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Counties Will Sue BLM Over New Management Plan

The Bureau of Land Management (BLM) has released its latest proposed management plan for 2.5 million acres of timberland in western Oregon. Today, 17 Counties in western Oregon announced they would challenge the plan in federal court.

"We have no choice but to litigate, and we are on firm legal ground in doing so," said Commissioner Tony Hyde of Columbia County. Commissioner Hyde is the President of the Association of O&C Counties (AOCC), which will lead the lawsuit. "The BLM refused to even consider revenues for Counties as an objective in developing its plan. There are many ways the BLM could have balanced jobs and revenues for vital County services while creating habitat for endangered species, providing clean water, recreational opportunities, and improving fire resiliency," said Commissioner Hyde. "Once again, the federal government has failed the communities where these lands are located."

The law governing management of the BLM lands states that all timberlands shall be managed for sustained yield production, with the revenues shared with Counties to help pay for public services. The law also mandates a minimum harvest each year of 500 million board feet. The BLM's final plan violates both requirements, with more than 75% of the lands locked up in permanent reserves, and a projected harvest little more than half the required minimum.

The O&C lands were once in private ownership. After the lands were taken back by the federal government, they were set aside by congress to provide permanent sustainability of the communities they border. By law, the Counties receive 50 percent of the revenues generated from the sale of timber, and the revenue pays for all kinds of public services: mental and public health, sheriff patrols, jails, libraries, social and many other services. County budgets have been decimated in recent years and several counties are on a path to insolvency, increasing crime and poverty. The BLM lands are also intended to supply timber to support employment in local mills and manufacturing. Federal mismanagement has contributed to unemployment rates in some rural counties that are nearly double the unemployment rate in the Portland area.

The BLM has been planning almost continuously since 2003, at an expense of tens of millions of dollars. A plan proposed by the BLM in 2009 was shelved by the Obama administration, which opted to begin a whole new planning process that is just now concluding. "The Counties have been involved with the BLM from the beginning as formal "cooperating agencies." As elected officials we did a lot of cooperating with the BLM, but unfortunately, the BLM did almost no cooperating with us," said Commissioner Tim Freeman of Douglas County, Treasurer of AOCC. Multiple failings of the draft plan were the subject of extensive comments and positive suggestions the Counties provided to the BLM on August 20, 2015. "There is no indication the BLM took seriously any of our suggestions," said Commissioner Freeman.

"Getting mired down in litigation is the last thing any of us wants to do," said Simon Hare, Commissioner from Josephine County and Vice-President of AOCC. "The only alternative to litigation is for Congress to act. We have diligently sought a legislative solution, but our Congressional Delegation has not been able to agree on a solution," said Commissioner Hare. "Now, it will be up to the courts to decide."

"The last two decades of ineffective management by the BLM has to stop," said Commissioner Hyde, President of AOCC. "To that end, the AOCC has retained the Stoel Rives law firm of Portland to carry out litigation on behalf of the Counties."

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