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Our View

Washington state's solar steamroller

Across the nation, farm organizations, conservation groups and others are working overtime to preserve agricultural land. It is a necessity if we as a nation are to maintain our food independence and help feed 8 billion hungry souls around the world.

These efforts take many forms. Some are state agencies. Others are private nonprofits. Together, they represent a thin line between developers, many of whom view farmland as "shovel-ready" for the next restaurant, strip mall or other commercial development, and a healthy agricultural economy.

It is a heavy lift. Developers equipped with a sharp pencil and a big wallet can make an impossible-to-refuse offer to farmers and ranchers who might be considering retirement but don't have a next generation interested in taking over the farm.

One option is for the farmer to sell his land to developers. It is a straightforward transaction but spells the death of another farm.

Another option is to "cash out" the development value of the land. Farmers

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An aerial view of a field of solar panels in farmland.

can work with an agency or nonprofit and sell a conservation easement that protects the farmland and takes the possibility of development off the table.

The farm survives forever, and the farmer is able to retire or recapitalize his or her operation with proceeds from the easement sale.

In many Western states, solar developments are a pressing development threat to farms and ranches. Solar farms continue to be built covering thousands of acres, much of it arable farmland.

One example is in Benton County, Wash., where a Canadian company wants to build a 3,000-acre solar farm — all on agricultural land. About 750 acres of it is irrigated.

Our understanding of solar and wind farms is they were supposed to be built on land unsuitable for farming or ranching and have no water available. That being the case, why is irrigated farmland now being sacrificed to the solar gods?

In Washington, the state government has given the Energy Facility Site Evaluation Council a superpower. It can override county and local governments that have laws or policies protecting farmland.

In the case of Benton County, the county commission passed an ordinance late last year prohibiting anyone from building solar or wind farms on land zoned for agriculture.

But the state site evaluation council, which answers to Gov. Jay Inslee, an alternative energy zealot, can approve the solar development despite the county's ordinance.

So much for local control.

We worry that the people of Benton County — and other counties across Washington state — will be similarly steamrolled as the governor and others push to get these solar projects built.

We also worry that agriculture, which provides food and fiber to Washingtonians and others around the globe, will be crippled if arable farmland continues to be taken out of production.

Interestingly, Washington also has an Office of Farmland Preservation within the state Conservation Commission. According to its website, the office "works to address the rapid loss of working farm and forest lands in our state."

Other state departments have also run afoul of the solar steamroller. The Washington Department of Fish and Wildlife is trying to stop a solar farm planned for an area near the largest population of greater sage grouse in the state. These birds are the focus of concerted efforts around the West. Farmers, ranchers, government agencies and others have worked tirelessly to protect the birds in an effort to stabilize their populations.

We wish these agencies, nonprofits and organizations luck as they try to protect the land that feeds America and the world.

We all need food — three times a day, in fact — far more than we need solar panels and wind turbines blotting out massive swaths of farmland.

Our View

Getty Images

The State of Oregon changed its goals for managing forests.

Timber accord the best deal industry could likely get

Time will tell the length of 'regulatory certainty'

Oregon Gov. Kate Brown has signed legislation that makes the Private Forest Accord — a deal reached between the timber industry and environmental groups — the law in the Beaver State.

We understand why many segments of the timber industry have embraced the forest management framework spelled out in the accord. Only time will tell whether it will provide the regulatory certainty that it promises.

Representatives of timber and environmental groups struck the deal last year after a year of talks mediated by the Governor's Office. Brown convened the panel in 2020 to avoid competing ballot measures on forestry regulations.

The legislation codifying the accord expands no-harvest buffers around streams, implements stricter requirements for road-building, prioritizes non-lethal control of beavers and creates a new modeling system to avoid and mitigate the effects of landslides.

The legislation is expected to set the stage for a federal Habitat Conservation Plan for the state's private forests, which would shield landowners from liability under the Endangered Species Act when harvesting trees. That would be a huge benefit to private timber owners.

Support for the deal is not unanimous in the timber industry — critics argue that it complicates forest management, excludes excessive amounts of land from logging and was developed without sufficient transparency and public input. Some owners of smaller timber parcels could lose logging on up to half their land.

But several forest product companies and the Oregon Small Woodlands Association signed onto the Private Forest Accord with the understanding that it would provide more regulatory certainty and reduce the likelihood of disruptive lawsuits and ballot initiatives.

"There are no certainties in life, but we have a negotiated agreement that's supported by all sides," said Eric Geyer, strategic business development director for Roseburg Forest Products. "I'm confident we will have regulatory certainty for the elements that were negotiated."

Detractors in the timber industry view "regulatory certainty" as unrealistically optimistic.

They might be right.

Certainly, the timber industry will be held to the letter of the law and the rules that are developed. We are willing to accept that the environmental groups that are parties to the accord will make a good-faith effort to live up to the spirit of the deal, but they are under no legal obligation to be satisfied with the new framework.

And what of non-signatories to the accord who might try to get more restrictions on the ballot, or the next legislature that wants to further tighten the rules?

As Eric Geyer said, there are no certainties. The accord probably was the best deal the industry was going to get.

We hope that it lasts.

ODF's proposed WUI rules need to be sent back to the drawing board

GUEST VIEW

Matthew Brady

The Oregon Department of Forestry (ODF) has had an open comment period since March 29 pertaining to new definitions of the Wildland-Urban Interface (WUI) in Oregon Administrative Rules section 629.

These rules will soon go before the Oregon Board of Forestry at its June 8 meeting. These definitions are being updated as a result of Senate Bill 762 (SB762) from Oregon's 2021 legislative session, and include mapping criteria for WUI identification.

As a sheep farmer, timber owner and former professional wildland firefighter, the proposed new language is of concern to me for several reasons:

The first is that the proposed new language includes anything 400 square feet or greater when considering buildings defined as "structures" in the rule, irrespective of the building's use. While I understand that the ODF has provided verbal assurance that the term "structures" will not be interpreted to include structures outside occupied buildings for regulation purposes, assurances often only last as long as the agency personnel who provided them. When the Oregon Legislature enacted SB762 its focus was on preserving lives and the residences of the people of our state.

The new definitions will also create a density standard of one structure per 40 acres for inclusion in WUI areas. The previous interpretation of WUI from SB360/Oregon Forestland-Urban Interface Fire Protection Act used 4 homes per 40 acres as the threshold for inclusion in the WUI. This was consistent with Oregon's Rural Residential zoning of one home per 10 acres. While the new rules will aggregate structures on a given parcel (making them count as one for the purpose of WUI identification), it would include a shop, barn or hay shed in a WUI area even if there were no residence on that piece of land. These two criteria of themselves set the stage for a wide net of regulatory authority in all Western Oregon and many parts of Central and Eastern Oregon.

Additionally, I am concerned that croplands will be considered part of "vegetative fuels," which the new language defines as a plant that constitutes a wildfire hazard, potentially requiring crops be removed for wildfire risk mitigation where they meet farm homes and infrastructure, if in "high" or "extreme" risk classified zones in the new rules.

I have pastures within 30 feet of my residence that would fall under the definition of "vegetative fuels" as proposed in this rule making. All the vegetation in my pastures has value as feed for my sheep, and any fuel mitigation requirements for removing hazards as a result of this rule will be an undue burden on my livelihood. I do not believe that the legislature or ODF intend this result, but it would be easily allowed under the definitions and mapping proposed. This new definition of "vegetative fuels" should exclude cultivated crop lands and rangelands in active production.

There are several other concerns that I have with the new rules proposed by ODF which space does not allow me to elaborate on, including an incomplete understanding of how classified forestlands are utilized across the state, an incomplete concept of wildfire fuels in the rules, a new system of classifying wildfire risk categories, and the fact that the WUI definitions set forth in this new language will be utilized in areas outside of ODF's jurisdiction by the Office of the State Fire Marshal.

I encourage you to read the proposed rules for yourself. They can be found on the Oregon Department of Forestry's website under the "About ODF" tab, where you will then see "Senate Bill 762."

While trying to make a living with and fighting wildfires in Oregon safer and more holistic is a laudable endeavor, I believe that ODF is widely missing the mark with these new rules and failing to consider the diversity of the fire landscape in Oregon. I hope that the Board of Forestry sends them back to the drawing board.

Matthew Brady is a sheep, timber, hay and pumpkin farmer in Azalea, Ore. He worked for 21 years as a wildland firefighter for the Douglas Forest Protective Association in Douglas County and serves as the representative of Douglas and Lane counties on Oregon Farm Bureau's Board of Directors.