

# BLM Scattered Apples Timber Sale Mediation

April - October 2005

**Location:** Oregon

## Background

Together with a conservation group, residents of Williams, Oregon filed a lawsuit against the U.S. Bureau of Land Management (BLM) over a timber sale. This led the BLM and other affected parties to request the assistance of the U.S. Institute. The U.S. Institute worked with contracted mediators to conduct an initial assessment of the situation.

They first determined that a negotiated agreement was feasible and then made recommendations on how to proceed. The parties agreed to a focused mediation of the Scattered Apples timber sale. Legal representatives for each party worked with the mediators to design the process, conditions, and basic ground rules for mediation.

## Results and Accomplishments

- The seven-month mediation resulted in an agreement that dismissed the lawsuit. The settlement allowed 75% of the original timber sale to go forward. It left in place 152 acres of old-growth trees that serve as habitat for species such as the northern spotted owl.
- Timber sales cancelled or suspended due to legislative and legal efforts cost the federal government millions of dollars a year. Costs include contractors' claims for the value of replacement timber and damages due to the effects of cancelled contracts on jobs, payroll, and taxes.
- The mediated agreement was reached by investing \$66,000 in mediation services in addition to the costs of stakeholder participation with their legal representatives.



## Highlights/Innovation

- This case is reportedly the first successful mediation of a BLM timber sale in Oregon. It highlights some of the alternative avenues available for resolving this kind of dispute. The settlement could serve as a prototype for other successful timber sale mediations.
- The Scattered Apples settlement is innovative in that it includes a provision for continuing community oversight. The stakeholders can ride along with contract administrators during logging activities and visit harvested sites. Additional efforts to improve long-term communication and working relationships between stakeholders are ongoing.
- In the words of plaintiff Lesley Adams, outreach coordinator for Klamath-Siskiyou Wildlands Center, the agreement *"is a great example of the BLM working with conservationists and the community to come up with a plan everyone can support."*

## Credits

### Partners from National Roster of ECR Practitioners

Theresa Jensen, Theresa Jensen and Associates  
Jonathan Lange, Southern Oregon University  
Facilitation Team

### U.S. Institute Project Lead

**Larry Fisher, Ph.D.**, Senior Program Manager  
Public Lands and Natural Resources Program  
Phone: (520) 901-8544; FAX: (520) 670-5530  
E-mail: [fisher@ecr.gov](mailto:fisher@ecr.gov); Web site: [www.ecr.gov](http://www.ecr.gov)

#### Referenced Materials:

Achen, Paris, "Scattered Apples Settlement Restricts Logging," Mail Tribute, November 5, 2005  
Letter from the U.S. Forest Service to Rep. Greg Walden (R-OR), June 2006.  
United States General Accounting Office, "Federal Land Management: Estimates of Value and Economic Effects of Canceled and Suspended Timber Sale Contracts in the Pacific Northwest, October 6, 1997.