



## AFRC President Testifies before Congress, Highlights the Importance of the Forest Products Industry to Managing National Forests

On June 25, AFRC President Travis Joseph testified before the Subcommittee on Forest and Horticulture of the House Committee on Agriculture. The House Committee on Agriculture is responsible for the Farm Bill, which commonly includes forest management tools and legislative reforms. This was a timely opportunity for AFRC to weigh in with Congress on the state of our national forests and the people who steward them.

In his [written testimony](#), Travis focused on three major messages:

- The current management paradigm of national forests is not working.
- Active management is the solution.
- Partnerships are the key to implementing active management at scale.

The testimony provides robust data and science demonstrating that active management works. It improves forest health and resiliency, provides jobs, revenue, and products essential to society. It can help protect communities, public health, public safety, and human lives from catastrophic wildfires. Active management is also a good investment for the American taxpayer. Researchers at the University of California, Davis [recently found](#) that *every dollar spent on forest health treatments saves about \$3.75 in wildfire damages*.

In his [oral testimony](#), Travis used pictures to show Committee members the devastating aftermath of catastrophic wildfires like the 2020 Archie Creek fire compared to what good forestry and solutions look like on the ground. The testimony also provides specific policy recommendations to Congress for expanding active management and partnerships to steward national forests, including through Good Neighbor Authority and Stewardship Agreements, tribal co-management, expediting hazard tree removal, and conducting salvage and reforestation operations after wildfires.



In his conclusion, Travis reminded Congress and members of the Committee what the forest products sector brings to the partnership table and why we are part of the solution to addressing our forest health and wildfire crises:

“Across the country, our members employ tens of thousands of certified foresters, engineers, scientists, welders, mechanics, heavy equipment operators, IT professionals, accountants, lawyers, and drone pilots – just to name a few.

We have the expertise. The capacity. The will. The motivation. The innovation. The creativity. We’re problem solvers. We share common values and interests. The forest products sector – my members – are here to work with you, Congress and the land management agencies, as partners to responsibly steward our federal lands and forests; reduce the risk of catastrophic wildfire; and improve forest health.” /*Travis Joseph*

## **Washington, DC Update**

*Farm Bill.* On June 23, Senate Agriculture Committee Chairman John Boozman (R-AR) released legislative text for his proposed “Farm Bill 2.0,” which will provide farmers, ranchers, foresters, and rural communities with needed tools and resources.

The proposal includes a strong forestry title that advances several AFRC and forest products industry priorities. While the bill does not currently have Democratic support, it will likely serve as a starting point for efforts to advance a Farm Bill reauthorization through the Senate.

AFRC appreciates the work of Chairman Boozman and committee staff to include several important forestry provisions. The bill would reauthorize key authorities under the Healthy Forests Restoration Act through 2031 and expand categorical exclusions to allow projects of up to 10,000 acres for collaborative restoration projects, insect and disease treatment, wildfire resilience projects, and fuel breaks.

The bill would also create new categorical exclusions for Forest Service projects that remove high priority hazard trees on up to 6,000 acres and for vegetation management within electric utility rights of way. It includes an important legislative fix to the Ninth Circuit’s Cottonwood decision and would authorize stewardship contracts with terms of up to 20 years.

Other provisions would expand Good Neighbor Authority for counties and tribes while removing current restrictions on permanent road construction. The bill would also modernize the 2004 Tribal Forest Protection Act to give tribes more opportunities to manage neighboring federal lands. A section by section summary of the bill is [available here](#).

In releasing the legislation, Chairman Boozman emphasized the need to pass a bipartisan Farm Bill. However, the path forward remains difficult. Democrats are seeking changes to food assistance reforms enacted through H.R. 1, President Trump’s “One Big Beautiful Bill.” Efforts to roll back those provisions would likely face strong opposition from fiscal conservatives in the House.

*Fix Our Forests Act.* Another major forestry priority remains stalled in the Senate. There had been discussion about attaching the Fix Our Forests Act to the annual National Defense Authorization Act (NDAA), but the NDAA itself has faced challenges in the House.

The Fix Our Forests Act continues to face concerns from Senate Energy and Natural Resources Committee Chairman Mike Lee (R-UT). Meanwhile, some House conservatives are seeking to use the NDAA as leverage to secure Senate action on President Trump’s SAVE America Act election legislation, which currently lacks sufficient support for passage in the Senate. These broader political dynamics have further complicated efforts to find a legislative vehicle for forestry legislation.

*Appropriations.* The House has made some progress in advancing annual appropriations bills, but work has moved more slowly in the Senate. Senate Democrats appear reluctant to finalize funding levels before the November elections, when they hope the political landscape will put them in a stronger negotiating position.

With limited legislative time remaining this year, Congress faces a crowded agenda and significant disagreements over spending and other major policy issues. AFRC will continue working with lawmakers and staff to advance federal forest management priorities as opportunities emerge. /Heath Heikkila

# The AFRC Podcast



***Episode 58: Dr. Norm Johnson, Northwest Forest Plan, Lessons Learned and the Future***



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

Dr. Norm Johnson played a key role in the development of the Northwest Forest Plan. More than 30 years later, he and Debbie Johnson have released a report examining the Forest Service's proposed amendment to the plan. In this episode, we discuss how the plan can be modernized to conserve older forests while producing more timber, reducing wildfire risk, and sustaining the many benefits people expect from public lands. The report, along with detailed maps and charts, is [available here](#).

Click here to listen to [Episode 58](#). Our podcast is also available on Spotify and Apple Podcasts

## **Forest Service 3<sup>rd</sup> Quarter Accomplishments**

Forest Service timber accomplishments over the first three quarters for Regions 1, 5, and 6 are summarized below. The agency is continuing to stay on pace, with outputs close to 75% at the end of the 3<sup>rd</sup> quarter.

<b>USFS - Region 1 - FY26</b>
<b>Target - 394 MMBF</b>

Forest	Target (MMBF)	Sold	% Accomplishment
Idaho Panhandle	101.0	43.3	43%
Nez-Clear	79.0	49.2	62%
Kootenai	58.0	10.4	18%
Lolo	60.0	50.1	84%
Flathead	36.0	24.2	67%
Bitterroot	25.0	16.6	66%
B-D	15.0	19.0	127%
Helena-Lewis & Clark	20.0	4.6	23%
Custer-Gallatin	11.0	2.6	24%
<b>Total</b>	<b>405</b>	<b>220</b>	<b>67%</b>

USFS - Region 5 - FY26			
Target - 393 MMBF			
Forest	Target (MMBF)	Sold	% Accomplishment
Eldorado	18.0	14.6	81%
Plumas	45.0	36.3	81%
Lake Tahoe Basin	9.0	7.7	86%
Tahoe	69.0	48.4	70%
Klamath	40.0	28.0	70%
Lassen	52.0	22.5	43%
Shasta-Trinity	48.0	31.9	66%
Mendocino	2.0	0.5	25%
Modoc	25.0	19.2	77%
Six Rivers	15.0	12.1	81%
Sequoia	9.0	13.6	151%
Sierra	20.0	24.3	122%
Stanislaus	38.0	20.9	55%
Inyo	3.0	9.8	327%
<b>Total</b>	<b>393</b>	<b>289.8</b>	<b>74%</b>

USFS - Region 6 - FY26			
Target - 622 MMBF			
Forest	Target (MMBF)	Sold	% Accomplishment
Colville	131.0	74.4	57%
Deschutes	24.0	18.7	78%

Fremont-Winema	100.0	93.6	94%
Gifford Pinchot	36.0	27.8	77%
Malheur	35.0	10.5	30%
Mt Baker-Snoqualmie	10.0	0.9	9%
Mt. Hood	26.0	25.3	97%
Ochoco	10.0	6.7	67%
Okanogan-Wenatchee	30.0	12.5	42%
Olympic	10.0	12.7	127%
Rogue River-Siskiyou	25.0	30.3	121%
Siuslaw	40.0	45.9	115%
Umatilla	35.0	20.9	60%
Umpqua	30.0	14.5	48%
Wallowa Whitman	20.0	14.2	71%
Willamette	60.0	19.8	33%
<b>Total</b>	<b>622.0</b>	<b>428.7</b>	<b>69%</b>

Nationally, the Forest Service has attained 63% of its 3.2 billion board foot target through the first three quarters of the fiscal year. Regions 1, 5, and 6 contributed almost 50% of that total. This is a positive trend for an agency that, over the past three years, has sold on average, 50% of their total timber attainment in the 4<sup>th</sup> quarter. This previous pattern of backloading the timber program puts a stress on the Forest Service during fire season, when many employees are likely already stressed. It also puts a stress on purchasers who are sometimes forced to review a glut of timber sales in a single month. This often results in the bidder pool shrinking and the likelihood of no-bids increasing. */Andy Geissler*

### **Forest Service Releases Nationwide Post-Fire Recovery EA**

A memo to Forest Service supervisors in April emphasized the need to prioritize post-fire timber salvage efforts. In recent years across many areas of the west, the Forest Service has struggled to effectively salvage fire damaged timber or remove fire killed trees posing a hazard to roads and recreation areas. In response to these struggles and the leadership memo, the Forest Service released a national post-fire recovery environmental assessment (EA) last month that will serve as a guide for local units to refer to as a starting point for developing site-specific salvage and recovery projects. The EA does not authorize any action itself but instead is designed to act as a template to streamline the analysis process for salvage activities where expediency is integral to success.

The substance of the EA was informed by a national review of over 50 Forest Service post-fire recovery analyses that showed that, regardless of location, the projects had similar environmental effects. Those effects are summarized in the EA, and local Forests will be urged to supplement them with site-specific information, design criteria, and mitigation measures. Forests will also be responsible for consulting with local regulatory agency offices regarding project impacts to threatened and endangered species and historic resources.

The EA uses “activity cards” to describe and summarize proposed actions including mechanical and non-mechanical fuels reduction, reforestation, road maintenance and construction, timber salvage, and trail reconstruction. Site specific projects will select combinations of appropriate activity cards and design criteria to meet the objectives and desired conditions for a specific location. The EA aims to address

activities for up to five years following the fire event and does not include any potential emergency actions described in 7 CFR 1b.9(v).

Regardless of how effectively this EA is leveraged by local Forests, it does communicate the agency's prioritization of post-fire recovery actions, including timber salvage and hazard tree removal. More information on the EA can be found [here](#), including a link to the project documents. /*Andy Geissler*

## **GAO Report Identifies Key Barriers to Forest Service Timber Program**

The U.S. Government Accountability Office (GAO) has completed the second of a two part review examining the factors limiting the Forest Service's ability to meet timber sale targets and identifying opportunities to strengthen the agency's timber program.

GAO interviewed Forest Service personnel across all nine Regions, including employees directly involved in timber sale administration. The review also included analysis of timber sale data, site visits to National Forests in Regions 6, 8, and 9, and interviews with industry representatives, conservation organizations, states, counties, tribes, and other stakeholders.

Every Region identified staffing shortages as a primary constraint on preparing and offering timber sales, particularly as the agency works to increase timber outputs in the coming years. Interviewees pointed to expanded use of partners and contractors, along with technologies such as designation by prescription, virtual boundaries, LiDAR cruising, and tablet based field data collection, as opportunities to improve efficiency and increase program capacity.

Several Forests also cited delayed appropriations as an ongoing challenge. Operating under continuing resolutions has, in some cases, delayed the release of new timber sales because funding was unavailable when projects were ready to move forward. Agency officials also emphasized the need for a strategic workforce plan to better align staffing with current and future program demands while improving recruitment, training, and retention.

Wildfire was identified as another major obstacle to consistent program delivery. Fire response and recovery often require staff to shift away from planning and implementing active management projects, delaying fuels reduction work intended to reduce the risk of future catastrophic wildfire.

Litigation was also cited as a significant barrier to delivering timber sales. Agency personnel said lawsuits increase planning time and redirect limited staff and resources away from developing and implementing new projects.

The report also identifies streamlining the NEPA process as an important opportunity to improve program delivery. More efficient environmental review would allow the agency to develop a larger inventory of implementation ready timber sales, providing greater flexibility when wildfires or other unforeseen events disrupt planned work.

GAO concluded the report with four recommendations for the Chief of the Forest Service: develop a strategic workforce plan, improve the agency's public facing timber sale webpages, establish new performance goals for staff, and institutionalize successful efficiencies across the timber program. The full GAO report is [available here](#). /*Corey Bingaman and Andy Geissler*

## **Sharp Rise in Anti-Forestry Litigation in Montana, Idaho; FEES Act Introduced to Combat EAJA Abuse**

An AFRC analysis of U.S. Forest Service data found that anti-forestry litigation against federal forest management projects in Montana and Idaho increased by 65 percent over the past year as the Inland Northwest enters another dangerous wildfire season.

The amount of timber affected by active litigation increased from 477 million board feet to 783.1 million board feet in just twelve months. Those lawsuits now affect more than 100,000 acres of national forests where the Forest Service approved active management projects to reduce wildfire risk and restore forest resilience.

The findings come as federal policymakers continue calling for an increase in the pace and scale of active forest management to address worsening wildfire conditions. Yet a growing share of that work is becoming tied up in litigation after years of planning, environmental review, and public involvement. As another wildfire season unfolds, hazardous fuels remain on the landscape while many approved projects wait for resolution in the courts.

The findings also reinforce the importance of reforming policies that encourage serial litigation. Earlier this month, AFRC endorsed the [Fixing Egregiously Expensive Suits Act](#), or FEES Act, introduced by Reps. Tom Tiffany (R-WI) and Harriet Hageman (R-WY). The legislation would reform the Equal Access to Justice Act (EAJA) by limiting attorney fee awards in many lawsuits against the federal government while preserving access to the courts for individuals with legitimate claims. The FEES Act includes the specific litigation reforms AFRC called for in [testimony](#) before the House Natural Resources Committee last December.

From fiscal years 2019 through 2024, the Departments of Agriculture and the Interior awarded approximately \$24.8 million in attorney fee awards under EAJA. According to the bill's sponsors, 76 percent of those funds went to a small number of environmental organizations and their attorneys. AFRC believes those payments have helped create incentives for serial litigation that delays forest management projects and increases costs for taxpayers. In endorsing the legislation, AFRC President Travis Joseph said:

*"The American Forest Resource Council supports the FEES Act because it restores accountability and transparency to the Equal Access to Justice Act. Too often, taxpayers are forced to fund attorney fee awards associated with lawsuits that delay critical forest management, wildfire reduction, and public safety projects for years. These commonsense EAJA reforms will help reduce incentives for serial litigation, improving the ability of federal land managers to steward public lands and protect nearby communities."*

The FEES Act would not prevent citizens from challenging federal decisions in court. However, it would help restore EAJA to its original purpose while reducing taxpayer funded incentives that have contributed to a growing number of lawsuits against federal forest management projects. /*Nick Smith*

## **AFRC Granted Intervention in Defense of Eight Forest Service Projects in Idaho**

On June 18, Judge Nye [granted](#) AFRC's Motion to Intervene as a defendant in Friends of the Clearwater's challenge to eight Forest Service Projects on the Nez Perce-Clearwater National Forest. *Friends of the Clearwater v. Word, et al.*, No. 3:25-CV-00567 (D. Idaho) (Filed on October 3, 2025); see also [May 2026 Newsletter](#).

Plaintiff Friends of the Clearwater challenges the projects under the National Forest Management Act, the National Environmental Policy Act, and the Endangered Species Act regarding old growth requirements, the need to prepare an Environmental Impact Statement, and effects on grizzly bears.

AFRC's involvement in this litigation is critical given the expansive scope of Plaintiff's claims. Friends of the Clearwater seeks to halt operations on eight projects that will, in total, generate 329 million board feet. AFRC member Idaho Forest Group purchased six sales under those projects that total approximately 51.5 million board feet. AFRC member Associated Logging Contractors, Inc. of Idaho will also be impacted by this litigation given that its members will likely assist in implementing various timber sales under the challenged projects.

Shortly after Judge Nye ruled on AFRC's motion, the Idaho Association of Counties, Inc. also moved to intervene as a defendant. At the time of this newsletter, Judge Nye has not ruled on that motion. Merits briefing will begin in late August and extend into January 2027.

AFRC looks forward to defending the eight projects challenged by the Friends of the Clearwater and ensuring that its members can benefit from current and future sales under those projects. /*Greg Hibbard*

## **Cascadia Wildlands Challenges Validity of BLM's 2016 Northwestern and Coastal Oregon Resource Management Plan**

On June 24, Cascadia Wildlands filed a lawsuit challenging the Bureau of Land Management's (BLM) Aloha Trout Forest Management Project (Aloha Trout Project) in Marion County, Oregon. *Cascadia Wildlands v. Burgum et al.*, Case No. 6:26-CV-1262 (D. Or. Filed June 24, 2026). The lawsuit not only threatens the Aloha Trout Project, but also the BLM's 2016 Northwestern and Coastal Oregon Resource Management Plan (NCO RMP) by alleging a violation of the Congressional Review Act of 1996 (CRA).

The BLM issued its Final Environmental Assessment and Finding of No Significant Impact for the Aloha Trout Project in March 2026. The Aloha Trout Project authorizes the harvest of approximately 75.5 million board feet over 1,300 acres in the Harvest Land Base-Moderate Intensity Treatment Area and the Riparian Reserve. The BLM has approved three timber sales under the Project to date: the Dandi Lyon, Golden Nectar, and Adipose Timber Sales. AFRC member Hull-Oakes Lumber purchased the Adipose Timber Sale in May.

The Aloha Trout Project is governed by the NCO RMP and Cascadia Wildlands' complaint is clear that this lawsuit is an attack on the NCO RMP. Cascadia Wildlands alleges that the NCO RMP, adopted during the Obama Administration, was a "rule" that the BLM was required to submit to Congress for approval under the CRA. In subsequent press releases, Cascadia Wildlands has compared its lawsuit to recent use of the CRA to invalidate Biden-era land management plans in Alaska, North Dakota, Montana, and Wyoming. Because the BLM did not submit the NCO RMP to Congress in 2016, Cascadia Wildlands alleges that the NCO RMP is invalid. According to Cascadia Wildlands, the 1994 Northwest Forest Plan remains the only valid and controlling land management plan because it predated the enactment of the CRA. Based on that logic, Cascadia Wildlands alleges that the BLM violated the Federal Land Management and Policy Act because the Aloha Trout Project is not consistent with the Northwest Forest Plan. Cascadia Wildlands seeks broad relief from the Oregon District Court and asks the Court to: (1) to declare that all site-specific authorizations issued pursuant to the NCO RMP are null and void and, as a legal matter, were never issued; (2) postpone the effective date of all site-specific

authorizations pursuant to the NCO RMP; and (3) enjoin any action under a site-specific authorization under the NCO RMP.

Cascadia Wildlands previously attempted to invalidate the BLM's 2016 RMPs, but the Ninth Circuit upheld the RMPs in *Rivers v. Bureau of Land Mgmt.*, 815 F. App'x 107 (9th Cir. 2020). Cascadia Wildlands' second attempt to undermine the BLM's decade-long approach to managing O&C Lands is troubling for many reasons—the least of which is that Cascadia Wildlands seeks to bring BLM's management of its lands to a standstill as we continue facing dangerous fire seasons. Given the broad ramifications of this challenge, AFRC is closely monitoring this case on behalf of its members. /Greg Hibbard

## **Magistrate Judge Amends its Remedy Recommendation in the Integrated Vegetation Management for Resilient Lands Project Challenge**

On July 1, Magistrate Judge Clarke [granted](#) a motion to clarify his Findings and Recommendation (F&R) on the remedy in the consolidated challenge to the programmatic Integrated Vegetation Management for Resilient Lands Project (IVM Project) and the site-specific Late Mungers Project, located in the Bureau of Land Management's (BLM) Medford District. *See Klamath-Siskiyou Wildlands Ctr. et al. v. U.S. Bureau of Land Mgmt. et al.*, Nos. 1:23-CV-00519-CL, 1:23-CV-01163-CL (D. Or.). Plaintiffs Klamath-Siskiyou Wildlands Center, Cascadia Wildlands, Oregon Wild, Soda Mountain Wilderness Council, and Applegate Siskiyou Alliance filed a joint motion to clarify that the recommended remedy would vacate all commercial logging under the IVM Project. AFRC and the Association of O&C Counties are jointly participating as Defendant-Intervenors. *See [June 2024 Newsletter](#)*.

The IVM Project authorizes 4,000 acres of commercial harvest annually (with a 20,000-acre maximum)—17,000 acres of which will occur within Late Successional Reserves (LSRs) over a 10-year period via a variety of prescriptions. On the merits, Judge Clarke determined that the BLM violated the Federal Land Management and Policy Act (FLPMA) and the National Environmental Policy Act (NEPA). With respect to FLPMA, Judge Clarke concluded that the BLM's decision to authorize commercial logging under two specific prescriptions—the Ecosystem Resilience-Open and Ecosystem-Resilience Intermediate prescriptions—was inconsistent with the 2016 Resource Management Plan's 20-Year Standard for the northern spotted owl. Judge Aiken later adopted Judge Clarke's Findings and Recommendation on the merits.

Following additional briefing and a hearing, Judge Clarke issued his Findings and Recommendation on the remedy on March 31. *See [April 2026 Newsletter](#)*. Judge Clarke recommended vacating in part the IVM Environmental Assessment, Decision Record, and Finding of No Significant Impact and vacating in part the Late Mungers' Decision Record and Determination of NEPA Adequacy. Judge Clarke stated that “this vacatur should be limited to the commercial logging portions of the Open and Intermediate treatments in LSRs.”

Following that recommendation, Plaintiffs filed a joint motion expressing concern that the BLM and Defendant-Intervenors would interpret the recommendation to allow commercial logging outside of the Open and Intermediate treatments. Three months later, Judge Clarke agreed that clarification was appropriate and stated that his intention was “to recommend vacatur of the commercial logging portions” of the IVM Project. Accordingly, Judge Clark [amended](#) his Findings and Recommendation to reflect that “this vacatur should be limited to the commercial logging in LSRs,” allowing only the non-commercial portion to proceed.

AFRC is disappointed that Judge Clarke expanded his remedy recommendation to all commercial treatments. Objections to Judge Clarke’s F&R are due on July 15 and will be reviewed by Judge Aiken.  
/Greg Hibbard

### Draft EIS for the Blue Mountains Forest Plan Revision Released

The Forest Service has released the Draft Environmental Impact Statement (DEIS) for the Blue Mountains Forest Plan Revision. The revision process, which will result in new Land Management Plans (LMP) for the Malheur, Umatilla, and Wallowa-Whitman National Forests, started in 2023. Current plans for each Forest are over 35 years old and multiple changed conditions over that period warrant a revision.

The DEIS follows the publication of the Draft LMP last August, which notably included diameter limits similar to those currently in the Eastside Screens. The Forest Service has acknowledged the conflicts between these diameter limits and attainment of desired end results and most recently attempted to address those arbitrary limits across all eastern Oregon National Forests in a 2021 Amendment. That Amendment was challenged and reversed by a District Court in 2024. The Proposed Action in the DEIS omits diameter limits as well as other components of the Eastside Screens. Diameter limits are retained in the other action alternative (Alternative 3).

The Proposed Action also assumes the removal of the Roadless Rule restrictions, which would open approximately 722,000 acres across the three National Forests for active management. The Forest Service initiated a rulemaking process in August 2025 to rescind the 2001 Roadless Rule and is in the process of developing an EIS to assess the impacts of a rescission.

The management paradigm outlined in the DEIS is largely driven by the Desired Conditions described for five forest structural stages across three vegetation groups. Management activities would be designed to bring forest conditions within the “desired ranges” outlined in the table below:

Potential Vegetation Group	Stand Initiation	Stem Exclusion	Understory Reinitiation	Old Forest Single Story	Old Forest Multi-Story
Cold upland forest	20-45%	15-30%	10-25%	5-20%	10-25%
Moist upland forest	20-30%	20-30%	15-25%	10-20%	15-20%
Dry upland forest	15-30%	10-20%	0-5%	40-65%	1-15%

While it’s refreshing to see the omission of arbitrary diameter limits, it is notable that the DEIS only includes Guidelines, Desired Conditions, and Management Approaches specific to the “old forest” structural stages. Absent from the DEIS are any such directives related to the other three structural stages.

Projected timber outputs increase under both action alternatives. The Probable Timber Sale Quantities identified in the DEIS for each alternative are shown below in MMBF.

Probable Timber Sale Quantity			
	Current Plan	Proposed Action	Alternative 3
Malheur	46	163	66
Umatilla	24	76	34
Wallowa-Whitman	38	125	61

The Forest Service is accepting comments on the DEIS through September 30. All documents related to the plan revision, including the DEIS, can be found [here](#). The next step in the revision process will be a Final EIS and the initiation of the Objection process. /Andy Geissler

## AFRC Visits Montana Forests

During the week of June 22-26, AFRC staff and members visited four National Forests and several projects being planned for the coming years. Three of the four projects are being planned or implemented by the Montana Department of Natural Resources and Conservation (DNRC) under the Good Neighbor Authority (GNA).

We visited two projects on the Lolo National Forest. The Flat Mosquito Project on the westside of the Forest and the Monture McCabe Project on the eastside of the Forest. Both projects will be offered by DNRC through GNA. The Forest Service will prepare the NEPA analysis for the 5,800-acre Flat Mosquito project area and DNRC will do the layout and implementation. The project area is very close to the Thompson Falls community and the Forest Service hopes to treat 2,700 acres. The Monture McCabe Project lies east of Seeley Lake, and much of the project work will involve treating lands that weren't burned in the devastating 2017 Rice Ridge Fire. This is a much larger project with 3,543 acres being planned for commercial harvest and 13,388 acres of non-commercial work. The layout and implementation will be done by DNRC under GNA.

The meeting on the Flathead National Forest focused on the use of Designation by Prescription (DxP), how virtual boundaries are being used, and also how the Forest is salvaging blowdown from last winter's windstorms. Following a meeting at the Hungry Horse Ranger District Office the group traveled to a unit that had been logged and discussed how the "Digital Boundary Implementation Guide" will be used for virtual boundaries as well as DxP. The second stop was to an area with heavy blowdown of mostly spruce, and the discussion focused on the District's approach to preparing salvage sales. The Forest has already sold about 5 MMBF of blowdown, with more expected.

Group Discussing Flat Mosquito-Lolo N.F



Fairview Summit Project-Kootenai N.F.



On the Kootenai National Forest we visited the Fairview Summit Project. This area is within the large joint Shared Stewardship landscape signed last year between the Forest Service and the State of Montana. This project is unique because it will be the first one in Montana where the DNRC identifies a landscape needing treatment, completes the NEPA analysis, followed by implementation. It's categorized as a "cradle to grave" type project with DNRC handling the entire project under GNA. It's exciting to see

DNRC take on all aspects of this project and AFRC will be encouraging other states to consider this approach. The Kootenai also had large swaths of blowdown and to date have identified 12-14 MMBF of salvage to be harvested.

The week ended with a trip to the Beaverhead-Deerlodge National Forest where we looked at the Bull Creek Vegetation Project. The stands in this area are mostly over-aged lodgepole with a fair amount of mortality starting to occur. There are 2,700 acres identified for commercial harvest using tractor skidding, and another 1,800 acres planned for optional tethered logging. Total volume for the project has been estimated at 33 MMBF. Timber sales from this area will be offered in Fiscal Years 2028-2031. Due to the age of the lodgepole much of the area will be treated using regeneration harvests because of mortality due to insects and disease.

AFRC would like to thank the Forests for hosting the field trips and for the good information and discussions that took place. There is a lot of needed work taking place on these and other Forests in Montana and we appreciate those efforts which will help make our Forests healthier and provide the needed raw materials to our members' mills. / *Tom Partin & Andy Geissler*

## **Tenth Circuit Rules that the Challenge to Two Utah National Monuments Can Continue**

On June 23, the Tenth Circuit, in a 2-1 divide panel, [vacated in part](#) the district court's dismissal of a challenge involving two Utah national monuments—the Grand Staircase-Escalante and the Bears Ears National Monuments. The district court had found that the doctrine of sovereign immunity forbade the court from reviewing President Biden's expansion of the two national monuments under the Antiquities Act and found that Plaintiffs the State of Utah et al. (Utah) lacked standing. AFRC and Pacific Legal Foundation filed a joint *amicus curiae* brief in support of Utah. See [November 2023 Newsletter](#).

Utah's challenge against President Biden's expansion of the Grand Staircase-Escalante and Bears Ears National Monuments falls into two categories. First, Utah brought ultra vires claims, arguing that the President's Proclamations exceeded the President's statutory authority by designating things other than "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" as national monuments, and by ignoring the Antiquities Act's requirement that the President reserve only the "smallest area compatible" to preserve the objects mentioned in the Proclamations. Second, Utah argued that the agency defendants violated the Administrative Procedure Act by implementing the Proclamations because the President exceeded his authority under the Antiquities Act.

Judge Carson authored the majority decision and held that the district court erred in dismissing Utah's claims because it based its determinations on a flawed view of the sovereign immunity doctrine's ultra vires exception. The majority found that the district court erred in determining that Utah alleged the President simply "misused his authority, not that he lacked it."

The majority also found that Utah alleged that the President designated things as national monuments that were not "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" and set aside more land than necessary to protect them. The majority noted that the "smallest area compatible" requirement is not committed to the President's discretion because "Congress's directive to limit the parcels is couched in mandatory language—the limits of the parcels *shall* be confined to the smallest area compatible with the proper care and management of the objects to be protected."

Ultimately, the majority found that judicial review was available under Utah’s ultra vires claims but declined to address the merits and, instead, remanded “for the district court to interpret the scope of the Antiquities Act’s limitations in the first instance and decide whether Plaintiffs have plausibly alleged that the President’s actions exceeded those limits.” In a footnote, the majority also found that Utah had standing to bring their claims.

On remand, the district court will need to interpret the scope of “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” and whether Utah “plausibly alleged that the President acted ultra vires by declaring as monuments objects outside of that scope.” The district court will also need to interpret the scope of the “smallest area compatible,” which no appellate court has addressed to date. AFRC plans to monitor this case closely as it progresses.

AFRC thanks Frank Garrison with Pacific Legal Foundation for his assistance in this matter. /Sara Ghafouri

### FY26 Eeks Out a Second Place Finish for Worst Sold Volume in 22 Years

The close of Fiscal Year 2026 timber sales offered by the Washington State Department of Natural Resources (DNR) came to a close on June 30. And with that, DNR ended with the second-worst sales volume totals in 22 years, just barely beating out Fiscal Year 2024 by 0.005 percent, or just 2,149 MBF ahead of FY24 (see Fig. 1). This has also left the management funds that pay for DNR’s work managing the trust lands at abysmal levels.

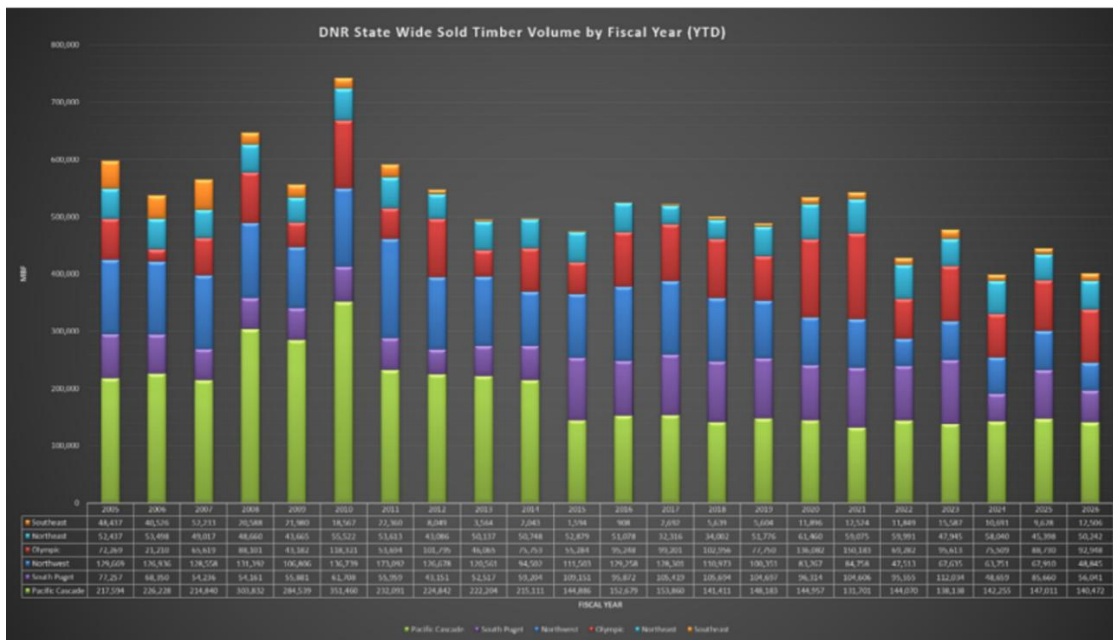


Fig. 1 - DNR Sold Timber Sale Volume by Region. Source: Data from DNR Auction Results Reports

DNR staff told the Board of Natural Resources (BNR) last July (see Fig. 2) that the Department intended to sell 580 MMBF in Western Washington and an additional 61 MMBF in Eastern Washington, for a total of 641 MMBF statewide in FY26. At the close of the fiscal year, DNR offered only 403.74 MMBF and sold 401.07 MMBF, missing their target by 239.93 MMBF or roughly a 37 percent shortfall.

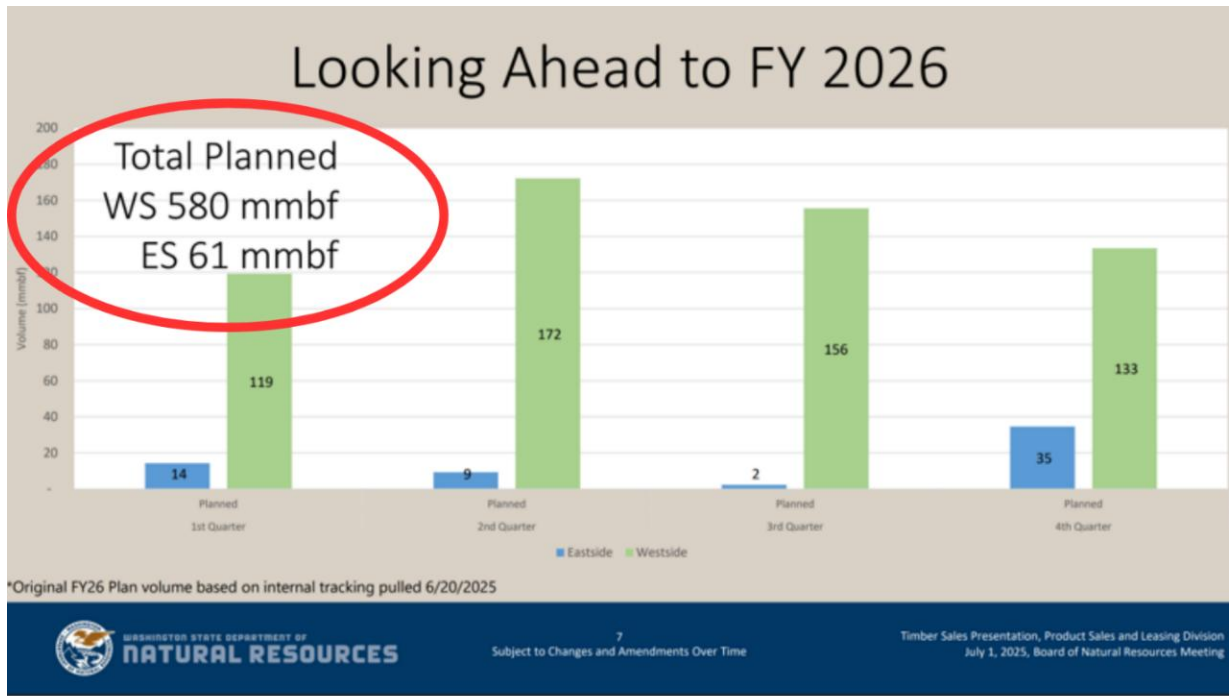


Fig. 2 - DNR FY 2026 PLanned Volulme 7/1/2025  
Source: Timber Sale Presentation 7/1/25 BNR Meeting

Digging a little deeper shows that most of the shortfall occurred in Western Washington, where DNR has been dealing with loud opposition to some timber sales by the political supporters of Public Lands Commissioner Uptegrove. This opposition is based on “campaign promises” the Commissioner made to these non-beneficiary supporters regarding the stopping of logging on State Trust Lands. While DNR exceeded its initial Eastern Washington target by 2 MMBF, it fell short in Western Washington by 241.69 MMBF, or 42 percent below what they told the Board last July.

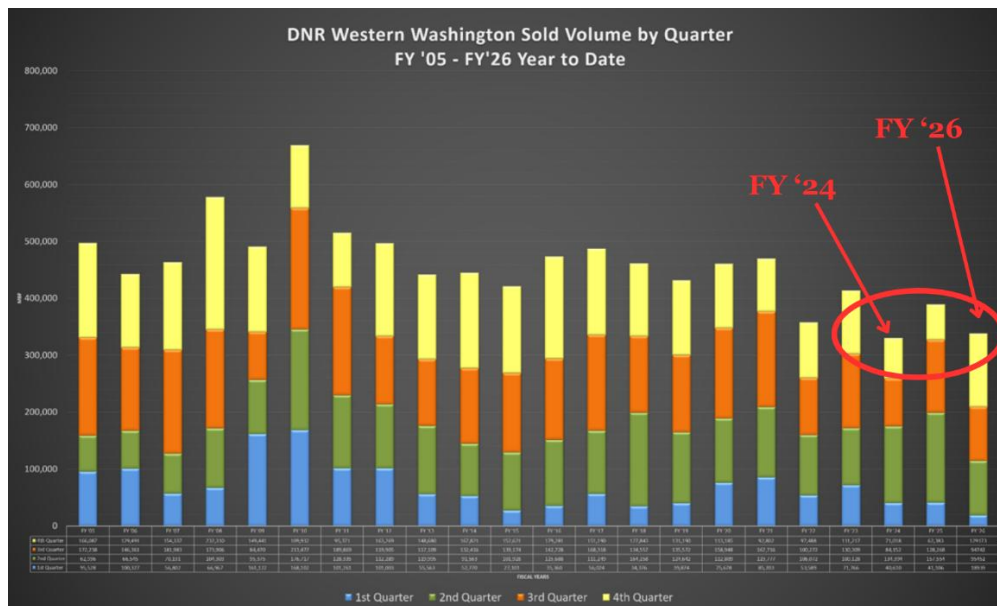


Fig. 3 - DNR Western Washington Sold Volume FY '05 to FY '26  
Source: DNR Auction Results Reports

As shown in the chart above (see Fig. 3), fourth-quarter sales volume surged, lifting FY26 from the worst performance in 22 years to the second-worst. On the surface, this looks like a positive ending to the Fiscal Year; however, the value of those sales may mean future challenges to the Department. The June auction averaged only \$258.57/MBF for Western Washington timber sales, while April and May averaged \$308.52/MBF and \$369.67/MBF, respectively. All three months were bolstered by some sales that brought significant overbids. Lower stumpage rates, coupled with only 31% and 36% of the total sold volume for April and June sales, benefit the “01-Trust” (State Forest Transfer), which may still mean challenges are ahead for the Forest Development Account (FDA), that we wrote about in the [March 2026 Newsletter](#).

For a statewide comparison of average stumpage values, FY26 ended with an average stumpage value of \$298.10/MBF. For Fiscal Years 2022, 2023, 2024, and 2025, the statewide stumpage averages were: \$418.57/MBF, \$389.28/MBF, \$343.70/MBF, and \$407.05/MBF, respectively. While FY26 ended with the second-worst volume sold, it also recorded the lowest average stumpage value since FY22 at \$45.6/MBF, below the next-lowest year.

DNR will present 14 sales (originally planned 16, but two were removed prior to the July 7 meeting) to the Board for approval for the August and September auctions. Nine sales for 40.5 MMBF, with an appraised minimum bid value of \$10.2 million or \$251/MBF are for the August auction. Five sales, for 18.4 MMBF, with an appraised minimum bid value of \$4.9 million, or \$269/MBF are for the September auction. It is unlikely that DNR will set a first-quarter record for offered volume with these volumes, but it is a significant improvement in volume over last year. However, the relatively low appraised stumpage values may still set records and bring financial challenges to both DNR and the defined beneficiaries it serves. */Matt Comisky*