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## **Wyden Draft Bill**

On April 16, Senator Ron Wyden's (D-OR) Chief of Staff Josh Kardon unveiled a discussion draft of the Oregon Forest Restoration and Old Growth Protection Act while addressing AFRC's Annual Meeting.

The bill would permanently protect Oregon's remaining old growth and restore forest health by mandating that each national forest and BLM district design a large scale (up to 25,000 acres) forest restoration project through a collaborative process, which would protect the project from NEPA based appeals. The bill is a 62-page overlay of existing statutory and regulatory requirements, including the National Forest Management Act, the O&C Counties Act, the Northwest Forest Plan, the Eastside Screens, and the BLM's Western Oregon Resource Management Plans.

The bill's principal mechanism for old growth protection is prohibiting harvesting of the following:

- Trees 120 years and older on moist sites under the Northwest Forest Plan (NWFP.)
- Any trees in stands currently "dominated by" trees over 120 years on moist sites under the NWFP.
- Trees 150 years and older on dry sites under the NWFP.
- The same restrictions would apply to the BLM's O&C lands, although the harvest of trees up to 160 years would be permitted in lands formerly designated as matrix under the NWFP.
- Trees greater than 21 inches diameter breast height, and pine trees under 21" that have Keen class 3 or 4 crowns for the forests of eastern Oregon outside of the NWFP area.

Under the bill, old growth is defined by the age of individual trees not by stand characteristics. This would make forest management nearly impossible because it would require the accurate determination of the age of individual trees, by increment boring at ground level.

Although the bill is aimed at improving forest health, it is likely to have the opposite result due to the widespread restrictions on stands that can be managed, confusing terminology and overlapping requirements on top of the one-size fits all age restrictions. The bill would also mandate an untested hypothetical silvicultural system on federal lands (ecological forestry) and relies on subjective and varied plant association groups to differentiate between dry and moist forest sites.

Existing timber sale contracts would also be affected by the bill. Purchasers would have 120 days after the passage of the legislation to elect whether to fulfill the contract under the terms of the bill or seek contract termination.

AFRC submitted formal comments that outlined our belief that the overlapping and subjective nature of the restrictions included in the bill render it unimplementable. We also expressed our concerns about the impact the legislation could have on the BLM's new management plans. Under the proposed bill, that harvest level is likely to fall from 502 million board feet (mmbf) to between 100 and 150 mmbf annually.

AFRC's comments also indicated a strong desire to work with the Senator's office to promote policies that protect old growth forests and improve forest health conditions across Oregon.

*/Tom Partin*

## **Climate Battles**

A series of intense hearings and debates have occurred during the past few weeks between Democrats and Republicans on the House Energy and Commerce Committee over the controversial American Clean Energy and Security Legislation introduced by Representatives Henry Waxman (D-CA) and Ed Markey (D-MA). At the heart of the issues in the 650 page bill are unanswered questions about the cost and impact of renewable energy mandates, mandates for energy efficiency, an undetermined cap and tax proposal, and a transitioning section focused on forestalling possible job losses.

Republicans are criticizing Democrats because the bill imposes a national cap and tax regime that will tax every domestic energy producer for their carbon emissions, a tax which they contend will inevitably be passed on to consumers. Republicans also believe the bill does little to address the enormous loss of jobs that will ensue when U.S. industries absorb the cost of a cap and tax regime by sending more industrial production and jobs overseas. Finally, the bill creates a host of new federal mandates on other electrical usages further driving up the cost of electricity. Growing bipartisan opposition to the bill among Committee members has forced Chairman Waxman to put a Committee vote on hold.

In addition to the Energy and Commerce Committee hearings two other House Committees are working on separate pieces of the climate puzzle. The House Science Committee is moving forward with plans to write legislation that would create a new National Climate Service at the National Oceanic and Atmospheric Administration, as well as, provisions to monitor and measure greenhouse gases and adaptation efforts. Also, the House Natural Resources Committee is considering a bill that would require federal, state, and tribal agencies to use the best available science to develop adaptation plans and work alongside local groups and private landowners to identify and safeguard vulnerable ecosystems.

### ***Local Field Hearing***

On April 20, the House Committee on Science and Technology, Subcommittee on Energy and Environment held a panel discussion entitled "*The Role of Forest Products in Solving the Nation's Energy and Climate Changes.*" The Committee discussion was chaired by Representative Brian Baird (D-WA) and took place in Vancouver, Washington. The purpose

was to inform Committee participants about the vast potential of forestry in developing and deploying clean, renewable energy sources in the Pacific Northwest.

One big question yet to be resolved regarding forests as a source of biomass is a clear definition of what constitutes renewable biomass for the purposes of renewable energy and renewable fuel mandates. The current definition of renewable biomass that was included in the 2007 Energy Bill excludes woody biomass from all federal lands and many non-industrial private forests. There are currently at least four definitions of renewable biomass that could be used in pending climate and energy legislation.

This topic was highlighted during a House Energy and Commerce Committee hearing on April 23 when Representative Greg Walden (R-OR) quizzed former Vice-President Al Gore about using biomass from federal forests. Unfortunately, the former Vice-President was ill-prepared to answer the question and apparently hasn't improved his knowledge of western federal forests since leaving office. Both Representative Baird and Representative Walden have been forceful advocates for the role forests have to play in meeting our nation's renewable energy production and Greenhouse Gas emission reduction efforts. / *Tom Partin*

### **Feinstein Requests Projects Release**

On April 10, Senator Dianne Feinstein (D-CA) met with members of the Quincy Library Group (QLG) and Forest Service. The purpose of the meeting was to discuss how timber sales in a three national forest area could be released for sale. Currently, there are 10 projects that appear to have been self-enjoined by the Forest Service and not by the courts. The Forest Service and Sierra Forest Legacy (SFL) have apparently come to an agreement that prior to advertising any of these sales; the Forest Service would provide them with a 21 day notice. This has all been a result of SFL's litigation on several QLG designed projects. These projects had been cleared by Judge England of the Eastern District Court of California, but one of the three projects was later given an adverse decision from the Ninth Circuit Court of Appeals.

Overall the apparent "list" of projects that the Regional Forester and Office of General Council have agreed to internally enjoin affects six national forests in Region 5, totaling 11 projects and 31 contracts. Only one of these projects is currently in litigation. For the most part, these projects have had NEPA decisions in place for two years. The associated volume of the 10 projects being held up totals 141.6 mmbf.

Within the QLG area, there are currently four projects that have been delayed; and two of those projects are still under litigation. The projects represent 13 timber sales with an estimated 70 mmbf of sawlogs and 127 thousand bone dry tons (mbdt) of biomass. In addition, two of the three projects are still being held, even though both Judge England and the Ninth Circuit ruled in favor of the Forest Service. Those two projects have seven sales, with 23 mmbf of sawlogs and 64 mbdt of biomass.

Senator Feinstein suggested the Forest Service release the projects and notify SFL of their action. At a recent QLG meeting the Forest Service stated that, "if they didn't, the Senator indicated that the Forest Service must not believe in their own work." It does appear that the Forest Service is now in the process of releasing some of the sales in preparation for bidding. / *Bill Wickman*

## **True Cost of Wildfire**

On April 23, the Western Forestry Leadership Coalition released a report on The True Cost of Wildfire in the Western U.S. The report demonstrates that the true costs to society from large wildfires are much greater than simply the costs of suppressing the fire. The report also highlights that actions to reduce the impacts of wildfires are not only good for the environment, but good for the economy.

The report looked at six major western fires between 2000 and 2003 and tabulates costs broken down by suppression costs, other direct costs, rehabilitation costs, indirect costs, and additional costs. For example, the Cerro Grande fire in New Mexico that started as a prescribed fire had suppression costs of (in millions) \$33.5, other direct costs \$864.5, rehabilitation costs \$72.389, and no available figures for indirect and additional costs. Therefore, the suppression costs were 3 percent of the total costs.

Investments in treating forests will never eliminate wildfires but it's widely recognized these treatments reduce fire hazard and severity by improving forest health and resiliency. The report cites the increasing portion of the Forest Service's budget directed to fire suppression while hazardous fuels funding in fiscal year 2007 was only 14 percent of total appropriated funds. Citing a 2006 analysis by the Washington Department of Natural Resources that found the benefits of treating medium and high risk stands exceeded costs by \$1,000 to \$2,000 per acre, this report calls for increased investments in healthy forests. For a copy of the report, visit: [http://www.wflccenter.org/news\\_pdf/324\\_pdf.pdf](http://www.wflccenter.org/news_pdf/324_pdf.pdf)

The Western Forestry Leadership Coalition (WFLC) is a state-federal partnership consisting of western state and territorial forestry agencies and the Forest Service: western Regional Foresters, Research Station Directors, and the Forest Products Lab Director. Their mission is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests. For more information please visit [www.wflcweb.org](http://www.wflcweb.org). /Chuck Burley

## **Consultation Rule Pulled**

On April 28, Interior Secretary Ken Salazar and Commerce Secretary Gary Locke announced that the two departments were revoking the Endangered Species Act Section 7 consultation rule that was finalized by the Bush Administration in December 2008. The December rule would have permitted management agencies to avoid consultation with the fish and wildlife agencies if projects they were planning were not likely to affect endangered species.

In March, President Obama directed the Secretaries to review the previous administration's Section 7 regulations, which govern interagency consultation. Congress also included language in the 2009 Omnibus Appropriations Act that permitted the Secretaries to revoke the regulations with no opportunity for public comment and review. Secretaries Salazar and Locke have announced that their departments will conduct a joint review of the 1986 consultation regulations to determine if any improvements should be proposed. /Tom Partin

## **Sustainable County Revenue Bill**

On April 27, Senator Jeff Merkley (D-OR) introduced the Sustainable Revenue for Oregon Counties Act. The bill establishes a 15-member task force to study and recommend solutions to the fiscal problems faced by Oregon's timber-dependent counties. The task force would include representatives from the O&C counties, forest products industry, Indian tribes, organized labor, environmental groups and the governor's office, as well as, experts in natural resources economics, sustainable forestry, biomass energy, ecosystem services and biodiversity.

The task force will develop specific proposals for long-term, stable revenue for Oregon's counties, including opportunities such as timber harvesting, biomass removal, ecosystem services and recreational activities on federal forest lands, as well as the continuation of federal payments such as those made in lieu of property taxes. Merkley expressed concern over the "gaping holes in county budgets" that could result after currently authorized county payments end in 2011.

The task force would have nine months from the date of enactment of the bill to recommend at least two proposals to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee, which in turn would hold public hearings on the task force's recommendations. A copy of the bill is available at: <http://thomas.loc.gov/cgi-bin/query/z?c111:S.901>: /*Ann Forest Burns*

## **Ninth Circuit Upholds Nine Projects**

On April 17, the Ninth Circuit Court of Appeals upheld a decision by Montana District Court Judge Donald Molloy in favor of the Forest Service and against the WildWest Institute. The decision repeatedly cites last summer's *en banc* decision in the Mission Brush case (now called *Lands Council II* by the courts.) The case involved nine projects on the Kootenai National Forest, which WildWest challenged claiming violations of the National Forest Management Act (NFMA) and NEPA. Judge Malloy refused to issue an injunction and granted summary judgment.

Deciding claims made under NFMA, the court refused to upset the Forest Service's own judgment as to what constitutes "best available science," the manner in which the Forest Service had determined stand size and effectiveness of old growth stands, and the manner of determining whether a project is likely to maintain species viability. The court supported the agency's methods and science.

The court also refused to consider allegations by WildWest that challenged forest-wide management practices without tying those challenges to site-specific projects because forest-wide projects and monitoring efforts are not final agency actions. That issue had been raised before the District Court by forest industry and local government intervenors. /*Ann Forest Burns*

## **Coho Status Review Announced**

On April 29, the National Marine Fisheries Service (NMFS) published a notice in the Federal Register announcing a status review of whether the Oregon coastal coho salmon should continue to be listed as threatened under the Endangered Species Act (ESA).

The review is the result of the settlement of a lawsuit filed by AFRC, Douglas County, Carpenters Industrial Council and Andrew P. Kittel and Kelly Kay Kittel Trusts challenging the February 11, 2008 decision by NMFS to list the coho, which it considers a distinct population unit under the ESA.

The public comment period ends July 28. If NMFS determines that a change in listing is warranted, there will be another announcement in the Federal Register and public comment period. The current threatened listing will remain in effect during the review. A copy of the Federal Register notice can be found at <http://edocket.access.gpo.gov/2009/E9-9823.htm> /*Ann Forest Burns*

## **Fire and Climate Change**

A report published in the April 29 edition of *Science* discusses fire's role in global warming and climate change and how this role has been underestimated. For example, deforestation due to burning by humans has contributed about one-fifth of the human-caused greenhouse effect according to the authors. In addition, all fires combined release an amount of carbon dioxide equal to 50 percent of that attributable to the combustion of fossil fuels.

The report's 22 authors from around the globe call for the Intergovernmental Panel on Climate Change to recognize the role of fire in climate change and to incorporate this in future models and reports. For more information, visit: <http://www.sciencedaily.com/releases/2009/04/090423142332.htm> /*Chuck Burley*

## **DNR's Quilcene Saga**

DNR has struggled for two years with a controversial area known as Dabob Bay, which is south of Port Townsend. First, the E. Fork Tarboo timber sale was appealed and put on hold. Next a less-than-perfect proposal to expand protection of adjacent lands became controversial and continues to be so. Now a separate, well-intended land trade/consolidation in the same area is also becoming controversial.

The Dabob Bay conflict is rooted in boundary lines drawn as much to protect DNR from controversy as they are to protect sensitive, slide prone areas. Dabob Bay is an example of a trust lands transfer program in need of a thorough review of procedures and goals – an excellent example of a well-intentioned program gone too long without a thorough examination.

The trust land exchange and consolidation is a common sense proposal that blocks up timberlands for both sides of the exchange. However, Jefferson County Commissioners do not grasp the importance of their own trust lands' ability to generate revenue, even while the local secondary taxing districts are desperate for revenue and are making their own case to DNR to enhance revenue production. /*Bob Dick*

## **Supplemental Fire Dollars**

On May 4, the 2009 war supplemental spending bill was unveiled in the House of Representatives and includes \$250 million for fighting wildfires. The House Appropriations Committee will mark up the bill on May 7. The bill provides \$200 million for the Forest Service

and \$50 million for the Department of Interior, as requested by the Obama Administration, for wildfire suppression and emergency rehabilitation of burned areas.

To access these funds all other firefighting appropriated dollars would have to be “exhausted imminently” and the House and Senate Appropriations Committees would have to be notified in writing. The total dollars aren’t rigidly designated; an additional \$50 million of the Forest Service total could be transferred to Interior if needed; likewise, Interior may transfer all of part of its money to the Forest Service.

For the past several years, both the Forest Service and Department of Interior have had a significant number of catastrophic wildfires that have tapped out wildfire suppression dollars necessitating the transfer of hundreds of millions of dollars from their other programs to cover extra firefighting costs, causing major disruptions to its other priorities.

President Obama has also included complementary funding in his 2010 budget, which proposes to create a fund that would be tapped only if federal agencies exhaust regularly budgeted money for wildfires. The proposed reserve fund would include \$75 million for Interior and \$282 million for the Forest Service. The fund would be tapped into after the \$1.1 billion appropriated 10-year average runs out. / *Tom Partin*

## **Olympic Meetings Scheduled**

A small group of local people recently joined with the Olympic National Forest to schedule a series of informational meetings to inform local citizens about the Olympic, what is happening, how local citizens can be more involved and influence management of “their” forest. The meetings are scheduled for:

May 11	Port Angeles Port Chambers
May 12	DNR Conference Room, Forks
May 18	Rotary Log Pavilion, Aberdeen
May 19	Colonial House, Shelton

All meetings begin at 6:30 p.m. We encourage all Olympic Peninsula citizens to join us to hear about the Olympic and offer their views on what is important to them on the forest. For more information, please contact AFRC’s Olympia office or Donna Nemath, Olympic Public Affairs staff at 360-956-2274. / *Bob Dick*

## **Jay Jensen**

On April 22, Agriculture Secretary Tom Vilsack named Jay Jensen as the new Deputy Undersecretary for Natural Resources and Environment. Jensen has been the executive director of the Council of Western State Foresters and the Western Forestry Leadership Coalition, a partnership with state and federal forestry leaders.

He has a master’s degree in forestry from Colorado State University, and previously worked on the Western Governors’ Association’s biomass energy program and was a lead forestry adviser for the House Agriculture Committee during the 2002 farm bill.

Vilsack outlined the administration's goals that Jensen would be working on which includes; addressing forest fires, climate change, and the development of new energy sources from forest lands. / *Tom Partin*

## **Confirmations**

The nominations of two individuals seeking confirmation to high-level positions in the Department of Interior have seen action in recent days. On April 30, Thomas Strickland, who was nominated by President Obama to serve as Assistant Secretary of the Interior for Fish, Wildlife and Parks was confirmed by the Senate by a vote of 89-2.

On the same day, it was announced that David Hayes, who has been nominated for the position of Interior Deputy Secretary, had a "hold" placed on his nomination by Senators Bob Bennett (R-UT) and Lisa Murkowski (R-AK). Hayes' appointment is being held up because of concerns about Utah oil and gas leases that the Obama Administration canceled in February. Bennett, speaking at an Energy and Natural Resources hearing said that the Department of Interior has not completed their review of the leases to justify the Secretary's decision to pull them, and until that is completed he will maintain his hold on Hayes' confirmation. Murkowski added her name to the hold because she doesn't believe the department has acted in a transparent manner in denying the gas and oil leases. Interior Secretary Ken Salazar has planned a trip to Utah to possibly address some of Bennett's concerns. / *Tom Partin*

## **CLASS Convenes in July**

The Children's Land Alliance Supporting Schools (CLASS) will hold their annual meeting on July 11-14 in Seattle. AFRC Vice President Ann Forest Burns is a featured speaker. CLASS is an organization of mostly educators that exists to protect trust land productivity and to better inform the public about western trust lands and their importance to schools. Pacific Northwest states' trust lands produce substantial revenue mostly from timber harvest but interior western states' trust lands generate truly significant revenue from gas, oil and mineral extraction. For more information contact AFRC's Olympia office. / *Bob Dick*

## **Frederick Robert Krauss: 1932-2009**

Fred Krauss passed away on April 30. He was born May 1, 1932, in Grants Pass. He served in the Army and was stationed in Germany.

He co-owned Rough and Ready Lumber Company and was a partner in Indian Hill, LLC. He enjoyed spending time at his home in Gold Beach. He also enjoyed trap shooting, yard sales, collecting memorabilia, exploring the countryside, history, telling stories and jokes and sharing his hand-drawn "Fred Side" cartoons.

He is survived by his children Sandra Krauss-King, Kurt Krauss and Cory Krauss; his brother John Krauss; four grandchildren and one great-grandson. / *Tom Partin*