

September 7, 2022, 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 am here today to ask the BOF to direct ODF to pause the HCP process. A pause will give ODF time to provide the board and public with critical information about the HCP and the impacts it will cause. ODF must explain why this HCP is right for State Forest Lands.

ODF has not explained why the scale of conservation proposed in the HCP, and the corresponding negative economic impacts to Counties and communities is necessary. The HCP document shows that the plan will provide tens of thousands of acres more mitigation that needed to meet the HCP issuance criteria listed in the HCP Handbook. This excessive mitigation comes directly at the cost of essential community services in the Counties. Public safety and public schools are the top recipients of revenue from State Forest Lands. It is these services that will suffer most from a decline in revenue caused by committing far more acres to the HCP than necessary.

To date the only justification for the scale of conservation we have heard is that the HCP is supported by ODF's state level partners – ODFW and DEQ – and developed in collaboration with the Federal Services. None of these agencies have a responsibility to deliver revenue to the Counties and are not bound by state laws regarding Greatest Permanent Value. I must note, too, that not one of these agencies has a statutory role to advise ODF on the management of State Forest Lands, as FTLAC does. ODF must justify the HCP against the requirements listed in the HCP Handbook and the need to maintain Greatest Permanent Value, and not base the HCP merely on agreement of other agencies with different mandates.

As you consider the HCP, and the role of State Forest Lands, consider that as much as two-thirds of the Oregon's forests are already managed for habitat, recreation, or other non-timber values and that the result of this has been substantial reduction in harvest volume, loss of jobs in rural areas, and the increased reliance on timber from the Southeast US to provide for the needs of the nation.

ODF has not provided a full assessment of impacts. The unjustifiably low harvest in the no action alternative in draft EIS clouds all the analyses in the document. It also covers up that harvest will decline from current levels under the proposed HCP resulting in reduced revenue – a 40% decline for Clatsop County alone – and reduced fully benefited family wage jobs. Further, ODF has not, to our knowledge, assessed the fire hazard created by the HCAs. The Rum Creek Fire in Josephine County is burning over 20,000 acres and is threatening thousands of homes. This fire highlights the risk that wildfires pose to our communities.

Finally, the HCP fails to provide the certainty ODF claims. First, ODF has not provided a financial plan for implementing the HCP. In fact, models by ODF show that the department will be unable to sustain itself with an HCP. There is no certainty if the department is unable to sustain management of State Forest

Lands. Second, the HCP fails to provide for a full range of active management to respond to climate change impacts, forest health issues, and disturbances to maintain a productive forest that can provide a sustainable flow of timber for wood products, and other benefits.

In addition to the high-level comments above, CFTLC has the following detailed comments:

State Forest Lands provide vital revenue

Revenue from State Forest Lands is vital the delivery of essential public services to Counties and Tax Districts. Without this revenue public education, public safety, health services, and community services would suffer. Most counties that receive funds from State Forest Lands are rural and have smaller tax bases than the large urban counties. Rural counties cannot replace revenue generated on State Forest Lands. As a result, reduced funding will directly result in cuts to services.

Timber production on State Forest Lands provides fully benefited family wage jobs that cannot be replaced

Timber-related jobs, from harvesting to milling, provide thousands of workers across Oregon with fully benefited family wage jobs in rural communities. Wages in these jobs exceed the average pay of private sector jobs in rural counties, according to the Oregon Employment Department. Opponents of timber harvest point to tourism jobs as a replacement for timber jobs. Jobs in the leisure and hospitality sector pay on average 60% less than that of wood products manufacturing jobs. In addition, leisure and hospitality jobs tend to be seasonal and lack benefits. While tourism can add to rural economies, it is no substitute for timber-related jobs.

We must maintain mills and a skilled labor force to continue to generate revenue for the Counties and allow for active forest management to improve our environment.

Decades of declining timber harvest in Oregon has put pressure on wood products manufacturers. Many communities have seen mills close, and jobs lost. Continued reductions in harvest, as projected under the proposed HCP, will only harm investment in critical manufacturing infrastructure and job training. We are reaching a tipping point where, once lost, the industry cannot recover. This will lead to the loss of not just mills, but many businesses that support these mills and provide services to mill workers. Rural communities will suffer. We have already seen this in parts of eastern Oregon and in Washington State, where the lack of mills and skilled workers results in the inability to implement needed forest management to the detriment of workers, communities, and the environment.

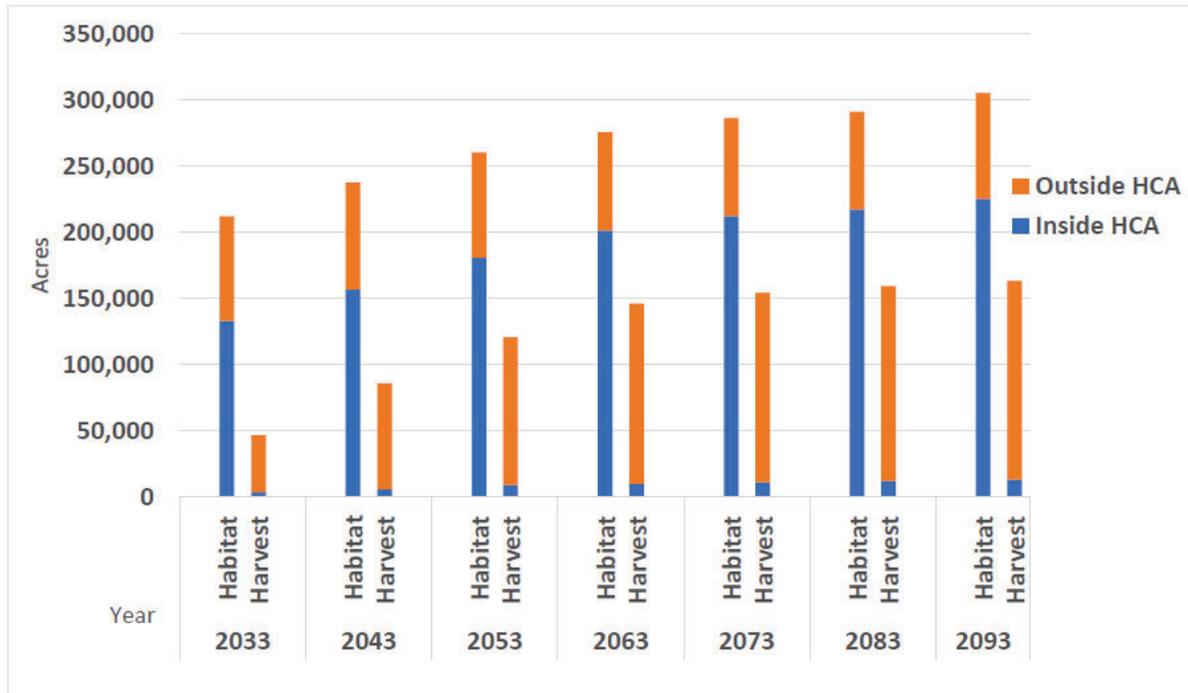
These losses are occurring at the same time as ODF is actively engaged in developing new uses for timber, including mass timber for modular housing. Maintaining a skilled timber management, milling, and mill services work force is necessary for innovative, environmentally sustainable projects like this to succeed. The BOF must consider the impact continued reductions in timber harvest have on the workers, and on the ability of Oregon to become a world leader in sustainable building.

Inadequate economic impact analysis in the Draft EIS

The draft EIS under reports the economic impacts. The EIS claims that 1 million board feet of timber harvest supports only 3 jobs, when prior analysis by USFWS and BLM, and past comments by ODF staff indicate that the number is 12 to 13 or more jobs per million board feet. The EIS also claims that the number of jobs and revenue to the counties will increase with an HCP, while analysis by the Counties shows Clatsop County will experience a 40% reduction in revenue generation under the HCP.

Timing and quality of mitigation

FTLAC has asked ODF about the quantity of mitigation. We understand from ODF that in addition to the quantity of mitigation, the timing at which mitigation occurs is important. ODF has explained that the scale of the Habitat Conservation Areas in the proposed HCP in part is to ensure mitigation develops prior to any harvest of habitat through “stay ahead” provisions. Looking at graph 5-7, 5-11, and 5-18 from the proposed HCP (reproduced below), the area of habitat grows sustainably over the life of the HCP for northern spotted owl, marbled murrelet, and red tree vole. No similar graph is provided for coastal marten. The area of habitat expands even as harvest occurs. In addition, what these graphs do not show is the improvement in habitat quality. Both the expanded area of habitat and increased quality of habitat contribute towards mitigating of the impacts of take. Based on these graphs, FTLAC believes the HCP has far larger Habitat Conservation Areas than necessary to minimize and mitigate the impact of the expected take under the plan. We have repeatedly asked for an analysis of take and mitigation from ODF but have been told that is not ODF’s responsibility make this assessment. What we see here is ODF attempting to avoid discussion of what is clear from these graphs, the HCP unnecessarily commits lands to habitat conservation areas at the expense of rural communities’ essential services and jobs.



¹ Projected habitat levels show habitat and cumulative harvest starting at the year indicated (e.g., 2033 = first decade). Harvest is shown as cumulative over the permit term (i.e., a running total accumulating over the permit duration). Habitat projections presented in this chapter are not HCP commitments, but rather are modeled projections ODF is using to estimate the level of take and to determine appropriate avoidance, minimization, and mitigation measures needed to offset that projected level of take. As described in Chapter 4, commitments to conserve, maintain, and enhance acres of covered species habitat were estimated based the assumption that, within the permit term, 50% of nesting and roosting habitat and 80% of foraging habitat, projected to grow in over 70 years by habitat models, could be achieved in HCAs.

Figure 5-7. Northern Spotted Owl Habitat Harvested and Estimated Habitat In Growth, by Decade¹

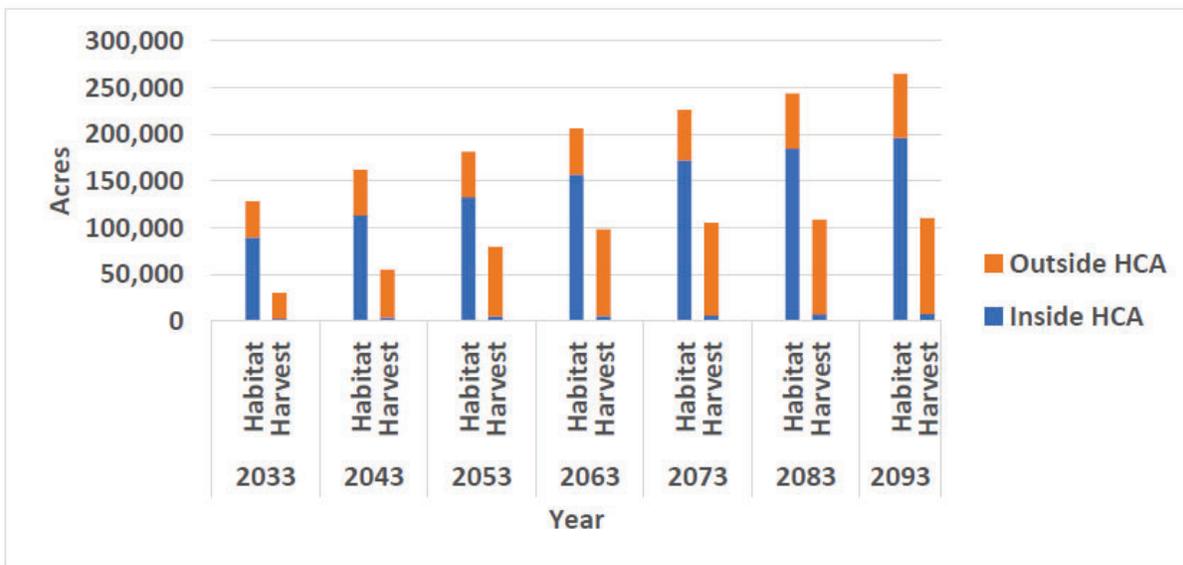


Figure 5-11. Marbled Murrelet Habitat Harvested and Estimated Habitat In Growth Over the Permit Duration, by Decade

Thorough, transparent analysis is needed

ODF should produce for the BOF and the public thorough, transparent analyses showing how scientific literature informs the conservation measures in the HCP. For example, analyses should explain how ODF justifies:

- 1) The size of HCAs
- 2) Allowing thinning for only the first 3 decades of the HCP and not providing for more flexible long-term management
- 3) Limiting salvage after disturbance even when the resulting conditions no longer provide endangered species habitat
- 4) Restricting treatment of stands affected by Swiss Needle Cast
- 5) Restricting treatment of senescing (“zombie”) alder stands

Without these analyses and an explanation of how the proposed HCP provides management certainty and protects the Counties’ interests, FTLAC cannot recommend supporting the proposed HCP.

ODF excluded the Counties from the HCP development process

The Counties requested to be part of the HCP development team. ODF excluded the Counties from this team even though the Forest Trust Land Advisory Council, which represents the Counties, has a statutory obligation to advise to the department on issues that affect the State Forest Lands.

The CFTLC proposed alternative has been ignored by both ODF and the Federal Services, even as both ODF and USFWS continue to support elements of the CFTLC alternative

The Counties developed an HCP proposal based on removal of barred owls and corvids (crows and ravens) to protect endangered northern spotted owls and marbled murrelets, respectively. The Counties based this proposal on scientific studies that show that removal of these threats could do more to recover these species than habitat protection alone. ODF has reported it would participate in future barred owl management and US Fish and Wildlife Service scientists have released peer-reviewed scientific papers that state northern spotted owls “face extirpation if the negative effects of barred owls are not ameliorated.”¹ Nonetheless, ODF has largely ignored the Counties’ proposal and in the DEIS NOAA rejected the alternative calling barred owl removal “experimental.”

We believe the following analyses should be conducted by ODF or NOAA to determine if the CFTLC proposed alternative is appropriate for State Forest Lands:

1. Endangered species population modeling
2. An assessment of take and mitigation
3. Harvest level modeling

¹ Franklin, Alan B et al. 2021. Range-wide declines of northern spotted owl populations in the Pacific Northwest: A meta-analysis. *Biological Conservation* 259. <https://doi.org/10.1016/j.biocon.2021.109168>.

Unfortunately, both ODF and NOAA have not released to the public any quantitative analysis of the CFTLC proposed alternative leaving the BOF and the public uninformed of the potential benefits of the CFTLC alternative.

The proposed HCP is specifically lacking in the following areas:

- 1) The area of HCAs exceeds the area needed to meet HCP issuance criteria
- 2) The area of Riparian Conservation Areas (RCAs) exceeds the area agreed to in the Private Forest Accord, even though both the proposed HCP and Private Forest Accord provide protection of the same resources
- 3) The HCP hinders the ability of ODF to respond to climate change, forest health issues, and disturbance by:
 - a. Limiting the pace and scale of forest health treatments for Swiss needle cast and “zombie” alder stands in HCAs.
 - b. Not providing provisions to respond to future forest health issues in HCAs and RCAs.
 - c. Limiting post-disturbance salvage, even when salvage would occur in areas of non-habitat and would allow ODF to restore areas impacted to productive forests.
- 4) The HCP requires areas outside of HCAs to be managed for northern spotted owl dispersal habitat, even in areas where State Forest Lands do not connect patches of higher quality habitat, creating dispersal habitat to nowhere.
- 5) The HCP fails to provide assurances within the adaptive management program for the release of acres from HCAs not needed to meet habitat commitments.
- 6) The HCP fails to provide assurance the HCAs will not be expanded or moved as disturbance impacts habitat within the HCAs
- 7) The HCP fails to describe which provisions and which areas of HCAs are associated with each covered species. Upon a delisting of a covered species for any reason, conservation associated with the delisted species should be removed.

Most of Oregon’s forest are already managed for habitat or other values.

As much as two-thirds of the Oregon’s forests are managed for habitat, recreation, or other non-timber values (see attachment). In western Oregon, Federal Lands are managed under the Northwest Forest Plan, resulting in the lands being dedicated to the objectives of the plan including the objective to manage lands for forest habitat. the result of this has been substantial reduction in harvest volume, loss of jobs in rural areas, and the increased reliance on timber from the Southeast US to provide for the needs of the nation. In addition to federal lands, substantial areas of other public and private lands are committed to protecting multiple values though various regulations.

Further set asides will only exacerbate the impacts on rural communities and will fail to reach their objectives as the Northwest Forest Plan has failed to recover the northern spotted owl due to impacts of the barred owl.²

² Franklin, Alan B., Katie M. Dugger, Damon B. Lesmeister, Raymond J. Davis, J. David Wiens, Gary C. White, James D. Nichols, James E. Hines, Charles B. Yackulic, Carl J. Schwarz, Steven H. Ackers, L. Steven Andrews, Larissa L. Bailey, Robin Bown, Jesse Burgher, Kenneth P. Burnham, Peter C. Carlson, Tara Chestnut, Mary M. Conner, Krista E. Dilione, Eric D. Forsman, Elizabeth M. Glenn, Scott A. Gremel, Keith A. Hamm, Dale R. Herter, J. Mark Higley, Rob B. Horn, Julianna M. Jenkins, William L. Kendall, David W. Lamphear, Christopher McCafferty, Trent L. McDonald, Janice A. Reid, Jeremy T. Rockweit, David C. Simon, Stan G. Sovern, James K. Swingle, Heather Wise. 2021. Range-wide declines of northern spotted owl populations in the Pacific Northwest: A meta-analysis. *Biological Conservation* 259. <https://doi.org/10.1016/j.biocon.2021.109168>

Attachment 1

Management of Oregon's forestlands

The Oregon Forest Resources Institute (OFRI) reported in 2020 that Oregon has 29,656,000 acres of forestland statewide in public and private ownership.¹ OFRI also reported that private lands make up only 34% of the total forestland in the state but supply 78% of the timber. Federal lands, which make up 60% of the forestland, supply only 13% of the timber.

Oregon's forestlands are managed for a range of objectives. Some areas are managed for timber production while others are completely unavailable for timber production. Below is an overview of general management conditions by landowner type with an estimate of the area managed for non-timber values.

Federal lands including US Forest Service (USFS), Bureau of Land Management (BLM) and National Park Service (NPS) lands: Within the range of the Northern Spotted Owl, USFS and BLM lands are managed under the Northwest Forest Plan. In addition, several million acres of USFS and BLM land is designated wilderness or managed under the Roadless Area Conservation Rule. All USFS lands are managed under the Multiple Use Act. As a result, while timber harvest does occur on both USFS and BLM land, no area is managed exclusively for timber harvest and the lands are instead managed for a range of values including habitat, recreation, wilderness or other values. National Park Service lands are managed under the National Park Service Organic Act and are unavailable for timber harvest.

ODF lands within the proposed HCP area: An estimated 55% of ODF lands in western Oregon will be included in Habitat Conservation Areas and Riparian Conservation Areas designated by the proposed HCP or are in inoperable or other areas unavailable for harvest.

ODF lands outside the proposed HCP area: Management of ODF lands outside the proposed HCP area is directed by BOF approved forest management plans and subject to applicable state and federal regulations.

Other state lands: These lands include the Elliott State Forest, research forests, and lands managed by other state agencies. While timber harvest does occur in research forests and in the Elliott State Forest, timber production is not the focus of management.

County/municipal lands: These lands include watersheds, county timber lands (e.g., Coos County, and Hood River County), and parks. While some of these lands are managed for timber production, others are unavailable for harvest.

Large and small private lands: Private lands are subject to current forest practices laws and soon will be subject to changes in these laws brought by the Private Forest Accord. Riparian buffers and steep slope retention areas are expected to cover at around 10% of lands managed by large forestland owners and a

¹ https://oregonforests.org/sites/default/files/2019-01/OFRI_2019-20_ForestFacts_WEB.pdf

slightly lower percentage of lands managed by small forestland owners. Some landowners choose to manage for values other than timber, but the extent which this is the case is unknown.

Tribal lands: Tribal lands are managed subject to the objectives of each Tribe and applicable Federal regulations.

Table 1. Estimate of forestland area managed for non-timber values.

Landowner	Area of forest	Estimated area managed for non-timber values	Assumptions
USFS	14,073,000	14,073,000	
BLM	3,566,000	3,566,000	
NPS	161,000	161,000	
Other Federal	33,000	33,000	
ODF-HCP	639,489	351,719	
ODF-non-HCP	105,511	26,378	Assume 25% unavailable
Other state	200,000	200,000	
County/municipal	203,000	101,500	Assume 50% unavailable
Large private	6,584,000	658,400	PFA impact estimated at 10%
Small private	3,607,000	252,490	PFA impact estimated at 7%
Tribal	484,000	48,400	Regulatory impact estimated at 10%
TOTAL	29,656,000	19,471,887(66%)	