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Court's Ruling in O&C Case a Victory for Oregon's Rural Communities

Portland, OR - A federal district court in Washington, D.C. yesterday handed down a key victory for Southwest Oregon communities that are entitled to sustained yield timber harvests from Oregon and California Railroad Grant Lands administered by the Bureau of Land Management (BLM). While this decision is focused on the O&C lands in Southwest Oregon, it has positive implications for communities throughout Western Oregon.

U.S. District Judge Richard Leon ruled the BLM failed to comply with timber harvest requirements under the federal O&C Act. The judge ordered the BLM to offer timber sales on its Medford and Roseburg Districts to the level identified under its existing resource management plans. In applying the O&C Act, the ruling confirms the agency is required to follow sustained yield timber harvest requirements that guide the management of over 2 million acres of O&C timberlands in Western Oregon.

“This case is a victory for rural Oregonians who’ve been suffering through 20 years of gridlock on our federal forests,” said Tom Partin, President of the American Forest Resource Council (AFRC), one of the plaintiffs in the case. “We’ve been trying for years to get the BLM to comply with the law when it adopts a resource management plan. The judge confirmed the requirements under the O&C Act are clear, and they can’t be ignored by agency officials or interest groups who might wish to sever their connection with our rural, forested communities.”

Partin said the ruling will generate new economic activity in rural communities while producing new revenue for cash-strapped county governments. However, he said federal agencies must take additional action to assure increased sustained yield harvests across all BLM districts.

In the Medford District, for example, the timber sale program under the ruling would increase to 57 million board feet, up from the Fiscal Year 2013 level of 19 million board feet. For the Roseburg district, the level would be increased to 45 million board feet, up from Fiscal Year 2013 level of 29 million board feet. These harvest levels are just a small percentage of the annual growth volume of timber on these lands. The BLM lands in Western Oregon have 73 billion board feet of standing volume. These timberlands are capable of growing 1.2 billion board feet per year. The O&C Act clearly mandates that this entire growth be offered for sale each year.

Partin said the industry will continue to push the agencies, through the courts if necessary, to fully implement the O&C Act. Partin added that every million board feet of timber harvested

supports 11 forest sector jobs and an equal number of indirect jobs, such as car dealerships and grocery stores.

“Sustainable timber management on the O&C lands is not only required by law, it’s critical to the health and economic well-being of our forests and our rural communities,” Partin said.

“Increasing sustained yield harvests will create more family wage jobs and lift more Oregonians out of poverty. This ruling is a major step toward a permanent and comprehensive solution for managing these lands and assuring timber counties survive the crisis we’re facing today.”

Partin said the ruling should be noted by Oregon’s Congressional delegation as they continue to work on legislation to increase harvests.

“This decision confirming the clear commitment made to rural Oregon communities in the O&C Act comes at a key time as the Oregon Congressional delegation continues developing legislative proposals for the BLM lands,” Partin said.

The case was filed in 2010 by Swanson Group Mfg. LLC, Rough and Ready Lumber Company, Washington Contract Loggers Association, AFRC and Douglas Timber Operators.

Unfortunately, the decision comes too late for Rough and Ready, which closed its doors in May due to a lack of available timber from federal lands.

In addition to requiring BLM to increase harvest levels, the judge also prohibited federal agencies from continuing to use a flawed method for estimating the number of owls affected by timber management activities unless they comply with the public notice and comment requirements of the federal Administrative Procedures Act.

The “Owl Estimation Methodology” is a computer model that generates virtual owls on the landscape where none actually exist. The agencies then manage around these phantom owls, which has had a major impact on timber harvest levels.

“Using a computer model that creates imaginary spotted owl home ranges and exaggerates the impact of forestry activities on these “virtual” owls that do exist is ridiculous and does nothing to protect the owl,” Partin said. “The judge did the right thing by telling the agencies they can’t use this method without subjecting it to public scrutiny, giving the public a chance to see what it’s all about.”

Another lawsuit before the same judge, filed in 2011 by AFRC and the Carpenters Industrial Council, seeks to require BLM to meet its full O&C Act obligation on all of its districts. That case has been on hold pending the ruling made yesterday.

The American Forest Resource Council represents forest product manufacturers and landowners throughout the west and is based in Portland, Oregon. www.amforest.org