



Council of Forest Trust Land Counties

1212 Court St. NE | Salem, Oregon 97301

March 8, 2023, Board of Forestry Testimony

Chair Kelly, members of the Board of Forestry, State Forester Mukumoto, Staff: I am David Yamamoto, Tillamook County Commissioner and Chair of the Forest Trust Land Advisory Committee (FTLAC). I am here today representing FTLAC in order to fulfill our statutory responsibility to advise the BOF and the State Forester on matters which affect management of the State Forest Lands (ORS 526.156).

I thought it might be helpful to start with a little background of the Trust Counties.

FTLAC is made up of The Council of Forest Trust Land Counties. The Council of Forest Trust Land Counties is a formal organization made up of 15 counties in Oregon that have, within their borders, approximately 745,000 acres of forest land which the counties acquired through tax foreclosure, and which were turned over voluntarily to the State for timber management. Most of these lands were transferred to the State between 1939-1950.

The 15 counties in Council of Forest Trust Land Counties consist of: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, Columbia, Clackamas, Washington, Polk, Marion, Benton, Linn, Josephine, and Klamath.

In the late 1930s, the wood products industry across the nation believed that value was in the trees and not in the land; the result of this belief created "cut and run" operations. When the trees were harvested, lands were abandoned, and counties would reclaim the land through tax foreclosure proceedings. Devastating fires in the 1930's and 1940's also laid waste to thousands of acres of timberland, which had also previously been abandoned, and were finally placed in county ownership. In December of 1936, the State Planning Board sent a report to Governor Charles Henry Martin (1935-1939) that over 1.7 million acres of timber and grazing lands were in county ownership through tax foreclosures. By 1939, that figure was 2,000,000 acres.

Not all the land became the State Forests, but many of them did since these lands were held in fee by the counties and generated no taxes. County governments had two options, they could sell the land and place the lands back on the tax rolls, or they could keep the lands as they were. As local governments were dependent upon property taxes for revenues, they were nearly bankrupt. The Counties then choose to turn the lands over to the state for management on their behalf.

We are again facing a budget crisis. This time at ODF and in the Counties because of the State Forest Lands. Reduced harvest from the lands due to decisions by this board and ODF continue to limit revenue generation beyond what is needed to maintain environmental quality. We believe ignoring ODF's budget planning is irresponsible and sets ODF on a path to failure. The State Forests Division is one of the state's few income generating programs. It is irresponsible to ignore ODF's budget and assume the general fund will make up the difference, especially as the state's Legislature faces difficult budget decisions this year, as it has in the past.

Not only will ODF suffer, but so too will the Counties. Oregon's rural Counties have limited resources. We would like to provide higher levels of service to our residents, but we cannot because of budget limitations. Even more than the Counties, special taxing districts will suffer a greater degree of issues. The financial impact to the Counties and Special Tax Districts of the projected 35% drop from recent harvest levels^[1] will be catastrophic. It is undeniable that harvest levels under the Implementation Plan will result in layoffs of public service providers including police officers, teachers, social workers, and emergency services staff. In addition, workers in fully benefited family wage jobs in the timber industry and support services will lose their jobs at a time when no similar jobs exist in our rural Counties.

Board members, in your positions overseeing forest policy in Oregon, it is important to review in detail the information provided to you. If questions are unanswered or information is missing, it is important to fill those information gaps and not rely on assumptions. At the last BOF meeting and the recent FTLAC meeting, we heard about ODF's efforts to update the harvest model for the Forest Management Plan from the Implementation Plan version. We did not hear how those changes might affect revenue generation or other outcomes. At the last BOF meeting we also heard about the US Forest Service's lack of success in implementing adaptive management to support rural economic development. Nonetheless we heard from board members optimism for higher harvest levels in the future due both to new information and adaptive management.

The Counties want to be optimistic that the harvest levels in the Implementation Plan are a mistake. But we have no basis for being optimistic. ODF has not shown any evidence that the Implementation Plan modeling is inaccurate. If ODF expects modeling changes to result in significantly different harvest levels, why is the department pushing forward with the current Implementation Plan?

Further, why is ODF pushing forward with an Implementation Plan that goes beyond the policy direction of the BOF? While ODF reports that the purpose of the plan is to provide for the transition from current management to management under the HCP, ODF intends to implement the HCP prior to approval by the BOF. Chair Kelly, as you reminded us at the February 15th special board meeting, approval of the HCP is not guaranteed. If that is truly the case, how can ODF move to implement the HCP at the start of the next fiscal year? I believe ODF has the capability to develop an Implementation Plan that allows for continued management under the current Forest Management Plan until the BOF has approved the HCP. I believe this is what is required since the current Forest Management Plan is the currently approved policy of this board for providing Greatest Permanent Value. As drafted, I believe the Implementation Plan fails to comply with current policy and fails to provide Greatest Permanent Value.

Likewise, why is the board pushing forward with an HCP that patently fails the expressed twin goals of the board: increasing financial viability and increasing conservation outcomes. As I would have liked to express at the emergency board meeting, but could not because public comment was excluded, the fact that there was a need for an emergency board meeting indicates the failure of

ODF's planning. ODF failed to consider county revenue, and their own budget, when developing the HCP, and hence, failed to consider Greatest Permanent Value. ODF failed to perform the needed analysis to determine the needed extent of conservation under the ESA. As a result, ODF has created a plan that is catastrophic to Counties, special taxing districts, and workers.

It is also evident that it is unlikely to recover listed species. Barred owls are now the primary threat to northern spotted owls, but the plan does nothing to reduce barred owl populations. Instead, it sets aside hundreds of thousands of acres. Even so, this area is just a fraction of area set aside on National Forests which themselves have not recovered the spotted owl. How will ODF's set asides benefit the spotted owl when it appears when the National Forests' have not? As for the marbled murrelet, populations in Oregon are currently increasing. At the same time, ocean conditions are changing, hindering recovery. ODF has failed to show how the HCP will increase murrelet numbers beyond the increasing trend we are already seeing. And yet the board voted to continue with the current plan.

Turning back to the need for information, public comment is an important part of any public process and a way the public can provide needed information to the government. Limiting public comment limits the ability of the public to shape government policy. The BOF did not allow public comment at the February 15th meeting and has limited public comment today. I have heard the BOF comment on the crowded agendas at meetings. ORS 526.016 allows for additional meetings of the Board to occur. Perhaps instead of a crowded agenda with limited public testimony, additional meetings could be held so the public is allowed to engage in the process. I ask you to consider what is more important, giving the public an opportunity to speak to decision makers or maintaining a crowded agenda.

In addition to not allowing public comment, FTLAC members have concerns about the use of the February 15th Board of Forestry Meetings' use of an executive session. Executive session is legal for only narrow reasons. Use of executive session to avoid discussion of public matters is not allowed. The use of executive session at the February 15th special board meeting was poorly explained and does not inspire confidence in the board's process. Transparency is vital for a good public process. Inappropriate use of executive sessions is not transparent.

The situation at board meetings is, I fear, indicative of the entire forest management planning system used by ODF. ODF develops plans behind closed doors, with agencies that have no statutory interest in State Forest Lands. Then the department oversees a public comment period where comments are accepted but no meaningful changes to the plan are made as though the public has nothing to offer. ODF reports statistics around the numbers of meetings held and comments received, however to date, there have not been any meaningful changes made. ODF then deems the plan as incorporating public comment. As an elected official, I can tell you my constituents ask more of me. I ask more from you.

Good forest land planning requires considering a range of laws, understanding of financial costs, and clear-eyed assessment of possible outcomes. We ask you to change your approach to decision making and make these considerations when planning the future of the State Forests.

In 1978, State Forester Ed Schroeder began conversations with county officials suggesting a need for a regularly constituted group of county individuals to meeting with ODF on a working basis. He emphasized that a close working relationship between the 15 counties and his department would be of benefit to both. Let's go back to that partnership. One where ODF listens to the issues raised by Trust Counties and where the Board of Forestry engages with the counties. We all owe it to not only the Trust Counties but also the Trust County citizens that the partnership between ODF and the Trust Counties are beneficial.

Thank you and I am happy to answer any questions you might have.

Respectfully Submitted,

David Yamamoto, Chair of the Forest Trust Lands Advisory Committee

[1] The average harvest level from 2012 through 2021 was 255 MMbr/yr.