



American Forest Resource Council
5100 S.W. Macadam Avenue, Suite 350
Portland, Oregon 97239
Phone: (503) 222-9505
Fax: (503) 222-3255
E-mail: info@amforest.org
www.amforest.org

July 30, 2014

House Passes ESA Reform Bill

On July 29, the House of Representative voted 233-190 to pass H.R. 4315, the 21st Century Endangered Species Transparency Act.

The bill incorporates the provisions of four previously introduced bills: H.R. 4315, sponsored by House Natural Resources Committee Chairman Doc Hastings (R-WA), requiring the Secretary of Interior to publish online “the best scientific and commercial data available” that is used in a listing; H.R. 4316, sponsored by Representative Cynthia Lummis (R-WY), requiring the US Fish & Wildlife Service to report how much they spend on ESA related litigation, especially those filed by conservation groups such as the Center for Biological Diversity; H.R. 4317, sponsored by Representative Randy Neugebauer (R-TX), defining “best scientific and commercial data available” as including “all such data submitted by a State, tribal, or county government;” and H.R. 4318, sponsored by Representative Bill Huizenga (R-MI), capping attorney reimbursements in ESA litigation to \$125 per hour. See [AFRC newsletter April 30, 2014](#).

On July 28, AFRC sent a [letter](#) to Chairman Hastings urging passage of the legislation. The letter notes because AFRC’s members are the principal purchasers of timber from federal lands, they are highly impacted by the implementation of the ESA. The provisions of H.R. 4315 make only modest revisions to how the ESA is currently being implemented. Much more is needed. Unfortunately, the bill is considered unlikely to pass the Democratic-controlled Senate. */Ann Forest Burns*

Efforts Increase to Move Forestry Bills

During the past few weeks there has been a renewed interest in both the House and Senate to pass meaningful forestry legislation and provide the necessary funds to end Forest Service fire borrowing. The massive wildfires that have erupted across many parts of the West are grabbing headlines and attention from legislators.

On July 11, twenty-nine House Members wrote a letter to House Speaker John Boehner (R-OH) pointing out their “Strong support for national public forestry legislation as embodied in the Restoring Healthy Forests for Healthy Communities Act (H.R. 1526), which the House passed in a bipartisan vote last September. Further, we ask that you oppose proposals from the Senate that would seek to address forest management problems for only a few select locations, while leaving the rest of our communities behind.” The letter went on to state “Our federal forests have suffered from a lack of active management brought about by overly burdensome regulation and endless environmental litigation. Too often, the statutory multiple-use mission of our land management agencies has been ignored to appease extreme special interest groups. This has left more than 58 million acres of federal forests at risk for catastrophic wildfires.”

Also on July 11, several Democratic members of the House filed a discharge petition in an attempt to push through a bill to allow the Obama Administration to dip into off-budget, disaster funding when wildfire fighting budgets are tapped out. “The Wildfire Funding Disaster Act,” H.R. 3992, sponsored by Representatives Kurt Schrader (D-OR) and Mike Simpson (R-ID) would allow the Government to dip into disaster funds when the firefighting costs exceed 70 percent of the 10-year average budget in any given year. Senators Ron Wyden (D-OR) and Mike Crapo (R-ID) have introduced companion legislation in the Senate. If the petition gets 218 signatures, it would force the House to vote on the bill, even if Republican leaders do not want to bring it to a vote. House Democrats have failed to gain the necessary signatures on past discharge petition efforts. House Budget Committee Chairman Paul Ryan (R-WI) is opposed to the wildfire legislation because he believes it would lead to increased off-budget spending.

On July 14, Senator John McCain (R-AZ) introduced S. 2539 the “FLAME Act Amendments Act of 2014.” The bill, which was cosponsored by Jeff Flake (R-AZ) and John Barrasso (R-WY), is intended to offer an alternative to the Wildfire Funding Disaster Act. The McCain bill requires the Forest Service and Department of Interior to budget for 100 percent of their suppression costs using the most accurate budget forecast model available rather than the 10-year average. The bill also prohibits the agencies from raiding non-wildfire accounts to pay for wildfires, or fire-borrowing. The legislation would require greater investment in hazardous fuel reduction and forest restoration programs as a condition of accessing emergency disaster funding should suppression spending exceed the budget amount. To promote this treatment S. 2539 also includes, S. 1966 the Barrasso forest management reform bill, which calls for mechanical harvest on 7.5 million acres over a 15 year period.

On July 15, the Senate Energy and Natural Resources Committee held a hearing on “Wildfire Preparedness and the Forest Service 2015 Fiscal Year Budget.” A main topic of discussion was the difference between the various bills on how to fund wildland firefighting in years when the costs have exceeded the budgets, and how the agency can get away from borrowing from other programs to fund wildland firefighting. Committee Ranking Member Lisa Murkowski (R-AK) focused on the need to restore forest health through increased management.

The Obama Administration favors S. 1875, the Wildfire Funding Disaster Act, sponsored by Senators Wyden and Crapo, but have not addressed the growing calls for reforms to speed up forest management projects to treat the underlying cause of increased wildfire severity and expenses. The McCain-Barrasso-Flake bill makes that connection by tying increased fire suppression funding to proactive forest management intended to treat the underlying illness, rather than one symptom of it.

Both Chairwoman Mary Landrieu (D-LA) and Senator McCain agreed that fire borrowing is having a negative impact on timber sales and projects on the National Forests. The Kisatchie National Forest in Louisiana had one proposed 2013 timber sale delayed due to fire borrowing and in Arizona only 40,000 acres of a 2.4 million acre stewardship project target has been thinned. */Tom Partin*

Interior Appropriations Marked-up

On July 15, the House Appropriations Committee passed the FY15 Interior-Environment Appropriations Bill. The overall funding level is 1% less than the President’s budget request and .5% higher than the FY14 enacted level. The Forest Products line item is \$339.13 million (same as FY14) but the hazardous

fuels program was increased by \$75 million, which should help in planning fuel reduction projects. The budget request assumes a 3.1 billion board feet target, up from prior years.

The Integrated Resource Restoration consolidated funding pilots would not be expanded beyond Regions 1, 3, and 4, as again proposed by the Administration. The Collaborative Forest Landscape Restoration program would remain at \$40 million, rather than the \$60 million included in the President’s budget.

Wildfire suppression and preparedness funding for both the Forest Service and BLM now totals a whopping \$4.088 billion with the Forest Service’s portion being \$2.88 billion. This is an overall increase of \$149 million for both agencies above FY14 levels. In addition to this increase, the Committee included \$470 million to cover expected fire borrowing for the remainder of this fire year. As mentioned above several ideas are on the table for a permanent solution to wildfire funding. President Obama has also requested over \$600 million in emergency supplemental spending to cover likely shortfalls this year. The House and Senate are considering the broader supplemental request, which includes funding for the crisis along the southern border. */Tom Partin*

Wildfires Rage in the NW

Eastern Oregon and Washington have been ground zero for wildfires this year. In Oregon, the Two Bulls Fire began on June 7 and marked an early start to the fire season. The fire was approximately 10 miles northwest of Bend and burned in a mix of Deschutes National Forest land and Oregon Department of Forestry protected private lands. The wind and terrain-driven fire prompted immediate evacuations in areas west of Bend, as well as additional threats/evacuation notices. Evacuations and the threats to structures were downgraded within a few days, with the Oregon State Fire Marshal's Office Incident Management Team Green demobilized on June 10.

The Bryant Fire began on June 19 and is burning on the Oregon Department of Forestry’s Klamath-Lake District six miles south of Bonanza. The Moccasin fire north of Klamath Falls has burned over 2,500 acres and numerous homes and structures.

There are a number of large ongoing fires that were started by lightning storms. Below is a table showing the fires and acres burned. Total burned acreage already exceeds 600,000 acres.

Fire	Agency	Acres
Ochoco Complex	Ochoco National Forest	6,333
Logging Unit Fires	Confederated Tribes of Warm Springs/Warm Springs Agency	10,302
Sunflower Fire	Umatilla National Forest	7,146
Pine Creek	Deschutes National Forest	30,245
Waterman Complex	Central Oregon District	12,520
Bridge 99 Complex	Deschutes National Forest	5,915
Donnybrook	Deschutes National Forest	22,763
Black Rock Fire	Deschutes National Forest	35,731
Pittsburg Fire	Wallowa - Whitman National Forest	8,000

Bingham Complex	Willamette National Forest	452
Shaniko Butte Fire	Confederated Tribes of Warm Springs/Warm Springs Agency	42,500
Buzzard Complex	Burns District	395,747
Hurricane Creek Fire	Wallowa - Whitman National Forest	645
Jack Knife Fire	Deschutes National Forest	13,263
Gumboot	Burns District	4,420
White River Fire	Central Oregon District	652
Moccasin Hill Fire	Klamath-Lake District	2,535
Bryant Fire	Klamath-Lake District	1,361
Two Bulls Fire	Central Oregon District	6,908

Washington Fires

As of July 23, over 325,000 acres have burned in Washington. The Carlton Complex fire is the largest and has consumed over 240,000 acres including 150 commercial and residential structures. As of July 22, the fire was 2% contained and was expected to grow 15 miles further to the south. There are over 1,600 personnel assigned to the fire that are managed by a Type 2 management team.

The Carlton Complex consists of four fires, Golden Hike, Stokes, Cougar Creek, and French Creek. Portions of the South Summit Project on the Methow Ranger District have burned and the Benzer timber sale has been canceled. The Forest Service will make a decision on how to proceed with the use of smaller CEs so logging projects can take place during this winter. The projected volume in the South Summit project area was 11-15 mmbf.

Other active fires burning in unroaded or grass/brush areas in Washington include:

- The North Cascades National Park Complex - 1,700 acres
- The Chiwaukum Complex on the Okanogan/Wenatchee National Forest - over 11,000 acres.
- The Mills Canyon fire on the Okanogan/Wenatchee - over 22,000 acres.
- An unnamed fire east of Tonasket on the Okanogan/Wenatchee - over 1,000 acres.

Despite all the discussion about wildfire spending and various legislation options being offered one thing is certain; fires are and will continue to burn in the West. The fires have been burning in a mix of fuel types and across a variety of landowners and in many cases it is still too early to fully assess the impact these fires have had on the forests they burned through. As the smoke clears, foresters will have the opportunity to survey the damage and begin planning the appropriate responses including potential salvage operations. In the case of DNR, they will evaluate impacts to trust lands in the footprint of the Carlton Complex.

With the majority of the fire season still ahead we can only hope that the weather moderates in the next few weeks and the accelerated forest restoration efforts continue to help reduce fire risk.

In the meantime, we wish the firefighters continued success and safe operations and our thoughts and prayers are with the many residents who have lost homes or have been impacted in other ways by the fires. *Irene Jerome, Matt Comisky and Maurice Williamson*

FS Inexplicable K-V Policy

Forest Service Chief Tom Tidwell has emphasized that the goal of the Forest Service “...is to restore healthy, resilient ecosystems...” He has also stated that “...the need is urgent, and we are going to have to pick up the pace. On the national forests and grasslands alone, somewhere between 65 and 82 million acres are in need of restoration.” “At the same time, our budgets are flat or declining, so we need to become more efficient; we also need to find ways to leverage our scarce resources.” Given this, AFRC, the national Federal Timber Purchasers Committee (FTPC), and Federal Forest Resource Coalition are puzzled as to why the Chief has established a policy that is completely counter to these goals.

The Knutson-Vandenberg Act of 1930 (K-V Act) was the original tool created to do what is now being called “restoration” of our national forests. In 2005, Congress amended the K-V Act to allow the Forest Service to utilize receipts generated from the sale of timber to pay for “watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred.” Prior to this amendment, receipts generated from timber sales could only be utilized for projects located within the local confines of where the timber was being harvested (sale area boundary). The 2005 authority to utilize receipts for projects outside of the sale area boundary gave the Forest Service the means to greatly expand and expedite its restoration efforts.

Inexplicably, Chief Tidwell’s official policy is to ***not*** utilize the authority Congress granted the Forest Service in 2005 and to prohibit field offices from collecting receipts for restoration projects outside of the timber sale area boundary. This policy is clearly counter to Congressional intent and is hindering field offices from being able to increase their restoration efforts. When we informally asked for an explanation for this policy we were told that the Forest Service wants to give preference to stewardship contracts to fund restoration efforts. While stewardship contracts are an appropriate avenue to carry out restoration activities in some regions, timber sale contracts still generate the greatest revenues and therefore represent a huge lost opportunity for the Forest Service to increase the pace and scale of its restoration efforts.

The reality is that the Forest Service is only selling about 30% of its program using stewardship contracts. When the permanent authority to use stewardship contracts was granted in the recently passed Farm Bill, the Managers made it very clear that this percentage should not increase dramatically. “The Managers do not intend for Stewardship Contracting to replace, diminish, or adversely impact the U.S. Forest Service’s timber sales program.”

Since regular timber sales will continue to be used, the Chief’s policy of not implementing the K-V authority is robbing the agencies of an opportunity to increase the pace and scale of its restoration efforts. Regular timber sales generate hundreds of millions of dollars that could be used towards restoration efforts but are not because of the Chief’s policy.

In February, FTPC sent a letter to the Chief asking him to reverse this counterproductive policy. On June 20, FTPC finally received an answer from the Deputy Chief which just reiterated the Chief's policy. FTPC responded by requesting an explanation as to why the Chief has adopted a policy that is counter to his goals of ecosystem restoration and counter to the intent of Congress when it made the change to the K-V Act in 2005 and gave permanent stewardship authority in the Farm Bill. /Ross Mickey

A Shift in Direction

On July 1, during a regularly scheduled meeting, the Washington Board of Natural Resources (BNR) shifted the path DNR staff and the Board had been on for the planning efforts related to the Sustainable Harvest Calculation (SHC). The initial path was expected to result in a new SHC number for Fiscal Years 2015 to 2024, to be adopted in June, 2014.

The 2004 Sustainable Harvest Calculation which set the harvest volume target for the planning decade of Fiscal Years 2005 to 2014 was adopted under [Board Resolution 1134](#). This resolution set the annual harvest target at 597 million board feet per year. In 2007 the SHC number was adjusted in [Resolution 1239](#) to 5.5 billion board feet for the planning decade or 550 mmbf per year. This adjustment was due to impacts from the 2006 implementation of the HCP Riparian Forest Restoration Strategy and the "2006 Settlement Agreement" over litigation of the 2004 SHC EIS. In each case the Resolutions were set to expire on June 30, 2014, the end of the planning decade.

Unlike the 2004 Calculation there were no plans to make any policy or significant changes to the planning process other than those in the original 2004 calculation and the 2007 updated number. It was anticipated with this streamlined approach, staff and the Board would only need four to five months to act on a resolution to adopt the next decade's number. This is in contrast to the 2004 process which began in 2000 and was adopted at the September 7, 2004 Board meeting. The [first presentation](#) to the BNR for the new SHC number occurred at the February 2014 meeting. Additional presentations have occurred at the [March](#), [April](#), [May](#), [June](#), and [July](#) meetings. Over the last several months it has become evident that even without policy changes, this is a very complex and challenging planning process.

A few of the issues contributing to the challenge are the significant arrearage volume ([see June 27, 2014 newsletter](#)), underperformance in Riparian Restoration Strategy volume, and potential impacts from the Marbled Murrelet Long Term Conservation Strategy (LTCS). In light of these and other issues and the evident complexities, the Board, without taking action, recommended to staff a new path was in order.

This recommendation was based on comments offered by Acting Dean Mittelhammer (WSU representative) and echoed by other members of the Board. Dr. Mittelhammer suggested several issues went into his thoughts about how a "near term" decision on the SHC was not feasible. Additionally he provided several suggestions for the BNR and DNR to consider: develop a full new EIS for the SHC; complete the Marbled Murrelet LTCS in parallel with the SHC; provide ample and multiple opportunities for public comment and engagement; take more time to look closely at the model and the modeling assumptions; allow more time for the BNR to gain more detailed understanding of the Forest Management policies it works under; and convene an Advisory Board for the SHC process.

Commissioner Lee Grose (timber counties representative) expressed his concern and the importance for DNR to maintain its fiduciary obligation to the trust beneficiaries as staff works in this new direction.

Staff acknowledged his concerns and explained that [statutes](#) state there should not be any curtailment or cessation in the sale program.

DNR staff is currently evaluating this new path and developing a new timeline and work plan to coincide with the Boards wishes. AFRC anticipates an update to the process and timeline to be presented at the September BNR meeting. /*Matt Comisky*

Forest Service Water Quality Directives

AFRC and 17 other associations submitted [joint comments](#) on the Forest Service's proposed national Best Management Practices (BMPs) for control of nonpoint source water pollution. (See [AFRC Newsletter May 19, 2014](#).) The comments note both the opportunity for improvements in how National Forest System lands are managed and the potential for another layer of regulation to frustrate the sustainable productive use of national forest resources. They conclude by urging the agency to give considerable thought to whether this is the best approach to the issue.

On July 22, the Forest Service [reopened the comment period](#) for the BMP proposal for an additional 30 days. The deadline is now August 21, so comments from concerned parties would still be timely.

The agency has posted a [notice of a second webinar](#) on the groundwater directives published May 9, concurrently with the national BMP proposal. The webinar is scheduled for:

August 5 from 3:00-5:00 p.m. EDT (12:00 noon-2:00 p.m. PDT). Registration information has not been posted as of the date of this publication.

Comments on a concurrent proposal to amend its Watershed and Air Management directives to establish direction for management of groundwater resources on National Forest System lands, also discussed in AFRC's May 19 newsletter, currently remain due August 4. However, the agency is expected to extend that deadline, as well.

Reviewers are criticizing the groundwater directives as exceeding the Forest Service's legal interests and regulatory authority. /*Ann Forest Burns*

BLM Project Update

The Bureau of Land Management is continuing to propose regeneration harvests on their O&C lands throughout western Oregon; particularly on the Salem and Roseburg Districts.

The Roseburg District completed analysis on a project that proposes regeneration harvest on 334 acres east of Myrtle Creek in stands ranging from 60-125 years old. These units will be included in sales over the next two years. They are also in the process of analyzing approximately 2,000 acres of regeneration harvest in units across both Resource Areas. Stands being considered range from previously thinned units in the 60 year old age class to mature natural stands in the 120 year old age class. Roseburg is continuing to consider using the "Norm & Jerry" variable retention harvest approach on some stands while adhering to their RMP prescription on others.

The Salem District is currently analyzing approximately 600 acres of regeneration harvest in stands ranging from 60-100 years old. Units are located in checkerboard ownership in North Linn County and

Scappoose. All treatments will be consistent with their RMP guidance for regeneration harvest. The other three districts are also pursuing regeneration treatments on smaller scales. /*Andy Geissler*

Western Governors on ESA

On July 1, Western Governors' Association (WGA) Chairman John Hickenlooper (D-CC) and Vice Chairman Brian Sandoval (R-NV) sent a letter to House Speaker John Boehner stating "Western Governors are encouraged that the House of Representatives is addressing the critical issue of Endangered Species Act reform, as evidenced by the recent approval of a package of ESA-related measures."

The letter outlines how historically Western states have been disproportionately impacted by the ESA, and there are currently a number of ESA listings that could have significant impacts on Western states and resource users. The letter also stated that "States value species conservation, but federal listing under the ESA is not always needed to achieve conservation objectives. The U.S. Fish and Wildlife Service and National Marine Fisheries Service should work with states to clearly define what level of conservation is needed to preclude the need to federally list a species."

The WGA also made two recommendations to any legislation moving forward. First, regarding Sound Science: "ESA could be strengthened through clarification of what constitutes "sound science" in the context of ESA listing decisions. Western Governors believe that, in most cases, states are the source of the best, "ground-truthed" science and expertise on the health of species within their border." Second, regarding Data Transparency: "Western Governors appreciate Congress' recognition of the importance of federal use of state fish and wildlife data, analyses and management recommendations as principal sources to inform listing determinations. We submit that public release of data provided by state agencies should be done in a manner which protects private landowner data."

The letter is timely since a decision on the potential listing of the sage grouse and other species will be taking place in the near future. The letter also comes as the outgoing Chairman of the House Natural Resources Committee, Doc Hastings (R-WA) has tried to move this limited, targeted package of reforms to the ESA. /*Tom Partin*

Dr. Larry Irwin Retires

Dr. Larry Irwin, the father of the NCASI Western Wildlife Program, has retired after 28 years of exemplary service to science and the industry. In 1986, NCASI agreed to carry out independent scientific inquiry on the pressing wildlife issues facing the industry in the northwest. Dr. Irwin was hired and started to build the program. At the time, the big two wildlife issues were the northern spotted owl and elk.

Instead of doing retrospective studies that try to link current conditions to things that occurred in the past, as most researchers do, Dr. Irwin constructed research to determine real cause and effect relationships. For example, what are the effects of forest thinning on spotted owls? Most researchers try to look at thinned stands and recreate what it was like before. Dr. Irwin didn't take this easy approach, instead he set up controls and replicates collecting before and after thinning data to try to find real effects rather than speculative ones.

Dr. Irwin also oversaw the research that led to the complete reversal of our understanding of the role of winter and summer range for elk. Again, not taking the easy route, Dr. Irwin and his colleagues raised a tame elk herd so they could actually measure the effects of summer and winter range and the benefits or lack thereof of winter thermal cover.

Today, the Western Wildlife Program has expanded its work far beyond spotted owls and elk into broader biodiversity questions as well as specific programs on song birds, bats, goshawks and other species. Dr. Irwin and the researchers that work with him have published hundreds of peer reviewed scientific papers over the last 28 years with more in the works. Larry has passed on the management of this program to the very capable hands of Dr. Jake Verschuyf who is continuing to expand and adapt it to bring real answers to questions regarding the relationship between forest management and the health of the ecosystem and the animal that depend on it.

The industry wishes Larry a long and happy retirement. Thanks, Larry. We will miss you. /Ross Mickey