



Council of Forest Trust Land Counties

1212 Court St. NE | Salem, Oregon 97301

September 6, 2023, Board of Forestry Testimony

Chair Kelly, members of the Board of Forestry, State Forester Mukumoto, Staff: I am John Sweet, Coos County Commissioner and Vice-Chair of the Forest Trust Land Advisory Committee (FTLAC). I am here today with Commissioner Yamamoto, 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).

At this meeting you have two major proposals for State Forests in front of you, a draft Forest Management Plan and a proposal to modify the HCA. I will testify on both of these topics today.

ODF is presenting to you a draft Forest Management Plan. By law, the State Forester is required to develop forest management plans “that establish the general management framework for the planning area of forest land” (OAR 629-035-0030). These plans are intended to provide for greatest permanent value. I see no way for you to determine if this draft FMP complies with that requirement. The plan contains no manner to assess greatest permanent value and no details on how the lands will be managed under the plan. ODF also does not have a clear explanation of the effect of the plan. While the wording in draft FMP differs from the current FMP, at the August FTLAC meeting ODF was unable to explain how management under the draft plan would differ from management under the current plan other than noting the draft FMP provides for management under the proposed Habitat Conservation Plan. This is concerning. ODF should be able to explain the outcomes of its own plan.

When we hear presentations about the HCP in front of this board or at FTLAC meetings, we hear that certainty is a key benefit of the HCP. Well, we ask, if the ODF is uncertain what management outcomes will be under this draft FMP, how can there be any certainty? I’m worried that there is not.

Further, we are still waiting for modeling results that will show possible harvest levels under the FMP. I must add here that these modeling results offer no certainty of outcomes. The State Forester, not the model and not the BOF, sets the harvest level in implementation plans. The revenue generated from state lands is vital to maintaining public services in Trust Counties. The harvest also provides for much needed family wage fully-benefited jobs in our communities. These must be taken into account as you assess the draft FMP. As you review the draft FMP and forthcoming modeling results, you should ask the following questions:

1. Does the projected revenue result in cuts to County services?
2. Does the harvest level result in job losses in our communities?
3. Does the projected revenue generated result in ODF becoming insolvent?

If the answer is yes to any of these questions, the BOF must acknowledge that approving the plan will result in harm to residents of our Counties and a reduction in ODF’s ability to manage state forest lands. I



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worry that these impacts are too much for our communities to bear. The constant erosion of the harvestable land base due to plans that have not met their objective of recovering endangered species have threatened both funding for local services and rural manufacturing jobs. I worry that our mill infrastructure is at a tipping point. I worry that the loss of timber supply will result in mill closures and force further consolidation. When we lose these good paying jobs in our community, we see increased demand for social services and increased strain on our families. We also lose the ability to respond to threats to forest health and to wildfire. We cannot ignore the value of a vibrant rural economy.

I know that to answer my questions you will have to wait until late this year for modeling results to understand the outcomes of the plan. Or, I should say, the possible outcomes. Again, the State Forester sets the harvest level and other operational outcomes in the Implementation Plan. This raises another question – if you cannot tell what the outcomes of a plan will be, is it a viable plan? If nearly any outcome is possible, what is the benefit of this FMP?

The resolution scheduled to come before you tomorrow is a step in the right direction. This resolution finally acknowledges that reductions to harvest were entirely too large and that the counties were unduly impacted. It does not get revenue back to where it should be, back to levels we were told we could expect when this planning process began. I hope this is just the start of a process to improve the outlook for our communities, not the end of the process. I know my colleague Commissioner Yamamoto will have more to say on this topic.



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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). As many of you know, I will be retiring as Tillamook County Commissioner at the end of the year. It has been an honor to serve the people of Tillamook County and an honor to represent the Trust Counties in front of this Board. I suspect this may be my final testimony before you and I ask for your indulgence as there are a few points and issues I would like to bring to your attention.

Over the past year, I asked several questions to you and ODF. I assumed these questions were straightforward as they related to the specific consideration for HCPs and to ODF's own thinking about the HCP. These questions were:

1. How will threatened and endangered species populations change under the HCP?
2. How much take of covered species is expected under the HCP and how much mitigation will be provided?
3. Why have the assumptions in the business case analysis proven so inaccurate?

I was told at the time that there was no time for analysis of these questions. There was no time to determine if, for example, inclusion of 50,000 acres of young plantations in HCA's would provide meaningful benefit to listed species during the term of the HCP. In February, board members proposed further developing Alternative 5 from the Draft EIS into a possible HCP. However, there was no time for that either. There was no time, we heard, for reasons including the coho lawsuit and the Federal Services' internal policies.

Today, the coho lawsuit is settled and the Services seem to have delayed their process, we are told, to review FMP modeling results. We no longer hear about the Services' internal policies. The latest timeline we have seen, shows the BOF making a decision to initiate FMP rulemaking in 2024, with no month specified. We were told by ODF that the department does not know the timeline for the Final EIS document. It is clear that timelines have slipped and will continue to do so. It is also clear that ODF has the time and capacity to prepare a lengthy draft FMP but is unwilling or unable to state what impacts that draft FMP will have, or how the HCP complies with or exceeds the issuance criteria for an incidental take permit, all to the detriment of our communities.

The Chair's Proposed Resolution, in concept, is constructive, However, in conversations with Department staff, I was told that the expected change in harvest would not exceed 5 MMBF per year. For a process that started with the Business Case Analysis projecting nearly 250 MMBF, adding only 5 MMBF to the most recent IP projection of only 165 MMBF is appalling. Where did this planning process go wrong? We've never been given a clear answer. Even the Draft EIS by the Services expected a harvest level of 225 MMBF. I would like to see us get there again even though this is below the average harvest from 2018-2022 of 261 MMBF. You must understand, in Tillamook County, State Forest timber revenue accounts for almost a quarter of our General Fund Budget while in Clatsop County, it is even higher. It seems the Trust Counties have been placed in the unimaginable position of asking you to approve this ineffectual increase in harvest levels, however, it is time to remedy the inequities in this HCP...not start over. You must, however, make changes to this resolution. The resolution says, "There is no need for staff to return to the Board for further direction."



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This is unacceptable. The persistent lack of transparency I've seen in my tenure as FTLAC chair is very concerning. ODF needs to bring a revised HCP to FTLAC and the BOF. Without this needed review, where is the transparency? Will we first see the changes in a Final EIS after it is too late to ask the public or FTLAC to provide input? While the fuss over the need for Board direction is debated, ODF continues to work on additional modeling requested by this Board and this will not be completed until at least December. Is the Board now uninterested or unable to weigh in on this modeling which was one of the many reasons for the delays to this HCP? I will again remind this Board, that FTLAC has a statutory responsibility to advise the Board and State Forester on matters which affect management of State Forest Lands.

Further, In August, we held an FTLAC meeting where ODF had the opportunity to discuss changes to the HCP to be brought before this Board. ODF chose not to bring that topic to FTLAC. Interestingly, we were first informed about this proposed resolution by someone outside of ODF. FTLAC meetings and agendas are the responsibility of ODF to inform us of issues to be brought before the BOF so we may develop our testimony to the Board. It is unacceptable for us to hear of BOF agenda items at the same time as the public and have to inquire of the Dept about where this came from. This failing may be in violation of ORS 526.156.

Board, it is your responsibility to oversee management of the State Forests. To do that, you need information about the outcomes of proposed plans. Today, you do not have these outcomes in front of you. For months, when asked to provide further information about outcomes, ODF has demurred. When projections are presented, like they were in the business case analysis, or even in the Draft EIS, later projections fall far short with no explanation. In this process I have seen little certainty, little clarity, and little interest in digging into key questions about species conservation, county revenue, jobs, and ODF's financial capacity to manage the State Forests. Consistent with FTLAC's responsibility to advise the Board, I think you must explore these impacts and answer the questions I have asked today before approving the draft FMP and the proposed HCP. You must also review any modifications ODF makes to the proposed HCP. That is your responsibility under the law and your responsibility to our communities.

If the Board continues down its present path, you must, at some point, take responsibility for the financial havoc unleashed upon the Trust Counties, our Special Districts and the Oregon Department of Forestry itself. I have spoken to you before about a tipping point and I feel we are fast approaching that time and place. I would have never imagined that this testimony might be how I addressed this Board for the very last time. While I profess a degree of heartache over my testimony before you today, I know one of the main reasons for your past decisions is to get away from the incessant lawsuits against timber sales put up by ODF. My final plea to you is to have some consideration for the good, hard working people of Oregon's Trust Counties.

Respectfully submitted,
David Yamamoto
Tillamook County Commissioner
Chair, FTLAC