry over funding levels from the previous year and don't allow Congress to adjust spending levels to reflect new priorities. With Republicans now in control of both chambers of Congress they will likely want to see their priorities reflected in any final appropriations measures.

On June 10, the House Appropriations Subcommittee on Interior, Environment and Related Agencies chaired by Ken Calvert (R-CA) marked up their spending bill. The package included increases for the Forest Service in their National Forest System timber program, a small increase for Road Construction, flat funding for Hazardous Fuels, and a decrease for Land Acquisition. It passed out of the Subcommittee and was approved by the full House Appropriations Committee on June 16 by a vote of 30-21. The bill is expected to be voted on by the full House following the 4th of July recess. The Obama Administration has already issued a veto threat, largely due to the \$718 million (9%) reduction proposed for the EPA, which has seen its budget cut significantly in recent years.

On June 16, the Senate Appropriations Subcommittee on the Interior, Environment and Related Agencies approved its FY16 spending bill. The bill included \$5.12 billion for the Forest Service which is an increase of \$67 million and an increase of \$65.5 million for the BLM program nationwide. Both

agencies would see slightly more funding under the Senate bill than the House proposal. EPA was given a \$538 million reduction reflecting Republican displeasure with all of the new rule-making coming out of that agency. On June 18, for the first time in six years, the full Senate Appropriations Committee approved the Interior bill.

On the Forest Service side, the Senate bill would fund the timber program at \$358.1 million, an increase of \$20 million. The roads budget would be increased by \$13 million and Hazardous Fuels Reduction would receive an additional \$16 million. The Land Acquisition line item would be decreased by \$7.1 million. The House bill would fund the Forest Service timber program at \$355 million, a \$16 million increase.

Both bills retain the Integrated Resource Restoration (IRR) pilot programs for Regions 1, 3 and 4 and maintain funding for the Collaborative Forest Landscape Restoration projects at the current \$40 million level. Both bills also include report language raising serious questions about the cost effectiveness and transparency of both programs. Report language in the House bill outlines an expectation for a 3.2 billion board foot timber program for FY16 and the Senate bill directs the agency to begin separating out merchantable and non-merchantable (personal use firewood) materials as it reports on its timber sale program.

Unfortunately, while nationally the BLM is to receive more funding, both bills outline cuts for the management of the BLM O&C lands. The House bill would reduce the BLM O&C budget by \$3 million from the FY15 enacted level of \$113.8 million. The Senate bill would cut O&C funding by \$8 million. The Obama Administration had proposed a \$6 million reduction. These levels of reductions would have a major impact on the BLM's timber program in Western Oregon./ *Tom Partin*

Small Movement on Fire Borrowing Issue

With fire season getting into full swing in Alaska and the west, Congress has yet to agree on a solution to address the fire borrowing problem. In what has become a nearly annual exercise, the Forest Service and BLM will likely have to "borrow" from other resource line items to help fund fighting wildfires when their budgets for suppression are exhausted later this year. Congress does not appear likely to act on a solution to prevent borrowing this year, but could lessen the impact by taking swift action on a supplemental appropriations bill when the agencies exhaust their suppression budgets.

Both the House and Senate FY16 Interior Appropriations bills fully fund suppression at 100% of the 10-year fire suppression average. The Senate Interior bill provides a \$1.05 billion supplemental fund to cover any cost overruns in FY16 and the authority for the Forest Service to access disaster relief funds for suppression costs over and above 100% of the 10-year average suppression costs beginning in FY17. Theoretically this would put a stop to fire borrowing, although it is not clear that these provisions will be included in a final appropriations measure.

Cantwell's Wildfire Management Act of 2015

On June 15, Senator Maria Cantwell (D-WA) Ranking Member of the Senate Energy and Natural Resources Committee previewed her upcoming wildfire legislation "[The Wildfire Management Act of 2015](#)." According to Cantwell, the purpose of the Act is to lower the frequency of large wildfires, reduce the number of houses lost to wildfires, make firefighting operations more efficient and safe, restore fire to ecosystems, and bring assistance to people in need after wildfires.

It appears the legislation will focus on safety when citizens and firefighters are threatened by wildfires, how and when wildfires will be fought, fire as a role in functioning ecosystems, and finding a way for citizens and agencies to work more closely together to prepare for and prevent the spread of potentially large wildfires. The committee White Paper indicated that the legislation would not address issues related to vegetation management, but that those discussions should occur on a parallel track.

Previously Introduced Wildfire Funding Bills

Several bills have been introduced in Congress including the bipartisan Mike Crapo (R-ID) and Ron Wyden “Wildfire Disaster Funding Act of 2015” (S. 235) which would allow agencies to access FEMA disaster spending once 70% of the cost of the 10-year suppression average was exhausted. A companion bill, H.R. 167 was introduced in the House and sponsored by Reps. Mike Simpson (R-ID) and Kurt Schrader. Finally, Senators John McCain (R-AZ), Jeff Flake (R-AZ), and John Barrasso have reintroduced their wildfire funding bill which would offer an alternative to the Wildfire Funding Disaster Act. It would require the Forest Service and Department of Interior to budget for 100% of their suppression costs using the most accurate budget forecast model available, provide the agencies access to emergency spending money to prevent fire borrowing, and place a greater focus on forest management to reduce the risk of catastrophic wildfire.

With several options either on the table or to be introduced, many observers are hopeful that Congress will find a solution to the wildfire borrowing issue later this year. / *Tom Partin*

Porcupine Injunction Denied

On June 16, the Ninth Circuit denied a motion for injunction pending appeal of the Porcupine Vegetation and Road Management Project on the Shasta Trinity National Forest. Conservation Congress is the plaintiff in the case and argued that the Forest Service violated NEPA by (1) conducting an arbitrary and capricious cumulative effects analysis for the northern spotted owl, (2) failing to consider a reasonable range of alternatives for the Project, (3) failing to take a “hard look” at the environmental impacts of the Project, and (4) failing to prepare an Environmental Impact Statement, and that the Forest Service violated the NFMA by failing to comply with the Forest Plan snag retention standard. The district court upheld the Project and Conservation Congress appealed seeking to enjoin it during the appeal which would have prevented action for a year or more until the appeal was decided. Franklin Logging and Timber Products are purchasers of the sales.

AFRC filed an amicus brief on behalf of member Franklin Logging urging the Ninth Circuit to deny the motion for injunction pending appeal. / *Scott Horngren*

DNR FY15 Timber Sale Program

Washington DNR’s fiscal year ends on June 30 and the final timber sale auctions were held the week of June 15. The trend of less volume offered statewide has unfortunately continued in FY15 with only 483.5 mmbf being brought to market. In FY14, DNR offered 510.8 mmbf statewide. This is despite an average annual target of 550 mmbf for the FY05-FY14 planning decade for the Westside Sustainable Harvest Calculation (SHC) and with no new SHC adopted a continued Westside target of 550 mmbf should stay in place.

DNR’s statewide sale program is dynamic and fluctuates somewhat through the year as sales are prepared. The table below shows the changes in the sale plan from the beginning of the fiscal year (July 1, 2014) to the final numbers after the June 30 auction.

Plan Date	Statewide Planned Volume
July 2014	527.8 mmbf
June 2015	483.5 mmbf
Variance	(44.3 mmbf)

To some this may not seem like much of an issue, as it is slightly more than an 8% fall down from the July 2014 plan. However, to put this decrease into perspective it would equate to nearly 9 additional timber sales at 5 mmbf per sale. Or more importantly 44.3 mmbf is enough volume to keep a modern mill operational for about 6-9 months. With the loss of 3 mills in the last 12 months in western Washington and the reports that access to volume was a contributing factor in their closure, any continued erosion of sale volume could be bring additional problems to the industry.

Several reasons have been brought up regarding the failure to meet targets including staffing challenges, lack of completion of some major planning efforts, and increased scrutiny by various environmental groups. DNR has seen significant turnover in staff since the 2008-2011 recession and has struggled to rebuild from the layoffs during the recession. This turnover has led to an increased need for training of staff which can slow field work. The ongoing work to complete planning efforts including the Olympic Experimental State Forest plan and the Marbled Murrelet Long Term Conservation strategy has continued to keep some lands in a short term harvest deferral status. Thus removing access to the volume on those lands in the near term. The third challenge has been the significant amount of time it takes DNR to respond to SEPA comments on certain high profile timber sales. Often while DNR has not needed to modify proposed sales based on SEPA comments, the time to develop and fully respond to SEPA comments has caused timber sales to slip into future months or fiscal year auctions. Additionally this takes away from field staff and specialist time to work on other sales. While not excuses for missing targets they do help explain part of the issue.

It is expected that DNR will be working to resolve the issues within its control which negatively impact the timber sale program. Any and all steps taken to reverse the volume offered at auction and to dispose of the arrearage in a timely manner will be a key component in maintaining infrastructure and ultimately trust beneficiary value. */Matt Comisky*

NWFP 20-Year Monitoring Reports

On June 9, the Forest Service and federal agency partners hosted a public forum to share key findings of the Northwest Forest Plan (NWFP) 20-year monitoring reports. These reports provide an analysis of monitoring data gathered since 1994, with a focus on the last 5 years. The day-long public forum included a series of presentations on the reports' key findings, followed by a facilitated panel session of the report authors for questions and answers. Monitoring is conducted on seven major areas of concern. These areas and the key finding of each are:

Status and Trend of Late-successional and Old-growth Forests

- OGS 200, which represents more traditional definitions of old-growth stands, have decreased from about 6.4 million acres to 6.3 million acres (2.8%) over the 20 year period. This net change

on federal lands occurred despite gross losses from wildfire (4.2-5.4%), timber harvest (1.2-1.3%), and from insects or other causes (0.7-0.9%), indicating that forest succession has compensated for losses from disturbance.

Status and Trend of Northern Spotted Owl Habitat

- After two decades, nesting/roosting habitat on federal lands decreased from 9.09 million acres in 1993, to 8.95 (-1.5%). The net 1.5% decrease of nesting/roosting habitat on federal lands occurred despite 7.2% in gross losses from wildfire of 474,300 acres (-5.2%), 116,100 acres from timber harvest (-1.3%), and 59,800 acres from insects or other causes (-0.7%). This indicates that forest succession is resulting in habitat recruitment that has compensated for some of these losses from disturbances.

Status and Trend of Northern Spotted Owl Populations (Final report not released yet)

- The barred owl has the biggest effect on local extinction rates due to its impact on colonization rates and occupancy.
- Over 20 years, the annual rate of population change has been -3.8%.
- The 20 year declines by state are, WA: 59%-77%, OR: 31%-64%, CA: 32%-55%

Status and Trend of Marbled Murrelet Populations and Habitat

- At the Plan scale, no population trend was detected indicating a stable population.
- Federal lands provided the majority (66%, equal to 1.5 million acres) of higher-suitability potential nesting habitat in 2012, mainly in “reserved” land allocations.
- Federal lands lost about 2% (35,000 acres) of higher-suitability nesting habitat during 1993-2012, with two-thirds due to wildland fire loss with the remaining third was due mostly to timber harvest and wind throw in Washington and Oregon.

Status and Trend of Watershed Condition

- Overall trends in physical habitat were not detected.
- Improving status trends were detected for both macroinvertebrate diversity and water temperature.
- Individual components of the physical habitat score components show a decline in pool tail fines and improvements in substrate.

Socioeconomic Status and Trends

- Employment associated with Forest Service and BLM programs contributes to socioeconomic well-being in the NWFP area.
- Recreation visitor spending is the largest single source of economic activity associated with NFS and BLM management in the NWFP area.
- In periods of economic hardship, such as the one that began in 2008, federal lands and federal agencies played especially important roles in contributing to socioeconomic well-being in rural America.

Strengthening the Federal-Tribal Relationship

- A number of areas were identified in which improvements could be made in order to make federal-tribal relations more effective and meaningful. Of particular importance is the need to align tribal and federal visions on what constitutes consultation, the need to ensure that agency

staff are culturally competent and informed on treaty rights, other tribal rights, the federal trust responsibility, and the history of federal-tribal relations, and the need to ensure that tribes' needs, knowledge's, and practices shape not only tribal, but also federal forest management. /Ross Mickey

YTD Wildfire Statistics

Fortunately the wildfire season is off to a slower start than in recent years. Heavy rains have dampened the fire threat in Texas, the Southeast and the four-corner states of Arizona, New Mexico, Colorado and Utah. Unfortunately, the reprieve from the extreme fire season appears to be short lived with fire dangers in the far west abnormally high, even for the usually damp forests on the west coast. With temperatures expected over 100 degrees for much of the west in the coming week, extreme fire danger appears to be upon us! /Tom Partin

Daily statistics 6/25/15		
Number of new large fires	22	States currently reporting large fires:
Number of active large fires <i>Total number includes full suppression and resource managed fires. Total does not include individual fires within complexes.</i>	53	Alaska (38) Arizona (3) California (4) Idaho (2) Nevada (1) New Mexico (2) Oregon (1) Washington (2)
Acres from active fires	430,390	
Fires contained	0	
Year-to-date large fires contained	165	
Year-to-date statistics		
2015 (1/1/15 - 6/26/15)	Fires: 26,968	Acres: 1,110,476
2014 (1/1/14 - 6/26/14)	Fires: 25,096	Acres: 865,030
2013 (1/1/13 - 6/26/13)	Fires: 21,367	Acres: 1,026,092
2012 (1/1/12 - 6/26/12)	Fires: 26,059	Acres: 1,376,618
2011 (1/1/11 - 6/26/11)	Fires: 35,328	Acres: 4,601,260
2010 (1/1/10 - 6/26/10)	Fires: 28,916	Acres: 1,400,688

2009 (1/1/09 - 6/26/09)	Fires: 46,865	Acres: 1,880,725
2008 (1/1/08 - 6/26/08)	Fires: 34,857	Acres: 1,978,326
2007 (1/1/07 - 6/26/07)	Fires: 44,997	Acres: 1,819,773
2006 (1/1/06 - 6/26/06)	Fires: 55,163	Acres: 3,310,456
2005 (1/1/05 - 6/26/05)	Fires: 28,825	Acres: 1,271,133
Annual average prior 10 years		
2005-2014	Fires: 34,747	Acres: 1,953,010

Laura Jo West to Coconino

Colville Forest Supervisor Laura Jo West, has accepted the Forest Supervisor position on the Coconino National Forest in Arizona. She has been the supervisor on Colville for the last five years. During her tenure the Colville continued to meet their ASQ, and has been successful in obtaining CFLRA and Joint Chief's funding. Additionally, Laura Jo was supportive of the A- Z project, an innovative approach to increasing the supply of raw material for the manufacturing infrastructure in northeastern Washington.

Congratulations to Laura Jo and best wishes for her continued success. /*Maurice Williamson*