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that protect them from deportation for renewable periods of three years, while Congress comes to an agreement on immigration reform.

While not all reforestation workers are undocumented, this program would have addressed one of the reasons some workers are fearful of coming forward about wage theft, reporting injuries, exploitation and abuse.

The application process would have begun Feb. 18, but a district court judge in Texas issued an injunction that temporarily blocked the implementation process, and the U.S. Fifth Circuit Court of Appeals later upheld that injunction. Now the matter is in the U.S. Supreme Court, with a final decision expected in June.

With the recent death of Justice Antonin Scalia, a vacancy on the Supreme Court means Obama needs the vote of a least one conservative justice. Otherwise, a 4-4 tie would preserve the lower court's decision.

"If people had their immigration status, they would have more liberty," Miller said. She said many undocumented immigrants fear that if they lose their job, they might not find another one.

"The reality for many workers is that a bad job is better than no job at all," she said.

A different way of doing business

In 1995, Bey and fellow reforestation laborer Justin Cullembine, co-founded a nonprofit called the Lomakatsi Restoration Project, based in Ashland.

"The reason we formed the nonprofit," Bey said, "was because we were trying to create a new model."

Twenty-one years later, Lomakatsi is taking the lead on many large-scale restoration projects in Southern Oregon, working with native tribes, municipalities and contractors to complete ecological projects while benefiting its workers and area communities.

Bey said many of his employees worked



COURTESY OF LOMAKATSI RESTORATION PROJECT

A Lomakatsi employee clears brush at Table Rock as part of an oak restoration and climate adaptation project in 2015. Table Rock, north of Medford in Southern Oregon, was a sanctuary for the Takelma Indians.

for reforestation contractors before coming to work for him.

"It's night and day – working for us compared to the other contractors," he said.

Bey said he's able to avoid pressures associated with low-bid service contracts by focusing on what are known as stewardship projects, which combine timber sales with restoration service contracts.

When the U.S. Forest Service offers a stewardship contract, it reinvests any profit it earns from selling timber into the restorative work that gets done. Normally that money would go to the U.S. Department of the Treasury in Washington, D.C.

These projects are also required to have a restorative emphasis.

"You can't clear-cut on a stewardship contract," Bey said. "It's ecosystem restoration."

This creates a scenario in which a company may have the ability to win the contract without feeling pressure to bid lower than it can reasonably afford, but whether this benefit trickles down to the worker has not been studied, Moseley said.

Wheeler said his company, Grayback, also prefers stewardship contracts, although he still bids on stand-alone restoration contracts, too.

"Not all service contracts are bad," Bey said. "There're some good-paying ones. There's some good crews that do good work and pay people well. It's not that it doesn't happen, but from my experience, typically, it's more of that low bid system."

As a nonprofit, Lomakatsi typically operates under agreements with the government rather than bidding on contracts, and often approaches agencies with a proposal.

Like stewardship contracts, these agreements involve both logging and reforestation services, with money earned off timber going back into the project.

But as a partner to the agreement, Lomakatsi must bring 20 percent nonfederal matching funds to the table, which it does in the form of grants and other sources, Bey said.

"It sets up a whole program, not just of restoration, but we can integrate workforce training, youth training and education, work with schools, and we can run all these tribal forest restoration programs with the tribes we work with – because there's a need to build capacity and skills," he said.

"It gives us the opportunity to take people who run chainsaws and help them learn technical skills so they're not stuck in the labor side their whole life – they can advance. Or in the case of young people, partnering with schools and universities to integrate forestry sciences into the programs. It's more of a nonprofit-type end result objective in an agreement, where a contract is just work."

Additionally, when Lomakatsi takes the lead on controversial projects, environmental groups typically don't sue because they trust his organization will respect the land, he said.

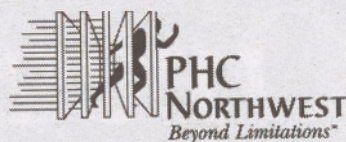
Klamath-Siskiyou Wildlands Center has a history of challenging timber sales in southern Oregon, and its conservation director, George Sexton, agreed with Bey's claim.

"They walk the talk," he said.

Lomakatsi is the only nonprofit reforestation operation in the Pacific Northwest.

"It took two decades to get there," Bey said, "but now the agencies are finally paying attention. It was a very bottom-up grass roots effort to move things along."

emily@streetroots.org



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