

FROM THE DESK OF
COOS COUNTY COMMISSIONER JOHN SWEET
250 N. BAXTER, COQUILLE OR
541-398-7541

March 7, 2018

Chair Imeson, State Forester Daughtery, and Members of the Board of Forestry,

I am John Sweet, Coos County Commissioner, Vice Chair of the Council of Forest Trust Land Counties and the Forest Trust Lands Advisory Committee.

I am here today as a Coos County Commissioner.

At the BOF meeting of Jan 3, Tom Insko expressed frustration that the Forest Trust Land Advisory Committee (FTLAC) was not giving input related to the Forest Management Plan and the Habitat Conservations Plan for the trust lands.

I wish to relay to you why no comments were given at that meeting.

As you know, all of the trust land counties, except Clatsop County, are involved in a lawsuit with this department relating to management of the trust lands. Commissioners that are involved in the lawsuit have strong misgivings about being able to have frank and candid conversations with the department without having those discussions potentially impact that lawsuit.

To that end, you have before you an email exchange between John DiLorenzo, counsel for the lawsuit counties and Scott Kaplan, Senior Assistant Attorney General for the Oregon DOJ.

The exchange is as follows:

Frank and Scott,
I hope all is well with you.

I am told that as political representatives of the taxing districts that receive revenue from management of the State Forest Trust Lands, The Council of Forest Trust Land Counties (CFTLC) meets regularly with the Oregon Department of Forestry to review ODF's planned activities. Members of CFTLC, furthermore, comprise the Forest Trust Land Advisory Committee and have a statutory duty to advise the Oregon Board of Forestry on matters affecting the State Forest Trust Lands. FTLAC relies on ODF reports and discussions to help it formulate a well-informed opinion of matters before the Board.

To facilitate frank and open discussion, CFTLC and FTLAC members have asked me to seek agreement from the State that information shared between ODF and CFTLC/FTLAC be deemed non-admissible in the Linn County lawsuit. Topics and discussions under this agreement include:

1. Discussions about ODF's current and ongoing efforts to create a forest land management plan for the State Forest Trust Lands
2. Discussions about ODF's current or future effort to consider and/or negotiate a Habitat Conservation Plan for the any part of the State Forest Trust Lands

3. Discussions about ODF's current or future consideration of any land or forest management standards and guidelines for the State Forest Trust Lands
4. Discussions about ODF's current or future efforts to reduce costs and/or enhance revenues from the State Forest Trust Lands

I would appreciate hearing back from you as to whether the state might consider such a stipulation in order to facilitate continuing communication between these parties during the pendency of our lawsuit and any appeals related thereto.

Thanks for your time and consideration.

--John D.

John,

The State has carefully considered the counties' proposal for a stipulation limiting evidence concerning CFTLC and FTLAC contacts with the Oregon Department of Forestry (ODF). However, as you recognize in your proposal, it is the lawsuit that the counties have filed seeking \$1 billion from the state that may be inhibiting frank and open discussions. We pointed this risk out to the counties at the time they sent their class action notice, and still believe that the best way forward for all concerned is to discuss these issues candidly without threat of ongoing litigation. Therefore, we believe that dismissal of the Linn County lawsuit is the best way to encourage the frank and open discussions that the counties appear to want.

Scott

Scott J. Kaplan

Senior Assistant Attorney General

From the perspective of the counties involved in the lawsuit, the uncertainty about the impact on litigation from discussions with ODF related to the FMP and HCP has understandably had a chilling impact on candid discussions.

Chair Josi and I are agreeable to continue meeting as the FTLAC with the State Forester to receive information and updates on the progress of the FMP and HCP, and other issues of interest to the FTLAC.

Many thanks for your understanding as we work through these issues.

Sincerely,



John Sweet
Coos County Commissioner