



## Registration for AFRC's Annual Meeting is Now Open!



[Registration is now open](#) for AFRC's Annual Meeting from April 2-4 at Skamania Lodge in beautiful Stevenson, Washington. Please visit our webpage to [register](#), [book a room](#), and view the [meeting agenda](#) as it continues to take shape with outstanding guest speakers.

On Tuesday, April 2, we will start with our annual golf tournament at Elk Ridge Golf Course, known as the "The best Northwest golf course you've probably never heard of." After a day on the links we will then gather for our Welcome Reception.

The agenda for Wednesday, April 3 will feature engaging guest speakers; constructive presentations on timely forestry topics such as climate change, wildfire, smoke, and public timber supply; and interactive conversations with federal and state land managers. On Wednesday night, AFRC will host its annual banquet and recognize important partners and leaders in the industry. The Annual Meeting will conclude on Thursday, April 4, with a half day of meetings and the Board of Directors meeting.

We encourage you to book your room at Skamania Lodge as soon as possible. **The cut-off date for the room block is March 2.** Register today and we'll look forward to seeing you in the Gorge!

### The AFRC Podcast



**Episode 28: Travis Joseph  
Previews 2024 Timber,  
Lumber and Public Lands  
Issues**



The [AFRC Podcast](#) is a monthly discussion examining key issues and news relating to forestry, forest products and public lands management.

2024 promises to be another eventful year for public lands management and the forest products industry. It's a big election year, and the Biden Administration, Congress, Forest Service, Bureau of Land Management and perhaps even the U.S. Supreme Court could make major changes to federal forest policy. Meanwhile, the industry is navigating multiple challenges including limited wood supply in the Pacific Northwest. What will the new year bring? AFRC President Travis Joseph joins us to discuss the key issues, challenges and opportunities in 2024.

[Click here to listen](#) to Episode 28. Our podcast is available on Spotify! Also now available on Apple Podcasts!

## Washington, DC Update

*Continuing Resolution.* As reported in the [November AFRC Newsletter](#), the federal government is currently operating under a Continuing Resolution (CR) through January 19 for some agencies and February 2 for other agencies, including the U.S. Forest Service and Bureau of Land Management. Little progress has been made by House and Senate leadership to reach agreement on a topline spending number, which would allow Appropriators to set funding levels for the 12 appropriations bills.

The Biden Administration and Congressional Democrats are also seeking billions in “emergency” supplemental funding that would not be subject to any topline spending agreement. The two parties also continue negotiating supplemental funding for military assistance to Ukraine and Israel. Republicans have tied any additional military aid for Ukraine to U.S.-Mexico border security and immigration reforms.

House Speaker Mike Johnson (R-LA) floated the idea of a year-long CR, which was rejected by Senate Democrats and the White House. Meanwhile, House conservatives will likely oppose any appropriations measure that doesn’t reduce spending. Given the partisan gridlock in Congress, a government shutdown is certainly a possibility.

*Wilderness bills advance in Senate Committee.* On December 14, the Senate Energy and Natural Resources Committee convened for a previously postponed business meeting to consider nearly two dozen public lands bills, including the Wild Olympics Wilderness and Wild & Scenic Rivers Act ([S. 1254](#) – Murray), a California public lands package that would add over 250,000 acres of new wilderness and many wild scenic designations in northwest California ([S. 1776](#) – Padilla), and legislation to extend county payments under the Secure Rural Schools and Community Self-Determination Act of 2000 ([S. 2581](#) – Crapo).

The Committee adopted a series of amendments and ultimately advanced 15 bills by a voice vote, including S. 2581 from Senator Crapo. Four bills passed on recorded votes, including the Wild Olympics and Northern California wilderness proposals that passed on a 10-9 party-line vote. AFRC reiterated its opposition to these two bills and is pleased that the bills did not receive bipartisan support.

*Congressional reaction to Forest Service Old Growth rulemaking.* Republicans on Capitol Hill criticized the Biden Administration’s proposal to place new restrictions on forestry activities through amendments to all 128 forest plans under the guise of protecting old growth. House Natural Resources Committee Chair Bruce Westerman (R-AR) issued the following [statement](#):

*"Time and time again, the Biden administration has failed to address the underlying threats to our federal forests, and instead has chosen to pursue regulations that lock up lands and restrict scientific forest management. Instead of using proven active management techniques to mitigate wildfire risk, curb diseases and give land managers critical tools for success, this action instead takes valuable practices off the table, leaving many of our forests even more vulnerable. I remain fully committed to enacting solutions that restore health and resiliency to forests of all ages. I hope the administration can work with us on these policies rather than continuing to pursue arbitrary and unscientific preservationist regulations that do nothing but harm."*

It is highly likely that the agency will face skeptical questions from Republicans during upcoming budget and oversight hearings. /Heath Heikkila

## Members of Congress and National Organizations Show Strong Support for AFRC’s Petition in the United States Supreme Court

In mid-December, 29 members of the United States Congress and six organizations—National Association of Home Builders, Public Lands Council, National Cattlemen’s Beef Association, Pacific Legal Foundation, Roseburg Chamber of Commerce, and National Federation of Independent Business—filed *amicus curiae* (“friend-of-the-court”) briefs in support of the Association of O&C Counties (AOCC), AFRC, and several other companies and organizations’ (collectively, AFRC et al.) [joint petition](#) for a writ of certiorari in the United States Supreme Court. The members of Congress and above-mentioned organizations, along with Arizona Farm Bureau Federation and New Civil Liberties Alliance, also filed *amicus curiae* briefs in support of Murphy Company’s separate [petition](#) for a writ of certiorari.

### Members of Congress, National Organizations Support Supreme Court Review of O&C Lands Case, Limits on Antiquities Act

December 18, 2017  
The American Forest Resource Council (AFRC) announced today that 29 members of the U.S. Congress and six organizations have filed *amicus curiae* briefs in support of AFRC’s and the Association of O&C Counties’ (AOCC) [joint petition](#) for a writ of certiorari with the U.S. Supreme Court.

AFRC and AOCC are asking the Court to review the Obama-era expansion of the Cascade-Siskiyou National Monument and the Bureau of Land Management’s (BLM) 2016 Resource Management Plans (2016 RMPs) for Western Oregon O&C lands. The case poses legal questions of national interest around Executive Branch overreach and the use of the Antiquities Act to nullify Congressional intent on federal lands.

“Momentum is building for the U.S. Supreme Court to answer a fundamental question: who makes the laws regarding federal land management, Congress or the Executive Branch?” said AFRC President, Travis Joseph. “The illegal expansion of this national monument on O&C lands and the 2016 RMPs – Executive decisions that directly undermine Congressional action on the same lands – set a dangerous precedent for every federal land management law that Congress has approved.

“We are building support nationally because many Americans and their elected representatives are concerned about the implications of Presidents having unfettered authority to indefinitely suspend or cancel the operation of federal laws through the Antiquities Act proclamations and other executive actions. We thank Congressman Cliff Bentz for his leadership on the Congressional *amicus* brief, and for bringing awareness to these important issues on Capitol Hill.”

The O&C Act requires the BLM to manage O&C lands for permanent forest production on the basis of sustained-yield, meaning that each year BLM is to harvest the volume of timber that is grown by the forest during the same year so that harvest levels can be sustained in perpetuity. In the final days of his presidency in 2017, President Obama signed a proclamation expanding the CSNM by 48,000 acres under the Antiquities Act, most of which overlapped with O&C lands.

With the stroke of a pen, and with no environmental analysis or public process, President Obama nullified a federal law and directed the BLM to ignore Congressional direction on how to manage the O&C lands in Southwest Oregon. The Obama Administration also imposed new RMPs in 2016, governing the 2.6 million acres of O&C

[Click here to read AFRC’s press release on growing support for our O&C Lands case.](#)

AFRC et al.’s petition requests that the Supreme Court review the D.C. Circuit’s decision to uphold the expansion of the Cascade-Siskiyou National Monument and to uphold the Bureau of Land Management’s (BLM) 2016 Resource Management Plans for Western Oregon. This case poses legal questions of national importance around executive overreach, including whether the Antiquities Act of 1906, which allows presidents to create national monuments from existing public lands to preserve areas of cultural, historic, or scientific interest, can alter the management of federal lands that fall under a separate federal statute. Specifically, the O&C Act of 1937 requires the BLM to manage O&C lands for permanent forest production on the basis of sustained-yield timber harvest. However, the BLM’s 2016 RMPs, which governs about 2.6 million acres of O&C lands, placed 80 percent of the land base into reserves, where sustained-yield timber harvest is prohibited. And in the final days of his presidency, President Obama signed a proclamation under the Antiquities Act expanding the Cascade-Siskiyou National Monument by 48,000 acres, most of which overlapped with O&C lands. These two decisions unquestionably conflict with the O&C Act’s sustained-yield timber production mandate.

AFRC et al.’s joint petition garnered strong national support, given that many Americans and their elected representatives are concerned about the implications of presidents having “unfettered authority” to indefinitely suspend or cancel the operation of federal laws through the Antiquities Act proclamations and other executive actions. In a [press release](#) Congressman Cliff Bentz (R-OR), who led the *amicus curiae* brief for the members of Congress stated: “In this brief we urge the Supreme Court to hear these cases and to make it clear that the President cannot circumvent Congress by rewriting our nation’s public land laws with the stroke of a pen.” Congressman Bentz’s *amicus curiae* brief was bicameral, supported by Senators and Representatives from Arizona, Arkansas, California, Colorado, Idaho, Iowa, Minnesota, Montana, Pennsylvania, Tennessee, Virginia, Washington, Wisconsin, and Wyoming.

As acknowledged by the *amicus curiae* parties, an executive decision that directly undermines Congressional action on the same lands sets a dangerous precedent for every federal land management law that Congress has approved. Even United States Supreme Court Chief Justice Roberts has previously



expressed concerns around the presidential use of the Antiquities Act, in *Massachusetts Lobstermen's Association v. Raimondo*, 141 S. Ct. 979, 980 (2021), noting that the act “has been transformed into a power without any discernible limit to set aside vast and amorphous expanses of terrain.”

The Government’s deadline to file its opposition to AFRC et al.’s joint petition is currently due on January 17. We want to thank all the *amicus curiae* parties for supporting the joint petition. Copies of the *amicus curiae* briefs can be found [here](#). /Sara Ghafouri

## Forest Service Publishes Multiple Planning Notices, Including NOI on Old Growth

Last month the Forest Service published two notices related to land management plan amendments. The first was a notice of intent (NOI) to prepare an environmental impact statement (EIS) to amend the 17 land management plans in Oregon, Washington, and California that were previously amended by the Northwest Forest Plan (NWFP) in 1994. The second was a NOI to prepare an EIS to amend all 128 land management plans in the country, including those 17 plans that are being amended by a separate notice. Both amendments revolve around old growth forest management.

The NWFP NOI proposes, among other things, to “improve sustainability of mature and old growth ecosystems and trees by providing plan direction to maintain and expand mature and old growth stands and reduce loss risk across all land use allocations.” It also proposes new direction on the use of prescribed fire and managed fire use associated with natural ignitions. The NOI acknowledges that “the NWFP has largely not achieved its timber production goals.” However, the notice does not propose new direction to address this failure, but instead alludes to a need for “clarity” on timber management to accompany the binding direction on old growth and mature forest management. This is a concerning signal from the agency that may suggest a final amendment tailored to “fix” a narrow resource concern in the existing plans at the expense of their many other shortcomings.

The second NOI is an extension of actions initiated by Executive Order 14072, Strengthening the Nation’s Forests, Communities, and Local Economies. This effort began with an inventory and threat assessment across the National Forest System (NFS) that resulted in the identification of 92.8 million acres of old growth and mature forests, representing 64% of the entire NFS. The threat assessment found that mortality from wildfires is currently the leading threat to mature and old-growth forest conditions, followed by insects and disease. In response to these findings, the amendment proposed under this notice is intended to create a consistent approach to management for old-growth forest conditions for sufficient distribution, abundance, and ecological integrity to be persistent over the long term.

This “consistent approach” includes four new standards designed to attain four new Desired Conditions. Most notable among those conditions is the “maintenance and improvement of the amount and distribution of old-growth forest conditions.” The associated standards do not prohibit active management, including timber harvest, in old growth forests if such management does not degrade or impair the composition, structure, or ecological processes in a manner that prevents the long-term persistence of old-growth forest conditions.

### AFRC Comments on U.S. Forest Service’s Notice of Intent on Old-Growth Forests

December 15, 2023

American Forest Resource Council President Travis Joseph had the following to say regarding the U.S. Forest Service’s Notice of Intent (NOI) on Old Growth forests:

“The American Forest Resource Council is reviewing the Forest Service’s NOI and will submit substantive comments. On the surface, however, the proposed policy fails to take meaningful steps to address the true risks to old-growth forests on National Forest System lands – specifically severe wildfires, insect infestations and disease that have already destroyed nearly 700,000 acres of old-growth forests on federal lands over the past 20 years.

“The Forest Service’s data confirms logging poses a negligible threat to old-growth forests, and existing federal environmental laws and forest plans provide direction on managing and protecting old-growth. Yet the agency is now being directed to embark on a new, massive bureaucratic process – during a wildfire and forest health crisis that will likely make forest management more complex, costly, and contentious.

“Protecting old-growth requires intentional, thoughtful action on the ground – not more paperwork. It’s not clear how amending every single Forest Plan will help the Forest Service implement the Biden Administration’s own 10-year wildfire strategy that calls for a threefold increase in forest health treatments. Rather than giving our public lands managers the policy tools and support they need to sustain our forests and all the values they provide, this policy will force them to focus limited time and resources on more process and that will do nothing to address the real risks on the ground.

“AFRC and its members share concerns about climate change and how it is contributing to larger and severe wildfires that emit massive amounts of carbon and other greenhouse gases into the atmosphere, and threaten communities. Any national forest amendment process for old-growth should be more focused on increasing science-based, active forest management to address our wildfire crisis, and to make our forests healthier and more resilient. Paperwork protection of old-growth forests is not a climate solution as unmanaged western forests owned by the federal government are quickly converting into carbon emitters, according to Forest Service data.

“Scientists at the local and international level, including the Intergovernmental Panel on Climate Change (IPCC), recognize the climate benefits of forest management, timber harvest, and wood products. Just this month in Dubai at COP28, the United States joined an international coalition committing to, by 2030, advancing policies an approach that support low-carbon construction and increase the use of wood products from sustainably managed forests to construct our homes, offices, and other buildings. Such policies and approaches will result in reduced greenhouse gas emissions, and an increase in stored carbon in forests and the built environment. In the western U.S., this can be achieved by actively managing National Forest System lands and providing sustainable wood fiber to meet these goals.”

[Click here to read AFRC’s full press statement on the Forest Service’s Notice of Intent on old-growth forests.](#)

Both amendments appear to be on expedited timelines with the NWFP final EIS planned for October 2024 and the old growth final EIS planned for January 2025. Scoping comments for the NWFP amendment and old growth amendment are due February 1 and February 2, respectively. Information on the old growth amendment can be found [here](#) and information on the NWFP amendment can be found [here](#). /Andy Geissler

### BLM Reduces Timber Program

<b>FY-24 Target (Mmbf)</b>	<b>212</b>
<b>District</b>	<b>Assigned Target</b>
Salem	62
Eugene	53
Roseburg	20
Coos bay	30
Medford	43
Lakeview	4
<b>Total</b>	<b>212</b>

In mid-December, western Oregon Districts of the Bureau of Land Management (BLM) posted their timber sale plans for fiscal year 2024. Delay of these postings well into the first quarter of the new fiscal year is unprecedented as the agency typically provides draft plans in late summer before the new fiscal year begins to allow potential purchasers the opportunity to plan their upcoming business operations. Although unclear, it is likely that these delays were a function of the agency’s decision to reduce the timber outputs by nearly 25% of the 278 million board feet identified in their 2016 Resource Management Plans (RMPs).

These reductions come at a surprising time as public demand for federal timber products seems to be at record levels. In FY23, timber harvesting off BLM land in western Oregon spiked by nearly a third from FY22. The value of that harvested material grew by slightly over a third from the previous year. These levels of timber harvest represented a 30-year high dating back to 1993.

These reductions are also puzzling given the status of commercial timber harvest on dry forests in southwest Oregon. The 2016 RMPs include an acreage requirement for commercial timber harvest on the Medford and Roseburg Districts to reduce the risk of uncharacteristic wildfire and to improve forest health on lands designated as Dry Late-Successional Reserve (LSR). Over the first six years of implementation, those Districts have attained less than 25% of these required treatments. The level of acceleration of these treatments needed to attain RMP direction for Dry LSRs warrants an increase of timber outputs, not a decrease. District-specific timber sale information can be found [here](#). /Andy Geissler

### Collaborative Project on Willamette National Forest Moves Forward

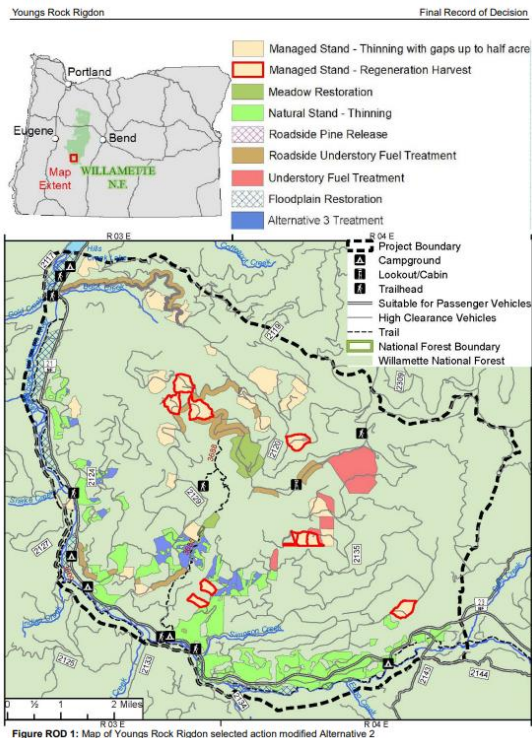
After much waiting, a Final Record of Decision has been signed by the Willamette National Forest Supervisor to implement the [Youngs Rock Rigdon EIS](#) (YRR). This comes as welcome news for a Forest that has seen several green projects delayed, or outright cancelled, by consecutive years of unprecedented wildfires. We hope this is a trend that can continue into the new year as many green projects await decisions in the coming months.

The project, which scoped back in 2019, was born out of an agreement between the Middle Fork Ranger District and the South Willamette Forest Collaborative (SWFC) to identify landscapes where there is consensus that restoration should take place, but where the community would need to be engaged to find consensus on what “restoration” looks like. The Rigdon Landscape Restoration Project was the result of that effort, and that document provided a blueprint for the SWFC and the Forest to bring ideas for

restoration to the public, where they could be deliberated and refined. The YRR EIS is the first such project from that document.

The YRR Project proposes to:

- Improve stand and landscape diversity, structure, and resilience.
- Strategically reduce hazardous fuels.
- Manage existing recreation while minimizing impacts to natural resources.
- Identify a sustainable road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System Lands.
- Provide a sustainable supply of forest products.



If fully implemented, YRR will commercially treat **2,242 acres** of managed and unmanaged timberlands within the Matrix LUA. The Forest estimates that this will generate **55 MMBF** of timber for local purchasers. Not only will the project improve resilience to protect federal timberlands, but the project also encompasses several large private timberland inholdings, which will also benefit from treatments which target overstocked natural stands.

It should be noted that the Final ROD for YRR does not reflect the same proposal offered in the Draft ROD, which was issued back in April 2023. This is because the Forest was compelled to defer commercial treatments on approximately 366 acres of suitable NSO habitat within occupied home ranges. This decision reduced the total projected volume offered from YRR by 8 MMBF.

While it's unfortunate any time the Forest Service feels compelled to modify treatments in Matrix LUA, it is not surprising considering the political climate currently facing the agency. Emboldened by the President's 2020 Mature and

Old Growth Executive Order, objectors argued that commercial treatments in "natural stands" were in direct violation of the executive order protecting old growth. As a result, these 366 acres were downgraded to "non-commercial", while most remaining treatments in natural stands will proceed as originally proposed in the Draft ROD.

The Forest deserves credit for staying firm and proceeding with the plan more or less as written. That said, credit should also go to SWFC, whose involvement in the project almost certainly added legitimacy to the final decision. The process may have been painstaking at times, though many lessons were learned along the way. Ultimately, the result should speak for itself and serve as a template for successful forest collaboration going forward. /Corey Bingaman

### South Plateau Project in Montana near Yellowstone National Park Challenged

On September 20, Center for Biological Diversity, Alliance for the Wild Rockies, and Council on Wildlife and Fish (plaintiffs) [filed suit](#) in the Montana District Court challenging the South Plateau

Landscape Area Treatment Project (South Plateau Project) on the Custer Gallatin National Forest, west of Yellowstone National Park in Montana. *See Center for Biological Diversity, et al. v. U.S. Forest Serv.*, No. 23-cv-00110-DLC-KLD (D. Mont. Sept. 20, 2023). On December 15, AFRC, on behalf of member Sun Mountain Lumber, moved to intervene in support of the project.

The 39,909-acre project area lies within the Greater Yellowstone Ecosystem Recovery Zone for the grizzly bear within three Bear Management Units (BMU) and the South Madison lynx analysis unit. The South Plateau Project authorizes treatments on 16,462 acres and will generate 83 million board feet (MMBF) over the Project's 15-year duration. Commercial treatments authorized for the Project include 5,551 acres of regeneration harvest in lodgepole pine-dominated stands that are more than 6 inches in diameter at breast height (DBH), and 6,593 acres of commercial thinning of more than 6 inches DBH for lodgepole pine and more than 7 inches DBH for other tree species.

The Forest Service will rely on a designation by prescription for commercial thinning treatments, which will vary depending on the site-specific conditions. The Project also authorizes non-commercial thinning, fuels reduction treatments, including prescribed burning and Aspen enhancement treatments, and road work. Currently, there are three timber sales associated with the South Plateau Project: Mosquito Gluch, the Plateau DxP SBA, and Hall Pass. Sun Mountain Lumber was awarded the Plateau DxP SBA Timber Sale, which involves 1,065 acres of commercial harvest of leave tree mark prescription and 727 acres of designation by prescription thinning. The sale is expected to generate approximately 12.5 MMBF of lodgepole pine and subalpine fir, to be processed at Sun Mountain's Deer Lodge and Livingston mills.

In their complaint, plaintiffs allege that the Forest Service violated the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). Plaintiffs allege that the agency violated NEPA because (1) it failed to prepare an Environmental Impact Statement because the Project "may significantly affect" the environment; (2) failed to take a "hard look" at the project's environmental impacts and to sufficiently disclose information to the public—specifically that the project fails to disclose specific locations where harvest activities, road construction, and prescribed burning activities would occur within the project area; and (3) failed to take a "hard look" at the project's impacts to global climate change from the project's implementation, carbon storage, and pollution.

Plaintiffs also allege that the Forest Service violated NEPA and NFMA because the agency (1) failed to take a "hard look" at the project's impacts to grizzly bears and the Canada lynx, and to comply with the applicable management standards for each species—such as the Northern Rockies Lynx Management Direction and the 2022 Custer-Gallatin Forest Plan's standard related to secure habitat for bears; and (2) used an incorrect and overly inclusive definition of wildland urban interface (WUI) from the Gallatin County Community Wildfire Protection Plan that classifies approximately 51% of the project area as WUI and exempts it from the Northern Rockies Lynx Direction—specifically, Standard VEG2, which states that no more than 15% of lynx habitat within a lynx analysis unit may be subject to regeneration harvest within a 10-year period.

On November 14, plaintiffs [amended their complaint](#) to include claims relating to the Endangered Species Act (ESA): (1) that the Project's Biological Assessments and Biological Opinions (BiOp) do not adequately analyze the Project's impacts on listed species; (2) that the Fish and Wildlife Service's "no jeopardy" and incidental take determinations for the grizzly bear and Canada lynx are flawed; (3) that use of a 1998 baseline in these determinations is flawed because it is not based on the best available science; and (4) the agencies must reinitiate ESA consultation. However, plaintiffs' amended complaint dropped a



previous claim that the project's projected timber harvest violates the 2022 Custer Gallatin Forest Plan's limit on the quantity of timber sold per decade.

Additionally, on December 18, WildEarth Guardians, Gallatin Wildlife Association, and Native Ecosystems Council filed a separate challenge to the South Plateau Project in the Montana District Court, in which they similarly challenge the Project's BiOp on grizzly bears, compliance with the 2022 Custer-Gallatin Forest Plan, and the project's analysis under NEPA. [\*See Gallatin Wildlife Association, et al. v. Erickson, et al., No 9:23-cv-00154-DCL-KLD \(Dec. 18, 2023\).\*](#) The two cases were consolidated on December 28.

The South Plateau Project is important to AFRC and our members because of the significant amount of timber harvest at issue—83 MMBF—and because the project involves condition-based management where the type and location of treatments to be applied are determined through an adaptive, condition-based approach. Condition-based management allows the Forest Service to make landscape-level forest management decisions while also allowing the agency the flexibility to respond to on-the-ground conditions. Ultimately, forest restoration treatments can be better aligned with current conditions if: adjustments to treatment units are needed, these adjustments are made within the constraints of the prior identified and analyzed a range of possible forest management activities and project design features. We are waiting for the court's ruling on the motion to intervene, and the merits briefing will occur this spring.  
*/Sarah Melton*

## **Fish & Wildlife Service Publishes Draft Lynx Recovery Plan**

The U.S. Fish and Wildlife Service (Service) designated lynx in the contiguous United States as a distinct population segment (DPS) and listed the DPS as threatened under the Endangered Species Act in 2000 because of the inadequacy of regulatory mechanisms on federal lands to provide for the conservation of lynx habitats and populations at that time.

In a 2017 status review of the DPS, the Service concluded that lynx conservation measures and habitat management guidance adopted by the Forest Service and Bureau of Land Management addressed the regulatory threat by conserving lynx habitats and populations on Federal lands. Therefore, this status review, based on a 2017 species status assessment (SSA), recommended delisting the DPS. However, based on a 2021 settlement agreement in response to litigation, the Service ceased moving forward with delisting and maintained the DPS's threatened status while developing the Draft Recovery Plan that was published in December 2023.

With the rationale for listing being addressed (lack of regulatory mechanisms), and lynx populations being robust (the SSA notes that lynx in the DPS remain broadly distributed across the range that supported them historically in the contiguous United States and that the recent level of representation does not appear to have declined from historical conditions), the Draft Recovery Plan identifies a new cause for maintaining threatened status: climate change. As a snow-adapted specialist predator, the Service anticipates that projected global climate warming could be a threat to lynx habitat.

A Recovery Plan for a species with robust populations and adequate current habitat levels has generated some vague recovery actions that lack quantitative goals. Since the new threat to the species is a future projected condition, those recovery actions primarily revolve around monitoring. The Service estimates a 20-year duration of such monitoring before delisting can be considered. Other actions include the maintenance of connectivity between current population segments and to minimize sources of human-



caused lynx mortality. Comments on the Draft Recovery Plan are being accepted through January 20. The Plan can be accessed [here](#). /Andy Geissler

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

- Travis Joseph is quoted in [Fox News](#) regarding AFRC's joint cert petition seeking U.S. Supreme Court review of our O&C case.
- Travis Joseph was interviewed by [WXPR-NPR](#) regarding the U.S. Forest Service NOI on Old Growth forests.
- Travis Joseph is quoted in the [Seattle Times](#) regarding the DNR's set aside of state trust lands as carbon reserves.

### **DNR identifies 2,000 acres to set aside with Climate Commitment Act funding**

On December 18, the Washington Department of Natural Resources (DNR) [released details and maps](#) of roughly 2,000 acres of state trust lands that it is proposing to permanently set aside under the terms of an \$83 million budget proviso adopted during the 2023 legislative session using funds from Washington's controversial cap-and-trade law, the Climate Commitment Act (CCA). AFRC has opposed this controversial set aside since these trust lands will no longer serve as working forests to provide climate benefits, nor to provide jobs in the woods and funding for counties, public schools and community services.

Under the terms of the [budget proviso](#), DNR was directed to select state lands as "carbon sequestration forests" and to purchase private lands in their place, subject to concurrence by counties and approval of the Board of Natural Resources. Closing DNR working forests and purchasing private working forests as replacement lands will result in less carbon sequestered and increased emissions as we import more wood products from other countries and substitute less carbon-friendly building products like concrete and steel.

On December 5, the House Agriculture and Natural Resource Committee held a work session on the proposal. In questioning from Committee members, a DNR official [acknowledged](#) that the funding would have been better spent on real climate solutions including reforestation, forest health and wildfire prevention. [Other experts](#) have also pointed out that science shows that setting aside more DNR working forests will actually increase CO2 emissions. The policy also conflicts with comments made by Commissioner of Public Lands Hilary Franz during a [November 16 speech](#) to the Washington Forest Protection Association (WFPA).

AFRC President/CEO Travis Joseph released the following statement in response to DNR's announcement:

*"Let's be clear, this is not a climate solution. Using public monies to convert more of Washington's working lands and forests into no touch 'set asides' is more about politics and appeasing anti-forestry groups than it is about science, strategic climate investments, or common sense."*

*"As Commissioner of Public Lands Hilary Franz herself said, '[a dangerous war](#)' is being waged on our forestlands between those who manage our forests for all its benefits including*

*biodiversity, fish and wildlife habitat, clean air and water, and those who believe the way to save our planet in the face of climate change is to lock up forests and not touch them. She is also correct that those who want to stop timber harvests [are wrong on the climate science](#) and are wrong on the impacts to our state and our environment. It's unfortunate and puzzling that the Climate Commitment Act is funding decisions that cost our communities and defy real solutions to the climate crisis."*

*"Any private working forests purchased by DNR with the CCA funds are unlikely to generate revenues for beneficiaries or economic activity for years or even decades into the future, so counties should carefully consider whether they approve of the set asides as required by the legislative budget proviso. There are also questions about the criteria that went into selecting some of these areas and we strongly encourage the Board of Natural resources to review the proposed set asides and ask DNR staff appropriate questions about how and why the parcels were picked. The public should be able to trust, verify, and believe in the process."*

*"In a rapidly changing climate, emerging science would suggest that converting state trust lands to unmanaged forests is the wrong solution for sustaining all the values and benefits they provide. For the sake of good government and transparency, the DNR should be required to explain how and why they made these specific selections."*

AFRC has been working since the legislature adjourned last April to educate legislators about how this misguided use of CCA funds is not a climate solution. Washington's Climate Commitment Act faces an uncertain future as a ballot initiative has likely received a sufficient number of signatures to put a repeal of the controversial law on the November 2024 ballot. /Heath Heikkila

## **USFS Region 1 Holds Annual Meeting for Timber Purchasers**



Forest Service Region 1 held its annual meeting for timber purchasers with Forest Service Contracting Officers, Timber Sales Administrators and other agency representatives. The gathering was held on December 7 in Missoula, Montana and was chaired by Dave Clay, Regional Sale Administration Specialist. The meeting drew over 60 participants, which was one of the best turnouts in recent years.

This setting provides an opportunity for purchasers to discuss problems they are experiencing in operating their contracts with Forest Service contracting specialists. Over the years, there have been several standing committees formed including the Skid Trails Committee chaired by Nick Jose from Sun Mountain Lumber. This committee is shifting its focus from skid trail location and flagging issues to examining harvest options on steeper ground using tethered logging systems. The new tethered logging systems are providing better and safer opportunities for managing steeper slopes that historically have been designated for skyline or helicopter logging systems.

Another committee is the DxP and DxD Committee chaired by Paul McKenzie from Stoltze Lumber. This committee is looking to expand opportunities for using more prescriptive methods for designating timber for removal. Significant gains have been made in Region 1 with the use of more DxP on several forests including the Flathead. This committee also discussed virtual boundaries and GIS mapping for

equipment operators, and how the Forests will be implementing these tools. A new term was used to better define the many Shaded Fuel Breaks along roads that the Region is planning to implement. The term is “Linear Categorical Exclusions (CE)” since the boundaries follow the roads and extend out on either sides, and these fuel breaks are being planned using CEs for quick implementation. Some of these Linear CEs extend for several miles.

There is also a Roads Committee chaired by Mike Reggear from Idaho Forest Group. This committee has been active in recent years addressing road building and road maintenance issues, including the appraisal of road packages; timing of road inspections to get purchaser credits; road-widths that do not support new and wider trucking equipment; out-sloped roads and haul safety; and securing timely bridge approval for haul. In past years, there have been some problems getting bridges inspected and passed for haul in a timely manner. The Region has since implemented a plan to expedite approvals to resolve most of the problems the purchasers were experiencing.

In addition to contracting and operational issues, Tami Kerr, Director of Timber Management and David Haupt, Timber Sale Prep Program Manager updated the group on the results of timber sold for FY23 and the outlook for timber to be sold in FY24. The Region struggled to hit their timber target in FY23 primarily due to litigation and consultation but have cleared some of those hurdles and have put forth an aggressive plan to offer 475 million board feet for FY24.

The Region also asked Steve Hayes and Mike Niccolucci from the University of Montana’s Bureau of Business and Economic Research (BBER) to give a presentation on the importance of collecting good logging cost data. Each year BBER collects the most up to date costs for logging and hauling. Logging costs are collected in odd-numbered years, and hauling costs are collected in even-numbered years. These costs are then shared with the Forest Service to help make their timber sale appraisals as accurate as possible. Using this cost collection method and getting the most up to date numbers from loggers and haulers has helped Region 1 to have one of the lowest number of no bid sales in the National Forest System.

AFRC would like to thank Region 1 for putting this very timely and valuable meeting together each December which brings operators together with contracting officers. These meetings provide a venue for education and problem solving in the complex world of timber sale management and operations. /Tom Partin