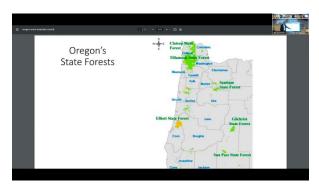
Private timber owners and a number of environmental groups have reached an historic accord on forest management practices, which may end the long period of disagreement over the proper way to manage private forestland, according to Chris Edwards, President of the Oregon Forest Industries Council. Mr. Edwards discussed this accord and updated City Club members on other forest topics at the July 7 program.

He first addressed the recent decision by the Court of Appeals reversing an award of \$1.1 billion in damages to several counties to compensate for what a jury found to be a breach of the State's obligation to manage forestlands formerly owned by the counties for the "greatest permanent value."



The case arose out of legislation passed in 1941 which provided for acquisition of county forest lands in return for an agreement to manage those lands for the "greatest permanent value." Mr. Edwards said that at that time it seems that what was meant by that phrase was the greatest amount of revenue. In 1998, however, forest management practices changed dramatically, mainly in response to environmental issues, with the result that the amount of revenue provided to the counties

declineddrastically. In 2016 Linn County, and 13 other counties including Lane, sued on the theory that the State had breached its contract. A jury awarded the counties the \$1.1 billion in damages.

On appeal, the Court of Appeals reversed that decision, ruling that the commitment to greatest permanent value was not a term of the statutory contract. The counties have now petitioned the State Supreme Court asking for review of the decision. In the question and answer period one caller asked if the Court had considered whether greatest permanent value meant only revenue or might include other values such as habitat and environmental benefits. Mr. Edwards said he did not know if that argument had been made in the proceeding.

Turning to the Private Forest Accord, Mr. Edwards said that several non-governmental organizations and timberland owners recently agreement on a memorandum of understanding on how to pursue updates to forest laws that affect private forest lands. In June of 2020, the Legislative Assembly passed SB1602 which memorialized that accord and created a mediated process for exploring changes to forest management which could form a basis for a habitat conservation plan. The importance of such a plan, if approved, is that it would protect individual forest owners from an "incidental take" of a threatened or endangered species in violation of the federal Endangered Species Act. After many months of negotiations, that agreement was reached on October 30,2021 and formed the basis for the enactment of SB1501, SB 1502, and HB4055, which put the agreed upon



changes into statute. Now, rulemaking is underway and on schedule for enactment in October of this

year. This will sharply reduce the number of times that forest issues on private land are litigated in the future.



Among the new approaches contemplated in the Private Forest Accord are increase stream buffers, improvements to forest roads, innovative modelling for dealing with unstable slopes as well as a shift in forest management to adaptive management which recognizes and funds habitat mitigation, as well as providing a path for small forestland owners to comply with the requirements. The idea, he said, is to always be responsive to science.

Mr. Edwards closed by discussing the new campaign that the Forest Industry Council has started to reacquaint Oregonians with the forest. The campaign, with a tag line of For the Trees, con be found at Home-Oregon Forests Forever. He said the effort recognizes that many current residents have lost the connection Oregon has to the timber industry. They hope is that it will generate more interest in forest related careers.