



## **Vote: The 2022 Elections Will be Critical to Industry's Future**

*Editor's note: There is no Washington DC update in this month's Newsletter as the U.S. Congress and the Biden Administration turns its attention to the mid-term elections on November 8. The following is a portion of Nick Smith's election column in [TimberWest Magazine](#). Stay tuned to AFRC for post-election coverage and how the results will impact the forest products industry.*

As Abraham Lincoln once said, "Elections belong to the people. It's their decision. If they decide to turn their back on the fire and burn their behinds, then they will just have to sit on their blisters."



This is no time to turn our backs to the fire. There's a lot at stake for the forest products industry and the forests and communities where we operate. Here are the candidates and issues to watch as America votes in 2022:

The mid-term elections will determine who controls the United States Congress for the remainder of President Joe Biden's first term. Democrats currently control the entire legislative branch, but by the slimmest of margins. In the U.S. House, Republicans only need to flip five seats to gain a majority in 2023. The U.S. Senate is currently tied 50-50, though Democrats control the chamber thanks to Vice President Kamala Harris' tie breaking vote.

The President's party typically loses seats in mid-year elections. And Republicans have been favored throughout the election year due to Biden's low approval ratings and voters' frustrations with pocketbook issues such as inflation, high gas prices, and a sagging economy. However, Democratic voters have become highly energized as social issues and former President Donald Trump made news headlines throughout the summer. What once appeared to be a "red wave" for the GOP has turned into a highly competitive election. Regardless of where you sit in the political spectrum, your vote matters.

It matters because Congress will make decisions on many issues affecting the industry, including timber supplies from lands managed by the U.S. Forest Service and Bureau of Land Management. After years of steadily increasing timber outputs under Presidents Bush, Obama, and Trump, outputs have declined during the first two years of Biden's term. It is likely the Forest Service will fail to reach 3 billion board feet in timber sold this year. It's worth remembering the agency's initial timber target for this year (3.4 billion board feet) is just more than half of the harvest levels permitted in current forest plans.

Timber outputs are declining despite record levels of new federal spending on hazardous fuels reduction and other public lands management activities. After years of chronic budget shortfalls, it is unacceptable the Forest Service is doing less management with more of our taxpayer dollars. Timber outputs from federal lands will be critical in the coming years, especially in the West as wildfires have resulted in generational losses of private timber. There are also projected reductions in timber harvests on state-managed lands in Oregon and Washington state. Congressional oversight and accountability of the Forest Service and BLM is needed to address this alarming trend.

Congress will also have a say in how the Biden Administration implements its climate change policies and specifically its approach to “old growth and mature forests.” Anti-forestry groups are exploiting this issue to push the White House to create a massive new land set-aside, similar to the Clinton-era Roadless Rule that would restrict timber harvesting and other forest management activities on millions of additional acres of federal lands. As millions of acres burn every year, this would be a disaster for efforts to reduce wildfire risks on the nation’s most fire-prone forests.

It’s worth noting that if Republicans gain a majority in the U.S. House, the chamber’s Natural Resources Committee will likely be chaired by Congressman Bruce Westerman of Arkansas, the only professional forester in the Congress. In recent years Westerman has introduced comprehensive forest management legislation to address the analysis paralysis and anti-forestry litigation that often stymies active management on federal lands. Most recently, he introduced the “No Timber for Tyrants Act” that bans Russian wood imports and promotes American-made wood products.

Of course, there are many other federal issues that affect our industry. The party that controls Congress will determine the fate of public lands bills that seek to create new designated wilderness areas and other arbitrary policies that impact forest management and wildfire mitigation. How the next Congress addresses rising energy prices will be critical to many of our small family-owned businesses that have been squeezed over the past year. So will efforts to address new taxes, new spending, and the nation’s growing \$30 trillion debt. [Read the full article here.](#) /Nick Smith

<p><b>The AFRC Podcast</b></p>  <p><i>Episode 14: Travis Joseph and the PNW's timber supply squeeze</i></p> 	<p>The <u>AFRC Podcast</u> is a monthly discussion examining key issues and news relating to forestry, forest products and public lands management.</p> <p>In Episode 14, AFRC President Travis Joseph discusses the timber supply squeeze in the Pacific Northwest and what it means for the forest sector and efforts to reduce wildfire risks and mitigate the impacts of climate change.</p> <p><u><a href="#">Click here to listen to Episode 14.</a></u> Our podcast is available on Spotify! Also now available on Apple Podcasts!</p>
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### **Fiscal Year 2022 Wrap-up: Pacific Northwest (USFS Region 6 and BLM)**

The downward trends in timber outputs continued in fiscal year (FY) 2022 for the Forest Service in Region 6. The Region’s outputs fell by 80 million board feet (mmbf) following a reduction of 180 mmbf in the prior year (FY21). That reduction of 260 mmbf from 2020 to 2022 (a 36% drop) represents the

largest percent decrease or increase over a two-year period since 1998-2000, and FY22's sold volume of 460 mmbf is the lowest output in the Region since 2003.

The Forest Service has pointed primarily to the lasting impacts of the 2020 Labor Day wildfires to justify the diminished outputs, which is valid rationale on Forests such as the Mt. Hood and Willamette. However, reasons for similar reductions since 2020 on Forests not impacted by those fires such as the Olympic (73% reduction), Malheur (82% reduction), and Okanogan-Wenatchee (64% reduction) are less clear. It is also noteworthy that large wildfires do not necessarily equate to reduced timber outputs.

Some Forests are able to leverage those events into higher timber outputs through salvage of fire-killed trees. This approach is exemplified by the Fremont-Winema, which responded to the 2021 Bootleg fire with a 2022 timber program that exceeded FY20 outputs by 66%. Additional details on past timber accomplishments can be found [here](#).

Forest	Regionally Assigned Target (Mmbf)	Volume sold	Sawtimber	Non-Sawtimber
Colville	105.0	63.6	53.1	10.5
Deschutes	25.0	21.5	16.1	5.4
Fremont-Winema	67.0	118.2	84.0	34.2
Gifford Pinchot	45.0	39.1	38.2	0.9
Malheur	30.0	12.5	10.2	2.3
Mt Baker-Snoqualmie	8.0	4.0	4.0	0.0
Mt Hood	5.0	7.8	2.0	5.8
Ochoco	10.0	12.0	10.7	1.3
Okanogan-Wenatchee	14.0	11.9	8.9	3.0
Olympic	20.0	8.3	8.2	0.1
Rogue River-Siskiyou	15.0	15.6	9.3	6.3
Siuslaw	40.0	38.5	35.7	2.8
Umatilla	27.0	14.3	11.5	2.8
Umpqua	35.0	29.5	29.3	0.2
Wallowa Whitman	25.0	27.7	25.6	2.1
Willamette	35.0	35.7	33.5	2.2
<b>Total</b>	<b>506.0</b>	<b>460.2</b>	<b>380.3</b>	<b>79.9</b>

The Bureau of Land Management (BLM) offerings exceeded their timber target of 278 mmbf. However, a Coos Bay District sale that failed to sell resulted in their sold volume falling short. A successful salvage program off the Archie Creek Fire on the Roseburg District compensated for another shortfall on the Medford District, which has missed its target by approximately 15 mmbf each of the past two years.

FY-22 Target (Mmbf)	278		
District	Assigned Target	Volume Offered	Volume Offered Sold
Salem	77	84.9	84.9
Eugene	73	75.4	75.4
Roseburg	46	53.5	53.5
Coos bay	26	26.1	18.1
Medford	51	34.8	34.8
Lakeview	5	5.1	5.1
<b>Total</b>	<b>278</b>	<b>279.8</b>	<b>271.8</b>

The sold volume generated \$72.5 million for O&C counties to support critical public services such as Sheriff patrols, libraries and public health. Although formal targets have yet to be assigned, the BLM has indicated that they may request a reduced target of 265 mmbf for FY23. /*Andy Geissler*

## **Fiscal Year 2022 Wrap-up: Region 1**

Region 1 had a self-imposed FY22 timber target of 420 mmbf for the nine National Forests in the Region. AFRC and our members thought that this was a strong target considering the Washington Office didn't send out official target numbers for each Region, and several of the Regions were below FY21 levels. Regional Forester Leanne Marten wanted the Region to at least be at the previous year's level. At first glance the actual sale volume of 342 mmbf may seem disappointing (which all would agree that it is), but the reasons for the shortfall need further investigation.

First, the latest volume of timber under litigation in Region 1 is a whopping 570 mmbf. This does not include pending litigation on the Flathead, Helena-Lewis and Clark and Custer-Gallatin Revised Forest Plans. This litigation either halted or set back proposed FY22 timber sales on the Lolo, Kootenai, Bitterroot, Beaverhead-Deerlodge, and Custer-Gallatin. The consultation process with the U.S. Fish and Wildlife Service (FWS) has been a bottleneck in getting Biological Opinions signed or reworked for the projects that were remanded by the court. In an effort to break this logjam of consultation, the Region now has five full time FWS employees to speed up the process. Currently five of those seven positions are filled but the agencies hope to fill the other two positions soon. A few sales went no bid, however, the majority of the downfall in volume was due to litigation and consultation.

### *Some Real Bright Spots*

Despite the Region being down in volume overall, it is worth pointing out that there were some forests that either hit or exceeded their targets. The Nez Perce-Clearwater (number 4 or 5 in the nation at over 90 MMBF); the Idaho Panhandle at over 80 mmbf; and the Flathead was over 50 mmbf. Region 1 uses the Pod concept for timber targets bundling the nine forests into three PODs, the North Idaho Pod, the Western Montana Pod, and the Eastern Montana Pod. This gives flexibility in case one forest is down, the others in the Pod can help make up the volume. In FY22, the North Idaho Pod hit their target while the Western Montana and Eastern Montana Pod's missed their targets.

It is also worth looking at the Region's 5-year track record for timber sales. For Fiscal Years 2018 through 2022 the Region had a target of 2.091 billion board feet (BBF) and sold 1.86 bbf or 89% of their target. Considering that Region 1 is the most litigated Region in the Forest Service system, and has the largest consultation backlog, AFRC believes they deserve a lot of credit for the volume they have been able to sell. It is one of the best records in the National Forest Service system.

The Region has been taking a hard look at why some timber sales have been going no-bid and is looking at alternative ways for harvesting on steeper ground including the use of tethered logging and shovel logging. AFRC believes there are better days ahead for Region 1 with a potential Cottonwood legislative fix and the strides the Region is making in whittling down the consultation and no-bid issues. Regional Forester Leanne Marten has set the FY23 target at 420 mmbf. AFRC continues to support the strong leadership in the Regional Office, while ensuring they have the tools to get timber to the market that the industry desperately needs. /*Tom Partin*

## **Fiscal Year 2022 Wrap-up: Region 5**

The FY22 target for Region 5 was 430 mmbf. As of October 3, the region sold 431.6 mmbf (85.3% sawtimber, 4.9% fuelwood, and 9.8% biomass). This number will increase as the Forests can calculate “add-on” volume that occurred last fiscal year into their database. A Forest-by-Forest breakdown of timber outputs in Region 5 is [available here](#).

Region 5 has recognized that mill capacity is limited after [wildfires in 2020 and 2021](#) burned about 350,000 acres of private-industrial forestland and 4.4 million acres on National Forests in California. There were billions of board feet worth of fire-killed trees. By comparison, California's mill capacity is 1.9 BBF/year. In November 2020, Region 5 focused on cut, skid, process, and deck roadside hazard trees with service contracts. They then advertised the decks at minimum rates (about 25 cents/MBF). Nearly all the decks have sold. The Region aims to continue this approach.

The Region has also recognized that the Forest's don't have enough staff to do the needed roadside hazard work and wildfire restoration activities. To address this issue the Region has fostered strong relationships with partners including the National Forest Foundation, Great Basin Institute, California Deer Association, Eldorado Resource Conservation District (RCD) and others to bolster this capacity.

Using the new Fuelbreak Categorical Exclusion (CE) from the Infrastructure Act, the Eldorado National Forest completed a Fuelbreak CE in four months, from start to award, that installed fuelbreaks on both sides of four evacuation routes east of Grizzly Flat. The project produced 79 mmbf. The Eldorado also partnered with the Eldorado RCD to remove hazard trees on 2,000 acres from the Sierra-At-Tahoe ski area. The project was completed in four months and produced 29 mmbf. The Region was also successful in utilizing partners and the appropriate CE authorities to accomplish and exceed its target. */Steve Brink, California Forestry Association*

## **Fiscal Year 2022 Wrap-up: Region 4**

The Region 4 National Forests in Idaho continue to struggle to get target volume out consistently. The Payette has been a steady performer offering about 20.0 mmbf annually although much of it is in the 4<sup>th</sup> quarter. The Boise planned to offer 25.0 mmbf and awarded 9.0 amid a number of no-bids. The Boise cited issues with retaining and hiring personnel as one of the major reasons for their poor performance. The Caribou met its 6.0 mmbf target, although one sale was awarded in October due to road use agreement issues. The Targhee sold a few small settlement projects but has offered no significant volume in a number of years due to the “old growth” language in their forest plan.

A forest-wide plan amendment was well on the way until the Administration called for the “analysis of old and mature forests” nationwide. The Targhee has decided to wait for a forest plan revision to get the appropriate “old growth” language crafted. The Salmon has consistently produced post and pole and other similar products, although some larger volumes of sawtimber are planned for FY23. */Irene Jerome*

## **AFRC Hosts Regional Membership and Partners Meeting in Reno**

Each Fall, AFRC hosts a regional membership meeting to discuss issues of local or regional significance. Regional meetings provide an opportunity for AFRC members to connect with agency leaders, policymakers, and to develop new partnerships and explore new opportunities to accelerate active forest management on Federal lands. This month, AFRC was in Reno and focused on national forests in California and the Southwest Region.

Participants received an update from leaders with Tahoe Forest Products, which is working to build a new mill in Carson City. Forest Service Region 5 leaders talked about the agency's challenges and accomplishments for the year, including how Region 5 is working to address the devastating impacts of catastrophic wildfires to California's national forests, road and trail system, and forest infrastructure.

The meeting also included a presentation from Jonathan Birdsong with the National Fish and Wildlife Foundation, highlighting major management and conservation successes when the private sector, government agencies, and nonprofits collaborate for a common goal like forest health and resiliency. Attendees also heard from leaders of Golden State Natural Resources and Rural County Representatives of California, who share our vision for tackling the wildfire crisis, supporting rural communities and workers, and improving forest health on public lands.

At a time with significant headwinds for the forest products industry, the meeting provided motivation, inspiration, and energy around the power and potential of diverse coalitions tackling problems together.  
*/Travis Joseph*

### ***AFRC in the News***

- Nick Smith was interviewed by [Roll Call](#) regarding the Biden Administration's funding and strategy to combat wildfires.
- Matt Comisky published an opinion in the [Chronicle](#) regarding DNR's lack of transparency and accountability rolling out its carbon scheme.
- Nick Smith published a guest opinion in the [Register Guard](#) supporting the Flat Country project on the Willamette NF.

## **DNR Barrels Ahead on Carbon Scheme as Questions and Concerns Grow**

The Washington Department of Natural Resources (DNR) continues advancing a [carbon project](#) that was announced in April by Commissioner of Public Lands Hilary Franz. The controversial proposal would withdraw 10,000 acres of DNR state trust lands from sustainable timber management in favor of 40-year leases with a private company owned by a petroleum industry giant to sell carbon offsets on unregulated, voluntary carbon offset markets.

On September 28, DNR issued a Determination of Nonsignificance for the project under the State Environmental Policy Act (SEPA) and only provided the public with a 14-day comment period. In doing so, DNR [rejected numerous requests](#) for an extension of the comment period and more information on the parcels being proposed for withdrawal to allow counties, other beneficiaries, and the public to effectively comment on the proposal.

On October 12, AFRC submitted [extensive comments](#) highlighting more than a dozen environmental impacts of the carbon project that DNR failed to consider, analyze, or disclose to the public. This includes impacts to addressing Washington's forest health crisis, insect and disease outbreaks, the growing risks of catastrophic wildfire that are a major source of carbon pollution, and the substitution of climate-friendly wood products for steel and concrete to meet Washington's needs. AFRC called on DNR to prepare an Environmental Impact Statement after it disclosed more specific details on the parcels being considered for carbon leases. On October 28, [DNR issued a final notice](#) retaining its Determination of

Nonsignificance along with a summary of the comments received and the agency's responses, some of which bordered on snarky.

While DNR has gone to great lengths to limit the ability of the public to comment through established and legally reviewable processes, on October 17 [DNR announced](#) a "process to allow beneficiaries, Tribes, stakeholders, and the general public the opportunity to provide feedback on proposed parcels that will be included in the 10,000 acres of high ecological value state lands set aside for conservation and carbon sequestration." DNR's "public and stakeholder outreach" [webpage](#) includes maps of 50 parcels totaling 11,726 operable acres under consideration by DNR and a survey for the public to weigh in on the location of the remaining 7,500 acres to be included in the carbon project. The survey is open for comment through November 18.

DNR's new "public" process is intended to address mounting concern about its lack of an open and transparent process in developing the carbon project, but skeptical legislators, members of the media, and beneficiaries aren't buying it. In an [October 26 article](#), the Capital Press highlighted the lack of information available about the relationship between DNR and Finite Carbon, the company owned by oil giant BP that is partnering with DNR to develop the project. The Capital Press article also outlined the perspectives of two key legislators on the carbon project:

*For months, Republican legislators have been seeking answers about the project, including how much DNR spent developing it and whether it contracted with Finite Carbon.*

*"We have not gotten an answer, and it's a source of some frustration," Senate Minority Leader John Braun said Tuesday. "DNR has not been forthcoming."*

*He said he expected lawmakers to pick up the issue when the Legislature convenes for the 2023 session.*

*"I think there will be an opportunity to question Commissioner Franz in person," said Braun, R-Centralia.*

*"We're not going to just walk away. It's a big deal."*

*Moses Lake Sen. Judy Warnick, top-ranking Republican on the Natural Resources Committee, said she's concerned that DNR hasn't studied the impact to public services and businesses.*

*"There are so many questions that have not been answered," she said. "It's very disappointing we're not hearing the true story about what's going to happen."*

Democratic legislators have also weighed in with their concerns, including in a [July 1, 2022 letter](#) to the Board of Natural Resources from the chairs of five key legislative committees. In the letter the group in part wrote: *"many questions remain about how the program would work, its potential environmental and financial ramifications, and uncertainty about the Board's role in the process. We believe these questions will be best answered if the Board acts now to commit DNR to an open, transparent process that maintains strong public confidence in the agency and its respect for its statutory requirements and fiduciary obligations, as well as the Board's ultimate approval authority for carbon leases."*

One of the committees represented in that letter, the Senate Agriculture, Water, Natural Resources & Parks Committee, has scheduled an interim work session on the carbon project for December 2 where representatives from DNR, trust land beneficiaries, and the forestry sector are expected to share their perspectives. Commissioner Franz shows little sign of relenting on one of her signature policy initiatives. In an October 28 [response letter](#) to Republican legislative leadership, Franz doubled down defending the carbon project and claimed that the Supreme Court’s recent decision in *Conservation Northwest v. Franz* provides DNR “broad discretion” in the management of state trust lands. This is similar to recent spin by anti-forestry legal crusader Peter Goldman of the Washington Forest Law Center.

Franz, who is widely viewed as eyeing a run for Governor in two short years, is eager to score a policy victory positioning her as a leader on climate change with progressive activists – even if it conflicts with her many previous statements about the climate benefits of working forests and wood products, the importance of preventing further loss of private forestlands to conversion, and her support for healthy rural economies. Of course, those issues don’t poll high with Democratic primary election voters. /*Heath Heikkila*

### **AFRC Intervenes in Eastside Screens Amendment Litigation**

On October 12, a magistrate judge granted AFRC and the Eastern Oregon Counties Association’s [motion to intervene](#) in a challenge to the Forest Service’s amendment to its “Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales,” commonly known as the “Eastside Screens.”

The Eastside Screens was a Clinton-era interim management direction that set standards for six national forests in eastern Oregon and southwest Washington, and prohibited the removal of trees 21 inches diameter at breast height (dbh) or larger. The Eastside Screens were intended to protect riparian areas and improve forest conditions associated with late-seral or old growth habitat. However, the 21-inch dbh limit has made it difficult for federal forest managers to remove tree species that compete with native pine and are less resilient to fire, such as grand fir or white fir, and is counterproductive to encouraging a healthy mix of young and old trees to maintain wildlife habitat and connectivity. See [AFRC’s October 13, 2020 Press Release](#).

In 2021, almost three decades later, the Forest Service reassessed the Eastside Screens rule and its strict size limitation, and—considering current forest conditions, latest science, numerous forest project-level amendments, and public feedback—made modest changes to its policy. Rather than rescinding the rule in its entirety, in January 2021 the Forest Service adopted the “[Old Tree and Large Tree Guidelines](#),” (Eastside Screens Amendment) which includes diameter limits for tree removal ranging from 21- to 30-inches, depending on the tree species and growth potential, and an overarching age limit on tree removal of 150 years.

The Eastside Screens Amendment directly affects several forest health projects that would conduct hazardous fuels reduction on at least 209,000 acres that are vulnerable to severe wildfire on the Malheur, Umatilla, Wallowa-Whitman, Deschutes, Ochoco, and Fremont-Winema National Forests. In June, six anti-forestry groups filed a complaint to block the Amendment. See [Greater Hells Canyon Council, et al. v Wilkes, et al., Case No. 2:22-cv-00859 \(D. Or. June 14, 2022\)](#).

In their [amended complaint](#), plaintiffs allege violations under the National Forest Management Act (NFMA), the National Environmental Policy Act (NEPA), and the Endangered Species Act (ESA). Plaintiffs are requesting that the court prohibit the Forest Service from implementing the Eastside Screens Amendment through any future projects and the specific projects listed in their complaint: South Warner, Cliff Knox, Neighbors, Ellis, Mill Creek, 42 Road GNA, Morgan-Nesbit, Sunflower and North Fork Crooked. Plaintiffs are seeking vacatur of the Forest Service’s Decision Notice, Finding of No Significant Impact, and Environmental Assessment and are asking the Court to remand the Amendment back to the agency for preparation of an Environmental Impact Statement (EIS).

Specifically, plaintiffs allege the Forest Service violated NFMA because the agency analyzed the Eastside Screens Amendment as an “insignificant” amendment and also violated NEPA because the agency did not prepare an EIS or take a “hard look” at the direct, indirect, and cumulative impacts of the Amendment. Plaintiffs also allege the Forest Service violated the ESA by not preparing a Biological Assessment, by making a “no effects” determination, and by not undergoing ESA Section 7 consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service on the impacts to ESA-listed listed aquatic species. Summary judgment briefing on the merits will occur over the next few months, and oral argument is scheduled for April 12, 2023 before Magistrate Judge Andrew D. Hallman. /Sarah Melton

### **Magistrate Judge Issues Findings and Recommendations on the Ripley Project**

On September 30, U.S. Magistrate Judge Kathleen L. DeSoto with the U.S. District Court of the District of Montana [issued](#) her 79-page Findings and Recommendation (F&R) in a challenge to the Ripley Project on the Kootenai National Forest. The F&R follows Judge Dana L. Christensen’s issuance of a preliminary injunction (PI) on May 25, enjoining the Clay Day GNA and Bullseye timber sales that were set to begin operations on or around July 5. See [May 2022 Newsletter](#).

Judge DeSoto found that Federal Defendants violated the ESA in some respects and therefore an EIS is required for the Ripley Project. In addition, Judge DeSoto found that the Forest Service’s and Fish and Wildlife Service’s (FWS) cumulative effects analysis was insufficient and violated the ESA, as Judge Christensen had signaled in granting the PI. Regarding the Canada lynx, Judge DeSoto agreed with Judge Christensen’s earlier decision—that the agency’s “no effect” determination for the lynx was not adequately based on whether lynx “may be present” in the project area—and recommended remanding the Ripley Project back to the Forest Service to request an ESA-listed species list and prepare a biological assessment, or send the species list to FWS for their approval, before reaching an effects determination for the lynx.

However, Judge DeSoto rejected some of plaintiffs’ claims. First, Judge DeSoto rejected plaintiffs’ argument that the Forest Service violated NEPA and the ESA by not designating certain areas in the project area as Bears Outside Recovery Zones (BORZ) and by failing to consult with FWS over the alleged non-BORZ designation. Second, Judge DeSoto strongly upheld the Forest Service’s road analysis under the Travel Management Rule and NEPA, including the agency’s evaluation of the effectiveness of mitigation measures, despite plaintiffs’ claims that the agency’s road density calculations were incorrect and their analysis thus insufficient. Finally, Judge DeSoto found that the agency took NEPA’s required “hard look” at road closure effectiveness regarding grizzly bears.

Defendant-Intervenors, AFRC, Kootenai Forest Stakeholders Coalition, and Lincoln County filed objections to Judge DeSoto’s Findings and Recommendation, emphasizing our objection to the determination that an EIS is required. After briefing is complete, the matter will go back before Judge

Christensen for his final decision. Because the Project is currently enjoined, plaintiffs are not seeking vacatur. /Sarah Melton

## **NMFS Releases Oregon Coho Recovery Status Review**

The National Marine Fisheries Service (NMFS) has released its [5-year status review](#) for the threatened Oregon Coast Coho Salmon (*Oncorhynchus kisutch*), which is an Evolutionarily Significant Unit (ESU) of coho salmon (also known as silver salmon) in Western Oregon. NMFS has listed 28 salmon and steelhead (*Oncorhynchus* spp.) stocks in California, Idaho, Oregon, and Washington under the ESA. The Oregon Coast Coho ESU was first listed in 1998 and has been addressed in multiple rounds of litigation and administrative reviews.

Under the ESA, the Secretary of Commerce must review the listing classification for a listed species at least once every five years to ensure it is accurate, and then determine whether that species should be removed from the ESA list, or if its status should be changed from endangered to threatened, or vice versa. These status review reports discuss whether a species is recovering within the context of its recovery plan, describe recovery accomplishments over the previous five years, and identify immediate challenges for the species' recovery. The most recent 5-year review analysis for West Coast salmon and steelhead occurred in 2016.

NMFS's status review for the Oregon Coast Coho ESU details several steps to advance recovery and subsequent delisting of the species. These include implementation of the Oregon Private Forest Accords; completion of ESA consultation and section 10 take permits for the Habitat Conservation Plans for Western Oregon state forests and the Elliot State Forest, consistent with species recovery; collaboration with public and private organizations to identify and implement approaches to avoid, reduce, and mitigate the impact of future floodplain development; and salmon habitat restoration actions that increase stream complexity for juvenile coho salmon rearing by applying the principles of process-based habitat restoration (e.g., beaver dams, large wood pools, floodplains, etc.).

In 2020, AFRC joined the Oregon Forest & Industries Council and Douglas Timber Operators in [submitting comments](#) on NMFS's forthcoming status review report for the Oregon Coast Coho ESU. Our comments provided important reasons as to why NMFS should delist the ESU, including [research](#) suggesting recent abundance levels (2001-2018) are comparable to historical abundance levels—which NMFS has deemed to constitute a benchmark for the species recovery under the ESA. We also urged NMFS to consider improved habitat conditions on public and private lands due to significant investments in stream enhancement projects, and current regulatory mechanisms that are more than adequate to ensure ESA protections are no longer necessary. See [May 2020 Newsletter](#). Though NMFS refers to the research we provided in our comments in its status review report, there is no discussion of how recent coho abundance is comparable to its historical numbers.

Regardless of science pointing to the recovery of the species, NMFS continues to determine that many West Coast salmon and steelhead stocks are substantially reduced from their historical populations and are a fraction of their previous abundance. Interesting to our members, NMFS cites uncertainties relating to litigation over timber harvest on O & C Lands and salvage logging from recent wildfires. In particular, the status review indicates low species viability of the Umpqua Stratum of the Oregon Coast Coho ESU, and the need for improvements to the South-, North-, and Middle-Umpqua populations, areas that have been hard-hit by wildfires, before that Stratum can be considered viable under the ESA—and despite

NMFS authorizing a liberal harvest season for wild coho on the Umpqua this year but stating they are at their lowest viability within the larger Coho ESU. /Sarah Melton

## FWS Withdraws “Non-Warranted” Finding for the Red Tree Vole



On October 19, FWS issued a notice that it will withdraw its December 19, 2019 “not warranted” finding for the red tree vole north Oregon coast district population segment (DPS) (*Arborimus longicaudus*), returning the species to the FWS’s candidate species list. See [87 Fed. Reg. 63472 \(Oct. 19, 2022\)](#). FWS is also initiating a new status review for the north Oregon coast DPS to determine whether it meets the definition of endangered or threatened under the ESA and is requesting new information on the DPS’s distribution and abundance, its habitat, conservation efforts

undertaken, and threats to it for consideration in a new 12- month ESA listing finding.

The withdrawal notice is the result of a settlement agreement. In March 2021, environmental groups [challenged](#) FWS’s determination that the north Oregon Coast DPS did not warrant listing under the ESA. See [August 2021 Newsletter](#). AFRC and the Oregon Forest & Industries Council moved to intervene, but the intervention request was denied. Shortly thereafter, and in the middle of summary judgment briefing, the parties stayed the case to pursue settlement. On April 15, the parties reached a settlement agreement whereby FWS agreed to reconsider its not warranted finding and develop a new 12-month finding as to whether the DPS warrants listings by January 31, 2024. See [April 2022 Newsletter](#). The court approved the settlement agreement on May 23.

FWS is now seeking the following new information pertaining to the north Oregon coast DPS: (1) Distribution, ecology, and life history of the DPS, including habitat needs and requirements for reproduction, growth, nutrition, and dispersal; (2) Positive and negative survey information on the DPS; (3) Potential stressors to the DPS or its habitat, including the threat of catastrophic wildfire; (4) Ongoing and planned activities or projects in the areas occupied by the DPS, and possible impacts of these activities on the DPS; (5) Whether there are any areas outside the area currently known to be occupied by the DPS that may be important to its conservation; and (6) Past, current, and future conservation actions or management practices that may benefit the DPS or its habitat. Comments are due November 18. /Sarah Melton

## Oregon Department of Forestry Renews GNA Master Agreement

This month, the Oregon Department of Forestry (ODF), Oregon Department of Fish and Wildlife, and Forest Service renewed their master agreement under the Good Neighbor Authority (GNA) to 2032. This renewal is critical to maintaining a steady flow of forest restoration work as ODF had identified long-term projects that extend beyond the agreement’s original expiration date of 2026.

GNA, which was authorized in the 2014 Farm Bill, allows states to partner with federal forest managers to assist with and supplement forest management activities on federal land. Activities specifically identified in the master agreement include treatments to insect and disease infected trees, hazardous fuels

reduction, and restoration activities related to forest, range, and watershed health. The 2018 Farm Bill expanded this authority to include counties and tribes as potential cooperators.

ODF's [Federal Forest Restoration \(FFR\) Program](#), which manages GNA work on federal forests in the state, released its latest [Outcome Report](#) in January 2022 and includes the following accomplishments:

- 23 individual agreements across 10 National Forests
- Over 63,000 acres of non-commercial treatments completed
- 24 timber sales sold across 9 National Forests, treating over 14,000 acres
- 50 million board feet sold
- Assistance with 7 contract NEPA CE projects on 6 National Forests

An update to this report will be released in December and will be available on the FFR Program's website. /*Andy Geissler*