

O&C counties threaten to sue BLM over timber plan

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The Association of O&C Counties plans to sue the Bureau of Land Management later this year unless the federal agency changes course on timber harvests, its members say.

The lawsuit will come once the BLM finalizes its latest management plan, expected this spring or summer, according to Josephine County Commissioner Simon Hare, vice president of the association.

Hare said on Tuesday that the law firm Stoel Rives of Portland was chosen to litigate, at the group's monthly meeting in Eugene last week.

The timber industry has battled the BLM for two decades over reduced timber harvests on 250 million acres in 18 western Oregon counties hard hit economically by the 1994 Northwest Forest Plan.

A predicted annual harvest of 500 million board feet was identified in the 1937 O&C Act, which laid out plans for management by the BLM of lands once owned by the long-defunct Oregon & California Railroad, according to Hare. Those figures haven't been met in over 20 years, as federal clean air and water regulations and other factors have led to a decline in harvests.

The preferred alternative in the draft of the BLM plan calls for harvest of 235 million board feet, and the maximum amount would be 486 million.

"Not a single one of the alternatives the BLM scoped satisfies the minimum requirement of the O&C Act," said Hare. "My belief is somewhere between the 500 million board feet minimum and the 1.2 billion sustainable yield would be appropriate."

An analysis by the association concluded that 1.2 billion board feet is the maximum sustained yield, based on tree growth, calculated in 2008.

The suit resembles one filed in 1995, the last time BLM revised management plans. It was settled in 2003 with a commitment from the BLM to do another management plan.

The Western Oregon Plan Revision finalized in 2008 would have ramped up timber harvests, but was set aside by the Obama administration.

The latest revision isn't good enough either, the timber interests say.

"We could be optimistic and think maybe the BLM is changing course and going to comply with the O&C Act, but we're preparing ourselves in case," said Rocky McVay, executive director of the association. "It's my sense that the BLM is not going to change course."

Jim Whittington, spokesperson for the Bureau of Land Management in Medford, said in an email that the O&C lands produced a 256 million board foot harvest in fiscal 2015.

He did not address questions seeking comment about the threatened lawsuit.

The issue is crucial to rural Oregon counties previously reliant on timber receipts for public services.

With harvests dwindling for 20 years, the counties have relied on subsidies, including the Secure Rural Schools Act of 2000.

Often referred to as "county payments," the act has been renewed repeatedly but the future is uncertain.

Barring a last-minute extension by Congress, the last payment of \$4.3 million will go to the fiscal year beginning July 1, Hare said.

Federal county payments to Josephine County peaked about a decade ago at more than \$12 million a year.

"We're supposed to get the last check at the end of this month, or early next month, and that's it," Hare said.

Harvests on O&C lands approached 1 billion board feet in the late 1980s, McVay said. The last time the harvest hit 500 million board feet was in the early 1990s, when protection for the northern spotted owl and other factors caused a timber decline.

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