



## MEMORANDUM

TO: Clackamas County Board of County Commissioners  
FROM: Gary Schmidt, County Administrator  
RE: Association of O&C Counties Litigation Fund Assessment  
DATE: January 3, 2024

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**REQUEST:** Does the Board wish to pay the litigation assessment from the Association of O&C Counties for the ongoing lawsuit against the Bureau of Land Management for their 2016 Resource Management Plans?

**BACKGROUND:** In 2016, the Association of O&C Counties filed a lawsuit challenging the Bureau of Land Management's Resource Management Plans for the O&C lands in Western Oregon, arguing that those Resource Management Plans violated the statutory mandate provided by the 1937 O&C Act by withdrawing approximately 80% of O&C lands from timber production. At that time, Clackamas County funded an assessment of \$30,263, contingent on sufficient participation from other member counties. In 2019, the US District Court for the District of Columbia ruled in favor of the Association, requiring the Bureau of Land Management to create new Resource Management Plans that followed the statutory mandates of the O&C Act. The Bureau of Land Management subsequently appealed the ruling to the District of Columbia Court of Appeals.

In July 2023, that appeal was granted, reversing the original decision, leaving the 2016 Resource Management Plans intact. In response, the Association has filed a petition with the Supreme Court of the United States to appeal the reversal, and in anticipation of the costs for the appeal, the Association has presented its member counties with an additional assessment to support the litigation. The County's share of the costs is assessed at \$17,130. This would be paid from General Fund.