

FROM: Jim Fairchild
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TO: Forest Trust Lands Advisory Committee, C/O
Samantha Hoffman, Executive Staff Support, Oregon Department of Forestry

Public Written Comment for the April 29, 2022

Chair Yamamoto and FTLAC members,

Firstly, I must acknowledge and thank Samantha Hoffman, ODF executive staff support, who has allowed me this channel for written public comment to the April 29 2022 public meeting, which is otherwise unavailable. Secondly, due to many other factors entirely personal, I may not be able to attend or participate, for which I apologize in advance. Still I appreciate your attention to this testimony, and thank you for your time and consideration.

At a prior meeting, I was chagrined to experience that an important part of your Agenda, the public comment period, was entirely skipped in favor of lengthy introductions presented by virtual attendees recognized by the Chair. As I recall, well through the December 03, 2021 meeting, someone pointed out to the Chair that the public comment agenda item had been skipped. At that point I was no longer ready to give the testimony that I had prepared, instead giving thought to the HCP alternative being presented, to which I will soon give further attention.

Given that the Chair may not “see” or “view” all attendees, I would recommend that the Chair provide adequate time at the beginning of the meeting for simple self-introductions of all attendees present, and to welcome and call on all present to introduce themselves. The other option would be for the Chair to limit introductions to only FTLAC representatives present to verify a quorum, and allow all others—including ODF staff, other county commissioners, advocates and public, introduce and call on others present only during fitting and relevant Agenda item times. The latter would be more expeditious.

Fair representation of forest trust land counties must be adjusted in relation to the amount of trust lands currently managed by the Department of Forestry. I have not been able to ascertain the total acreages by county, but the transfer of the Elliott State Forest lands to the Division of State Lands, and eventually to the Elliott Forest Authority, demands an adjustment towards representative fairness.

Yesterday’s Oregon Court of Appeals ruling should give the FTLAC cause to reflect on the value of presenting recommendations to the Board of Forestry on well-considered and researched perspectives. The Linn County et al lawsuit appears not to be one. I believe plaintiff’s attorney John DiLorenzo conflated the 1941 Act language that clearly defined contractual considerations between the counties and state in Sections 3 and 9 with the ambiguous and undefined nature of a management obligation of both parties to obtain the highest permanent value to Oregon, as described in Section 5, which was later properly clarified in the development of the GPV rule, which I understand the Chair does not accept.

As a resident of Benton County when my commissioners helped develop and endorse the GPV rule language, I am disappointed in Benton County joining this lawsuit. I have joined with former Commissioners to assert the flaws in this approach, to urge our county withdraw, and I have now asked my current Commissioners to urge plaintiff's attorney not to appeal.

In previous testimony I have advised the FTLAC that advocating for ill-considered management strategies do little to credit its advisory role to the Board of Forestry. The clearest example to my mind is the recommendation within the proffered HCP alternative to provide better nesting habitat for marbled murrelet by reducing avian nest predators. Given the wide-spread abundance of corvids like common ravens and Steller's jays and their ecological role as intelligent and opportunistic generalists with wide-ranging foraging strategies within western forests, the elimination of sufficient number of corvids to reduce murrelet nest predation would likely involve killing many tens of thousands of corvids on an annual basis. Beside the staggering ecological cost, the social and economic costs of such a program might well bury the FTLAC in an avalanche of criticism.

Similarly, removal of barred owls at the scale required to provide recoverable and useable habitat lost to the continued destruction of mature and old forest habitat of spotted owls across the landscape would be financially if not technically problematic. Simple removals cannot be viewed with a lens that ignores the value of older forests, when younger and non-conifer dominated forests provide an inexhaustible supply of high-quality habitat for the continued proliferation of barred owls.

Bringing attorneys to this table is certainly a confrontational approach. Instead, I would suggest the FTLAC advance scientifically vetted strategies that would better assist the Board of Forestry in considering proposals from the FTLAC. The Board of Forestry must choose to act on the best available evidence.

Finally, the evidence of the critical role of forest carbon storage in mitigating climate change, and the unmatched ability of coastal forests of the Pacific Northwest to sequester atmospheric carbon, must be acknowledged by the FTLAC. By taking a more collaborative and well-advised approach, the FTLAC could begin rebuilding the cooperative relationship Oregon and its forest trust land counties deserve.

Thank you for your serious consideration, and the valuable work you can do.

Jim Fairchild