

Judge declares Cascade-Siskiyou National Monument expansion invalid

By **MATEUSZ PERKOWSKI**
Capital Press

A federal judge in Washington, D.C., has determined the 2017 expansion of Oregon’s Cascade-Siskiyou National Monument was largely invalid, contradicting an earlier ruling by a federal judge in Oregon.

U.S. District Judge Richard Leon of the District of Columbia has ruled the Obama Administration violated federal law by expanding the monument’s logging restrictions onto roughly 40,000 acres of so-called O&C Lands, which must be managed for sustained timber production.

“Put simply, there is no way to manage land for sustained timber production, while simultaneously deeming the land unsuited for timber production and exempt from any calculation of the land’s sustained yield of timber,” Leon said.

The judge’s invalidation of the monument’s expansion was part of a broader opinion that determined there’s “no doubt” the U.S. Bureau of Land Management’s 2016 resource management plans for O&C Lands have reduced logging to unlawful levels.

“This Court must, therefore, conclude that the 2016 RMPs violate the O&C Act by setting aside timberland in reserves where the land is not managed for permanent forest production and the timber is not sold, cut and removed in conformity with the principle of sustained yield,” Leon said.

So-called O&C Lands are governed by a 1937 statute under which roughly two million acres of property were retaken from the Oregon and California Railroad by the federal government and dedicated to timber production.

In 2017, the Obama administration enlarged the 66,000-acre Cascade-Siskiyou National Monument by 48,000 acres, most of which were located on O&C Lands, prompting several lawsuits by timber industry organizations.

Earlier this year, a federal judge in Oregon held the expansion was lawful because President Obama had the authority under the Antiquities Act to add acreage to the monument.

The judge also held that logging within the monument’s O&C Lands didn’t have to be maximized to comply with the requirement of sustained timber production.

The more recent Washington, D.C., decision that invalidates the monument’s 40,000-acre expansion and declares unlawful the resource management plans for O&C Lands will be appealed by the Klamath-Siskiyou Wildlands Center, Oregon Wild and Soda Mountain Wilderness Council, said Kristen Boyles, attorney for the environmental groups, which intervened in the lawsuit.

“They’re directly contradictory because they even address the same claims,” Boyles said of the two rulings.

Boyles said the judge in Washington, D.C., has been the first to adopt a hard-line interpretation of the 1937 O&C Lands Act that has been pushed by the timber industry for about 30 years and which doesn’t take into account environmental protections from the more recent Clean Water Act and Endangered Species Act.

“It’s an extreme view of the O&C Act, very broad,” she said. “Regardless of the monument, that’s going to be an important decision to clarify and appeal. It doesn’t exist alone in a vacuum of laws.”

Coby Howell, an attorney for the BLM, said he could not comment on the ruling.

If both the rulings from Oregon and Washington, D.C. are upheld on appeal, that could set up a fight before the U.S. Supreme Court, but that process would still be a lengthy one, according to attorneys involved in the case.

Environmental groups will urge the BLM not to take any action that would endanger the monument while the timber industry considers the expansion’s invalidation to be effective until further notice.

“It’s a big first step, but it’s going to take a while,” said Lawson Fite, attorney for the American Forest Resource Council, a plaintiff in the litigation.

The ruling out of Washington, D.C. is a great development for the communities and environment of Oregon and the Northwest, Fite said.

“The court has basically directed that the O&C Act means what it says, and we’re grateful for that,” he said.

The timber industry plaintiffs will now ask the judge to order the BLM to revise its resource management plans for O&C Lands so they’re consistent with his ruling, Fite said. “Figuring out a timeline for a new plan is probably one of the big things that’s going to happen there.”

Bob Wick/Capital Press
A U.S. magistrate judge has recommended dismissing a timber company’s claim the Cascade-Siskiyou National Monument was unlawfully expanded.



Oregon foster care consultants near end of contract

By **CLAIRE WITHYCOMBE**
Oregon Capital Bureau

SALEM — By Christmas, crisis consultants brought on to improve Oregon’s struggling foster care system are expected to wrap up their \$1 million contract.

In April, Gov. Kate Brown asked a crew of consultants from the firm Alvarez and Marsal — perhaps best known for taking over Lehman Brothers after the Wall Street firm filed for bankruptcy — to look under the hood at the Oregon Department of Human Services.

They were tasked with kick-starting solutions to deep-seated problems at the agency’s Child Welfare division.

About 7,000 Oregon children are in foster care on any given day, and over the past several years, a bright spotlight has been on the agency for treatment of children in its care.

DHS has been the subject of multiple internal and external reviews that have laid out what the agency needed to change to keep children safe.

Brown was adamant that she didn’t want more recommendations. Instead, she wanted action on recom-

mendations already made, some repeatedly over recent years.

For instance, multiple audits and reviews pointed to the agency’s workload problem.

Experts have long said that DHS caseworkers who have front line duty for the well-being of foster children have too many to look after and were getting overwhelmed and burned out. About a third of workers had less than a year and a half of experience, according to a 2018 state audit.

In a meeting with lawmakers last week in her office at the Capitol, Brown said the consultants had made “really steady progress.”

She pointed to their work on the agency’s critical incident review teams, which investigate deaths of children who have interacted with the child welfare system, and to their efforts to rapidly hire more caseworkers and reduce the number of Oregon children shuttled out of state for care.

Brown also said the agency is improving its handling of requests for public records and in communicating with reporters and the public.

Brown appeared especially happy with efforts to

hire more workers. Audits and reports for years have highlighted the damaging impact of high workloads on the children in the child welfare system.

The agency received thousands of applications to fill new jobs, Brown said.

“All I know is it was extraordinary. I’ve never seen anything like it,” Brown said. “We have now made ... conditional offers to over 345 applicants, and they’re in the process of getting trained. So I’m really, really pleased.”

Wanda Seiler of Alvarez and Marsal told legislators that the firm did a lot of work smoothing out the internal workings of the agency that wouldn’t be immediately apparent. One example: making it easier for children in foster care to get medical care.

Seiler reviewed a host of changes consultants have already made, like creating new training for certain jobs and streamlining the agency’s hiring process.

State Rep. Alissa Keny-Guyer, D-Portland, expressed concerns that high

caseloads could continue to cause workers to leave.

“I just want to again, reiterate that as great as the ... surge is, and the extra training and hiring for other positions to support that, we would still risk hemorrhaging if the caseload is so great,” said Keny-Guyer.

There was also some discussion about a year-long project to centralize the state’s abuse reporting hotline. That effort has encountered long wait times for callers and inexperienced staff.

The change also seems to have driven up the number of assessments of abuse reports. After the new central hotline was put into place, assessments by Child Protective Services are up by about 40 %, according to Oregon DHS.

The consultants have also worked on giving parents more help so children could stay in their homes.

“The big story here really is the need for services to support families to stay together,” Seiler said.

Much of that progress will take time, Seiler said.

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