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7/19/2021

The Private Forest Accord

The Private Forest Accord is an agreement between environmental interests and the timber industry to create compromises regarding increased forest health standards in Oregon by more stringently protecting private timberland waterways. As forests significantly impact the economy, public living quality, and species ability to survive and thrive, agreements between parties with differing opinions about how to best maintain private forests are imperative. In many parts of Oregon and Washington, the timber industry is pivotal in sustaining the livelihood of a plethora of communities. Without the current regime of the timber industry and its lucrative processes, thousands of jobs and many products we rely on would be lost. However, since the methods of how private forests are managed can impact the public and the environment alike, contention between more stringent management techniques to better protect public and environmental health has been prominent in recent years. Though debates between the timber industry and environmentalists have always been present, action to create substantive change to Oregon’s Forest Practices Act (FPA) has been actively debated in the past few years.

2019’s HB 2656 is a prominent example of typical legislation environmentalists introduce every session that would force the timber industry to change their forest management practices. Though the bill did not pass, it is exemplary of the type of legislation commonly proposed at the Capitol, in ballot measures, and in local elections. Contention amidst this bill’s requirements represents two very different, but equally important voices – those of the private timber industry and those of environmental interests. Environmentalists and public representatives used HB 2656 as a platform to insight change to forest management practices that could positively impact the economy, public health, and environmental wellbeing. If passed, HB 2656 would have increased regulations on private timberlands to more firmly protect their waterways from pesticides and supposed negative effects from clear-cut practices. Though classified as “environmentalists,” proponents of this particular bill seemed to be more concerned with the effects of water on human health and with Oregon’s taxpayer dollars.

During HB 2656 house sessions, proponents of the bill and various public representatives provided rationale for the bill’s implementation. For example, representatives noted that in the past two decades, tens of thousands of Oregonians who rely on water from private timberlands have seen increases in turbidity and, thus, decreases in water quality. Areas that have faced such problems, allegedly from effects of clear-cut practices, include Detroit Lake, Falcon Cove, Rockaway Beach, and at least 50 other waterways in Oregon. Specifically, proponents of HB 2656 noted Rockaway Beach to be a poster child of clear-cut consequences. According to house session testimonies of the bill’s supporters, increased turbidity in the Jetty Creek water supply due to nearby clear-cuts eventually led to hundreds of thousands of taxpayer dollars needed to revamp the local water system. At its core, this is what HB 2656 would seek to prevent. In this way, the bill’s representatives argued that “upstream protection reduces downstream costs” along forested waterways. However, the cases of towns with turbid waters from clear-cuts along private timberland waterways may be falsely classified and exceptions to the larger trend of healthy forest waterways.

Private timber owners maintain pride in their work and regularly comply with current FPA standards. Scientists and researchers for private timberlands state that when followed, the FPA properly regulates and protects watershed health on private timberlands. Essentially, this would nullify the argument of environmentalists if held to be true. Moreover, Opponents to HB 2656 (private landowners) are heavily invested in their timber resources and would lose a significant return on investment (ROI) with more stringent forest management policies. Eventually, increased buffer requirements would reduce the revenue of thousands of trees that would have otherwise been harvested. Though the exact numbers of lost revenue or jobs was not calculated or stated during legislative hearings, opponents to the bill maintain that HB 2656 would, without a doubt, negatively affect the private timber industry. Regardless, the truth about whether our forest management practices adequately protect these waterways has yet to be decided.

Interestingly, the neutrally affiliated Oregon Department of Forestry (ODF) upheld the ability of current FPA regulations to adequately protect waterways on private timberlands. During the main legislative hearing for this bill in 2019, the Oregon State Forester and Director of ODF stated that Oregon’s forests have the highest water quality of any other land use category in the state. According to ODF, 75% of forests have between excellent and fair water quality with less than 5% having very poor quality. However, this information came with a caveat during ODF’s briefing; the lead ODF forester did not know how many streams are quantified, counted or tested to complete their statistics. Certainly, not every stream can be counted and tested across all private timberlands in Oregon.

Due to the complex nature of this bill and the importance of both public health and economic wellbeing, bills like this tend to get stuck in the legislative process before reaching fruition. Like HB 2656, dozens of other bills to rewrite portions of the FPA were introduced to Oregon legislature without success. Public representatives and environmentally minded individuals – namely the Forest Water Petitioners and the People of the State of Oregon - have been persistent in creating a more stringent FPA for the state of Oregon. So, when bills such as HB 2656 do not pass as law, other initiatives and ballot measures were introduced to begin increased regulation of the FPA. Following the failure of HB 2656, these groups introduced a series of Initiative Petitions (IPs) – each of which were withdrawn from the initiative petition process as part of a negotiated agreement. Similarly, the timber industry filed multiple IPs to begin a bargaining process for new standards of the FPA.

Eventually, a Memorandum of Understanding (MOU) between private timber owners and environmental representatives was created. In this MOU, the Forest Water Petitioners and the private timber industry have come together to pursue a science-based policy development process to jointly recommend substantive changes to Oregon’s forest practice laws and regulations. Following an 18-month period of meetings, the MOU will grant the following; (1) greater certainty for landowners to know they will not lose a significant source of income, (2) greater environmental certainty to know that waterways, species and aquatic resources are protected, and (3) a standard process to resolve issues between parties. Through discussions of forest practices that impact waterways and at-risk species on private timberlands (ie. forest roads, unstable slopes, near stream operations, and pesticide application), science-driven processes for analyzing the need for any changes will be conducted.

Outcomes of the MOU are to be finalized before the February 2022 Legislative Session and enacted during the session. And, though contention amidst the MOU are still present, initial tangibles from this process are already underway. For example, SB 1602 implemented increased pesticide and buffer restrictions in Oregon that began on January 1st, 2021. As this is only an initial product of the MOU, its science-based process for coming to final compromises for protecting both private timberland waterways and the economic prosperity of the timber industry in Oregon remains incomplete. Hopefully, February 2022 will bring conclusions and finalizations for this process so that each party may be represented, and their interests protected. Most of all, the products of the MOU will promote our ability to create substantive legislation with one another in a divided nation.