



Washington, DC Update

Fire Borrowing repayment. Both the [March](#) and [April](#) AFRC Newsletters included updates on the serious fiscal challenges facing the Forest Service as it waits for Congress to repay the \$720 million the agency “borrowed” from management accounts when federal wildfire suppression funding was exhausted last year. Almost half of the funds borrowed were from timber-related accounts, including the salvage and Knutson-Vandenberg trust funds.

Forest Service Chief Vicki Christiansen underscored the urgency of the situation in recent hearings on Capitol Hill noting that the Forest Service is relying on these funds to meet its planned program of work in Fiscal Year 2019 (FY19) – including the timber sale program. The fire borrowing repayment has been caught up in a broader standoff over additional aid for Puerto Rico due to damage from 2017’s Hurricane Maria and supplemental border security funding.

An agreement was finally reached between the White House and Congressional negotiators on a \$19 billion supplemental appropriations bill, which included the \$720 million fire borrowing repayment. On May 23, the Senate passed the legislation under an expedited “hotline” process by a vote of 85-8 before leaving for the Memorial Day recess. Because many members of the House had already left for the Memorial Day recess, House leadership brought the supplemental up under unanimous consent where a recorded vote is not required if no member objects.

Rep. Chip Roy (R-TX) objected to the unanimous consent request, preventing the House from passing the disaster bill. House leadership (Democrats and Republicans) tried again to bring up the measure under unanimous consent on Tuesday, May 28. This time, Rep. Thomas Massie (R-KY) objected. The reasons are unclear. A final vote will not take place until Congress returns

the first week of June. With just four months remaining in FY19, the delayed fire funding repayment could impact the Forest Service’s timber sale program, which was already disrupted by a record 35-day partial government shutdown.

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Fiscal Year 2020 Appropriations. The House Appropriations Committee recently approved its version of a FY20 Interior and Environment Appropriations bill. Overall, the Democrat-written House bill would provide \$37.2 billion for the Interior Department, Forest Service, EPA, and other related agencies – a \$1.7 billion increase over current funding levels. The EPA would see large increases after years of funding reductions at

the hands of a Republican Congress and the Trump Administration.

Under the House's proposed spending bill, most Forest Service programs would see funding increases compared to President Trump's FY20 budget request – particularly state and private forestry programs that had been targeted for large cuts. The Collaborative Forest Restoration program would be restored to its original \$20 million authorization level. Hazardous fuels treatments would increase \$26 million to \$390 million (15% increase). The Forest Products/Timber Management program would increase \$7 million to \$276.6 million (3% increase). The Construction, Infrastructure & Maintenance – Roads line item would increase \$28 million to \$205 million (7% increase). Our industry has made these three budget line items a priority for increased funding.

The House Interior and Environment spending bill also incorporates changes to how the Forest Service develops and reports its budgets. Fiscal Year 2020 will be the first year under the fire borrowing fix, which will relieve pressure on non-fire accounts and prevent borrowing if the agency exhausts its appropriated suppression funding. The bill also includes a major change to how the agency funds cost pools – essentially agency overhead and other programs shared by the various budget line items (human resources, legislative affairs, etc.). Instead of having the agency deduct cost pools from each appropriated budget line item, the House proposal would instead fund “Forest Service Operations” separately and reduce the amounts appropriated to each budget line item. The change could make it difficult to compare program funding levels, but could also provide greater transparency into the amount of money the agency spends on overhead. The Forest Service Operations account would receive nearly \$922 million in FY20. It is unclear if the Senate will agree to this budget change.

The Bureau of Land Management (BLM) Western Oregon/O&C lands program would receive \$117 million under the House proposal – a \$10 million increase over current funding levels. The report language directs \$9 million of the increase to forest management activities. If enacted, this funding increase would allow the BLM to meet or exceed the 278 million board foot target associated with the 2016 Resource Management Plans. AFRC appreciates the efforts of Oregon's House delegation to push for funding to implement the increase timber outputs, including an April 1 letter sent to House Appropriators. The bill report also includes another directive to the BLM regarding administrative protests on timber sales:

“The Committee continues to be troubled by the disparity in timber targets compared with timber awarded and harvested on some districts. The Bureau is once again directed to prioritize response to administrative protests on timber sales in a timely manner and to report timber sale accomplishments in volume of timber sold and awarded, rather than merely the volume offered for sale, and shall report to the Committee on its progress.”

The House is expected to bring the Interior and Environment spending bill to the floor in June. The Senate Appropriations Committee has yet to take up any of its individual spending bills. The Republican-controlled Senate is unlikely to agree to the spending increases being proposed by the House, which could set up another budget fight later this year.

Wilderness Legislation. As reported in the [February Newsletter](#), earlier this year Congress passed a massive 362-page public lands package, S. 47, that included new Wilderness, Wild & Scenic designations, sportsmen's bills and a permanent reauthorization of the Land and Water Conservation Fund (LWCF). The public lands omnibus included several new wilderness and Wild & Scenic set-asides in Oregon that were originally part of the Oregon Wildlands Act introduced by Oregon Senator Ron Wyden.

AFRC, Healthy Forests, Healthy Communities, and local elected officials from Oregon opposed these new set-asides due to concerns about declining forest health conditions, wildfire, and any new restrictions on forest health treatments. Three provisions from the Oregon Wildlands Act were not included in the public lands omnibus: an expansion of the Rogue Wilderness and new recreation areas along the Rogue and Molalla Rivers.

On May 1, Oregon Senators Ron Wyden and Jeff Merkley introduced S. 1262, the Oregon Recreation Enhancement Act (ORE Act), that included these three proposals. The Senate Public Lands, Forests, and Mining Subcommittee, where Wyden serves as the Ranking Democrat, promptly held a hearing on the legislation May 14. Written testimony from the Forest Service and BLM both raised concerns with the impact of the legislation on forestry management activities and public access.

On May 22, AFRC President Travis Joseph sent a [letter](#) to the Senate Energy and Natural Resources Committee outlining AFRC's specific concerns with the legislation. Key portions from the letter include:

“Our primary concern with the ORE Act relates to overlaying fire-prone landscapes with Congressional designations that limit, prohibit, and/or complicate management activities intended to improve forest health and resiliency, reduce wildfire and smoke, protect forested communities, and maintain public and emergency personnel access to public lands. While we support the intent of “boost[ing] recreation opportunities in Southwestern Oregon and in rural Clackamas County,” S. 1262 would likely undermine that stated goal in its current form.”

“S. 1262 would add approximately 60,000 acres of wilderness to the Rogue Canyon. Nearby forested communities such as Merlin, Redwood, Grants Pass, New Hope, and Williams have been identified by the Forest Service as among the 50 communities in Oregon with the greatest cumulative housing-unit exposure to wildfire, with Merlin and Redwood ranking first and second, respectively. If wilderness was deemed to be too dangerous near Crooked River Ranch, how could additional wilderness designations help “protect” other at-risk forested communities in fire-prone Southwest Oregon? The proposed legislation would ensure the forested communities of Marial, Rand, and Galice will be surrounded by, or immediately adjacent to, new wilderness.”

“It is also worth pointing out the ORE Act would add designations that may confuse and complicate management on the ground. In February, the Congress passed, and the President signed S. 47, the Natural Resources Management Act. This legislation, now law, included new protections for tens of thousands of acres in Clackamas County and Southwest Oregon – including tributaries of the Rogue River. Many of the new congressionally designated acres are

also included in the ORE Act and would receive new, additional, and potentially contradictory designations.”

In its testimony before this Committee on May 14, the Forest Service picked up on this serious challenge: ‘Restrictive land use designations can post [sic] significant challenges for land managers’ ability to actively manage forest lands and reduce hazardous fuels around communities, create access issues for diverse land users and have impacts on rural economies.’ The BLM expressed similar concerns: ‘...we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, and impede management and harvest of timber and other forest products...’ The BLM added ‘the bill’s language related to road construction may also limit public access to any potential new or existing trailheads and scenic opportunities, and limit the extent to which forest health and wildfire resiliency activities could be implemented, especially where these activities necessitate decreasing the density of commercially viable materials.’

AFRC is also tracking other Wilderness proposals this Congress, including the Wild Olympics proposal in Washington State championed by Washington Senator Patty Murray and Rep. Derek Kilmer. The proposal has been around since 2009 and been the subject of a sustained pro-wilderness campaign by the Campaign for America’s Wilderness, which was established by the Pew Foundation. The current version of the Wild Olympics legislation, H.R. 2642, would designate 126,000 acres of new Wilderness, 5,000 acres of “potential” Wilderness, and 461 miles of Wild & Scenic Rivers.

In 2018, the Senate version of the legislation (S. 483) received a hearing in the Senate Energy and Natural Resources Committee. AFRC sent a [letter](#) to the committee outlining its opposition to the legislation. AFRC believes the biggest current threat to the Olympic National Forest is a lack of active forest management to thin overstocked forests, maintain public access, and reduce the risk of catastrophic wildfire that is becoming more common with warm and drier summers on the Olympic Peninsula.

AFRC is also monitoring the so-called Northwest California Wilderness, Recreation, and Working Forests Act (S. 1110/H.R. 2250) introduced by California Senator Kamala Harris and Rep. Jared Huffman. The legislation would designate 260,000 acres of new Wilderness, 379 miles of new Wild & Scenic rivers, and a new 730,000 acre “restoration area” in the South Fork Trinity River, Mad River, and North Fork Eel watersheds in Trinity and Humboldt counties.
/Heath Heikkila

Federal Timber Purchasers Committee Meeting

The Federal Timber Purchasers Committee (FTPC) met in Eugene, Oregon May 7-9 with Forest Service and BLM leadership from around the country. The committee meets with agency personnel twice a year to discuss issues pertinent to the timber sale program. The meeting covered topics such as Forest Products Modernization, NEPA streamlining, and implementation of recently authorized tools.

This year the field trip was held on the first day rather than the last. This approach worked well as the field trip stimulated discussion for the remainder of the meeting. The first stop focused on

the Siuslaw National Forest's successful use of Designation by Prescription (DxP) and was led by silviculturist Guenther Castillon. DxP is a designation method available to the Forest Service that allows agency staff to designate timber for removal by utilizing a desired end-result prescription rather than identifying every individual tree for removal with paint. The Siuslaw has been a leader in the successful implementation of DxP for over a decade on both stewardship and timber sale contracts. Among other things, Guenther highlighted the following points that capture the appropriateness of DxP to the Siuslaw's goals as well to the Forest Service's mission:

- DxP can be objectively verified to provide accountability to the same extent necessary to achieve objectives as with marked paint.
- A simple DxP prescription can be implemented across an area and end up with stand-level complexity.
- DxP fosters better overall communication between purchasers, operators, and the Forest Service that typically leads to better results on the ground.

The next field trip stop was an active timber sale on private land that is being implemented with tethered-assist equipment. This is a logging method where the weight distribution of equipment typically limited to gentle terrain is modified to facilitate its use on steep terrain without compromising the impacts to resources such as soil quality. The take-home message was simple: there is usually more than one way to log any given acre and it would be to the benefit of both industry and the Forest Service if documents and contracts were written in a way that provides flexibility permitting operators to use the available equipment to its maximum potential.

The general meeting focused on the Forest Service's expected accomplishments for FY19 and beyond. Attainment of the agency's two "flagship targets:" timber volume sold, and hazardous fuels acres treated, is in jeopardy this year due to Congress' failure to repay funds "borrowed" for fire suppression. Forest Service leadership indicated without these funds, which are critical to the agency meeting its flagship targets, will likely lead to the lowering of the national timber target from the previous goal of 3.7 billion board feet (bbf) to 3.3 bbf.

On the bright side, the Forest Service indicated that the agency is nearing the completion of the Forest Products Modernization and Environmental Analysis and Decision-Making efforts. Both processes are expected to lead to a more efficient delivery of outputs from Forest Service land.

The BLM, who also participated in the meeting, is developing its own set of NEPA efficiency tools that should aid staff in achieving increased timber targets assigned by the National BLM office. The expectation from industry is that these efficiency efforts will, collectively, enable the agencies to deliver a predictable and higher level of timber volume despite the uncertain availability of funding each year. /Andy Geissler

AFRC and Montana Logging Association Weigh in With Support of Glacier Loon Project

On May 14, AFRC and the Montana Logging Association (MLA) submitted an *amicus* [brief](#) to the Ninth Circuit supporting the Glacier Loon project on the Flathead National Forest. Julie Weis of Haglund Kelley LLP took the lead on the brief. In March, the Ninth Circuit issued an injunction pending appeal, forcing MLA member loggers to shut down in the middle of

operations. Incredibly, the court refused to allow removal of already felled timber. The project has been in development and litigation for eight years.

Glacier Loon was initiated in 2011 to reduce the risk of high-severity fire on the landscape, improve forest health and resistance to insect epidemics, and provide wood products. The original Draft EA was released in August 2012 and a Decision Notice and Finding of No Significant Impact were issued in February 2013. The project involves 1,397 acres of commercial treatment (80% in Wildland Urban Interface) and will produce 6.7 million board feet of timber.

In September 2014, District Court Judge Molloy ruled in favor of the plaintiffs on two claims. The court found that the Forest Service improperly reached a “no effect” determination for water and bull trout under ESA Section 7 by failing to recognize the low threshold for a “may affect” determination. It also found that the Forest Service erroneously determined Amendment 19, which provides protections for grizzly bears, did not apply to certain subunits in the project area. In December 2015, the court denied a motion to dissolve its injunction, determining that while the agencies met their Section 7 consultation obligations for all three species, a supplemental EA was required under NEPA. The court finally dissolved the injunction in December 2018.

Plaintiffs then appealed the dissolution of the injunction. They assert that the Forest Service did not show ESA compliance for the wolverine, that the tiered consultation on grizzly bear was impermissible, and the project fails to meet the Amendment 19 access criteria deadline in violation of the Forest Plan.

AFRC and MLA’s brief highlights several important precedential issues. The wolverine is a proposed species, not formally listed, so the procedures for ESA compliance are lessened. The grizzly bear claims challenge the viability of tiered or programmatic consultation, which is entirely consistent with the ESA and its implementing regulations.

The Ninth Circuit has set oral argument for July 10 in Seattle for both Glacier Loon and the Telegraph project on the Helena-Lewis & Clark National Forest. Telegraph was approved by the district court and no injunctions were issued. We are hopeful this will bring an end to the exhaustive planning and legal saga for Glacier Loon and will continue the positive outcomes thus far on the Telegraph litigation. */Lawson Fite*

Montana Governor Appoints Forest Action Advisory Council

On May 20, Montana Governor Steve Bullock announced the formation of a 21-person Forest Action Advisory Council to examine the state’s forested lands and plan for their future, including identifying areas that are at high risk of wildfire. The Governor’s [executive order](#) lists 14 duties for the Council, most of them focused on crafting a broad long-term strategy for managing the state’s forest land and building on collaborative partnerships that have supported several timber projects. The driving force for the Council’s creation was the 2017 wildfire year - the most expensive fire season on record for Montana.

The Council will update the 2010 Montana Forest Action Plan which is due for revision in 2020. They will work in conjunction with Governor Bullock’s “[Forests in Focus 2.0 Initiative](#)” to

conduct projects on federal land using the Good Neighbor Authority (GNA). A portion of revenue from those projects can be used to fund future GNA projects. The Council will also assess the current forest conditions and determine the locations needing action. The final component of the plan will look to implement programs aimed at increasing the state's role in forest management and examine strategies on federal lands to mitigate wildfire issues, including the use of GNA.

The Council is composed of an eight-person leadership committee and 13 general members. A list of participating council members can be found [here](#), which includes four leaders who are members or partners of AFRC. /Tom Partin

AFRC Participates in Forests Today & Forever's Forest Field Days Program

[Forests Today & Forever](#) (FTF) promotes forest stewardship through education with a variety of different [programs](#) such as elementary school workshops and adult tree farm tours. One of FTF's well-known programs is called Forest Field Days (FFD). FFD started in 1996 as a way to educate the public about how forest resources are protected during forest operations, and the importance of forest stewardship.



Bauman's Tree Farm

The program has served over 50,000 middle school students since its inception and currently serves about 2,500 students annually, with 15-18 schools participating. The program has rotated through different tree farms including the Udell's Happy Valley Tree Farm outside of Lebanon, Huntington Tree Farm near Florence, and Hooker's Tree Farm off of Territorial Hwy.

Students that participate in FFD learn about different types of management. At the forestry station, they learn how to measure tree diameters at breast height (DBH) and vertical height in order to find the average volume per tree in board feet. They then calculate the average volume and estimated timber value per acre. Students also learn about age and use an increment borer to measure the rate of tree growth. In addition to forestry, students also learn about wildlife, recreation, soil, and water.



Amanda Astor, AFRC SW Oregon Field Forester, teaching students about forest measurements.

It is important, especially with significant changes to the industry's workforce, to teach the next generation about forest management and planning in order to be better stewards of the resource. Many students report that it was their most memorable field trip of the year. In fact, FTF has a volunteer forester that came through the program as a 6th grader. This education is critical in our communities by helping bridge the gap between common goods and the process by which they make it to the store shelves. AFRC is proud and honored to participate. /*Amanda Astor*