

Decision: Counsels are concerned about the future of contracts between the state and counties

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The rule defined “greatest permanent value” as a balance between timber harvesting and preserving clean drinking water, recreation and wildlife habitat.

However, jurors found that the state’s rule violated an 80-year-old agreement with the counties by limiting logging in state forests, thus limiting their revenue. The state intends to appeal.

“The state has adopted an administrative rule that defines ‘greatest permanent value’ that prioritizes other uses with timber and timber harvesting and they did that unilaterally without the counties’ input,” said Blair Henningsgaard, an Astoria attorney who represents the Port of Astoria and the Seaside and Jewell school districts on the issue.

Two major facets of the lawsuit are defining “greatest permanent value” and counties protecting their say in how forests are managed.

County counsels are concerned about the future of contracts between the state and counties, Clatsop County Counsel Heather Reynolds said. For that reason, some were concerned if their counties did participate in the lawsuit and lost it would create a precedent that the state can override such contracts.

But others have questioned why Clatsop County was the only county to opt out.

“So why wouldn’t Clatsop County take an interest in it? And if their voice is the biggest and they say, ‘No, we like what’s going on,’ they would have a voice in saying that. But by sitting out on the sidelines, they don’t have that voice,” Henningsgaard said.

Prior to the commission’s vote, Scott Lee, the chairman at the time, said: “Some have spoken of our need

‘I DON’T THINK THE PEOPLE IN SALEM PARTICULARLY UNDERSTAND OR CARE ABOUT PEOPLE OUTSIDE OF PORTLAND AND SALEM. YOU CAN SAY THAT’S TRUE BECAUSE THAT’S WHERE ALL THE PEOPLE LIVE, BUT WE’RE PEOPLE, TOO, OUT HERE.’

Blair Henningsgaard | Astoria attorney

to have a ‘seat at the table’ because then our voice would be heard. But this makes little sense to me. Clatsop County’s values are not the values expressed in the lawsuit. Why would we join a lawsuit that demands maximum timber harvest over all other interests if we don’t support that position?”

Lee joined Commissioner Sarah Nebeker and Commissioner Kathleen Sullivan in the vote to opt out. Commissioner Lianne Thompson and Commissioner Lisa Clement opposed the move. Clement, like Lee, chose not to run for reelection last year.

Commissioners received overwhelming public comment asking them to opt out of the lawsuit. Their decision was made in the Judge Guy Boyington Building, named in honor of the man behind the very contract

with the state being litigated.

During the Great Depression, instead of paying taxes on land that was harvested, private timber companies turned the land over to the counties to deal with after it was logged.

Counties did not have the resources to manage the land and the state didn’t have a forestry department at the time.

In 1939, the state and counties came to an agreement, initiated by Boyington, to consolidate the foreclosed lands under public ownership to restore timber production and “to secure the greatest permanent value” and share the revenue with the counties.

“I’ve always called it forest trust lands ... now they call them ‘state forests,’” Henningsgaard said. “But I think it’s really clear that the original transfers from the county to the state were simply the state would keep enough money to operate its forestry department and everything else goes to the counties.

“And that was really good for the state when they didn’t have a forestry department. And all of a sudden they had this money that they could fund a forestry department and now they want to make parks and trails ... and there’s so much money there that they want to just take it. And year by year they just kind of chip away at the concept of the whole deal.”

Henningsgaard believes many people in urban areas see the forest trust lands as places to preserve trees and provide recreation, not for logging on behalf of the counties.

“I don’t think the people in Salem particularly understand or care about people outside of Portland and Salem. You can say that’s true because that’s where all the people live, but we’re people, too, out here,” he said.

Dilemma: ‘This will create a lot of conversations’

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The plaintiffs include Benton, Clackamas, Columbia, Coos, Douglas, Josephine, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Washington counties and other taxing districts.

Clatsop County opted out of the lawsuit, but numerous taxing districts within the county are part of the legal challenge.

The counties originally donated more than 600,000 acres to the state in return for timber revenue, but they argued the government violated those contracts by prioritizing environmental and recreational qualities in a 1998 rule change.

While the lawsuit was about the state government’s contractual obligations, the case hinged on whether the “greatest permanent value” from forests came from timber production or whether environmental and recreational considerations must also be considered.

“While we are disappointed in today’s verdict, we believe there are strong arguments to be made on appeal, and we plan to appeal this decision,” said Fred Boss, deputy attorney general with the Oregon Department of Justice.

The Oregon Department of Forestry believes the best long-term outcome for the state’s residents, including the counties and taxing districts, is achieved with “balanced and science-based public forest management,” said Liz Dent, chief of the state forests division.

“We are disappointed that the jury did not agree, but we respect

their time commitment and the disruption to their daily lives as they analyzed complex information and difficult legal questions,” Dent said.

John DiLorenzo, an attorney for the county governments, said the \$1 billion award shows that Oregon’s forest managers can’t unilaterally decide how the forests should be managed without considering the state’s contractual obligations to the counties.

“I kind of consider this verdict a repudiation of the state’s position that there’s no contract and they don’t need permission from their rural partners when they decide to change our deal,” he said.

If the state government decides to challenge the validity of contracts with the counties, or argues that it has sovereign immunity that prohibits such lawsuits, the litigation may continue for years before the Oregon Court of Appeals and the Oregon Supreme Court, he said.

However, the county plaintiffs will try to convert the jury award into a court judgment as soon as possible, at which point the state may be liable for 9% annual interest if it eventually loses the case — increasing the verdict by \$90 million a year, he said.

“Certainly, they can talk to us about settling the case,” DiLorenzo said. “Settlements can occur at any time.”

When asked if a potential settlement would involve a change to state forest policies, DiLorenzo said there’s an “infinite” number of ways the problem could be ironed out, and may involve the Legisla-

ture weighing in on the situation.

“I hope our current governor gets interested in resolving this in a way that will help the people in these rural towns,” he said.

Charles Boyle, press secretary for Gov. Kate Brown, said the verdict “was not an unexpected first step in what will be a lengthier legal process, and it would be premature at this point to make budget decisions based on the jury’s decision.”

Linn County, the lead plaintiff, will soon be discussing the verdict with other counties and taxing districts, but is appreciative of the jury’s decision, said Roger Nyquist, a Linn County commissioner.

“Going forward, this will create a lot of conversations and I think that’s a good thing,” Nyquist said.

The Wild Salmon Center and several other nonprofit groups tried to intervene in the case as defendants, but a state judge denied the request because the lawsuit dealt with contractual rather than environmental concerns.

Ralph Bloemers, an attorney with the Crag Law Center who represented those groups, said he expects the jury’s verdict will be overturned on appeal.

“Since Oregon acquired these logged-over lands in the Great Depression, Oregonians have invested millions of our tax dollars in fixing them for everyone’s benefit,” Bloemers said. “While we all use and enjoy wood products, state law recognizes that our forests also provide us with clean drinking water, fish and wildlife.”

OBITUARIES

Scott ‘Scooter’ Lagerquist

Astoria

March 25, 1949 — Nov. 17, 2019

Scott “Scooter” Lagerquist passed away on Nov. 17, 2019, at Oregon Health and Science University’s hospital in Portland, after a short battle with leukemia. He was 70, but to many, he was the strapping, young at heart, witty man who could make you laugh with only just a few words.

Scott was born a baby boomer in 1949 in Minneapolis to Milton and Beatrice (Tallman) Lagerquist. He was one of six brothers, Lawrence, Keith, Milton, Christopher and Michael, all proud of their Swedish heritage, which showed mostly in their towering stature.

After school, he joined the Marines and was stationed in Memphis, Tennessee, where he met his lifelong partner and wife, Betty. They had four children together, Scott Jr., Jennifer and identical twins Dayna and Amanda.

After his years in the Marines, including a stint in Okinawa, Japan, Scott, Betty and their children followed his parents from Minnesota to Cannon Beach, Oregon, where Scott worked for Crown Zellerbach as a choke setter.

In 1980, Scott’s family again crossed the country to Florida, where he worked in construction with his brother, Larry. But the family always missed the Oregon Coast, and in 1993 they returned, where Scott worked with his brother

and father as a mason. He built the Warrenton welcome sign on U.S. Highway 101, the fireplaces at Camp 18, as well as many hotels scattered around Clatsop County.

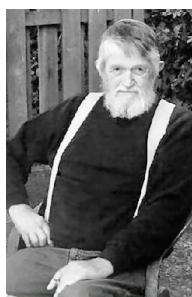
In 1999, Scott and Betty opened “Scooter’s Family Restaurant” on U.S. Highway 26. He used to like to say, “I had all these daughters, so I thought I’d put them to work.” The family ran the restaurant until 2006, when Scott finally retired.

To simply name Scott’s children, grandchildren and great-grandchildren cannot capture the true warmth and love Scott

had for his large family. They are more than just placeholders, they were his north stars, his friends, his clan. He will be missed by many, but he can still be found in the wit and humor of his children, and on the faces of his entire family throughout Astoria and beyond.

His wife Betty, his children Scott, Jenny, Dayna and Mandy, his grandchildren Christina, Candie, Amber, Lori, Christopher, Brandon, Bryan, Abigail and Chloe, as well as his seven great-grandchildren, will always carry Scooter in their hearts. So raise a glass for Scott. He is free. Skol.

Please join the family of Scott Lagerquist this Saturday at 5 p.m. at the Elks Lodge in Astoria, Oregon, for a potluck celebration.



Scott Lagerquist



James Albert ‘Jim’ Pohl

Astoria

July 15, 1952 — Nov. 18, 2019

James Albert Pohl, 67, passed away Nov. 18, 2019, at home in Astoria, Oregon.

He was born July 15, 1952, to Edward and Alvena Pohl, in Portland, Oregon. He grew up in Deer Island, Oregon, where he and his brothers explored for countless hours in the woods and raised chickens.

He graduated from St. Helens High School in 1970. While in school, he participated in track.

On May 18, 1974, Jim married the love of his life, Carol Emerson. Together they have two daughters, Sabrina (Steven) Hill of Astoria and Julie (John) Lewis of Astoria. He enjoyed his three grandchildren, Isaiah Hill, Jonah Hill and Savannah Lewis.

Jim worked for the Clatsop County Sheriff’s Office for approximately 20 years. He com-

pleted Board on Police Standards and Training in 1987. He was class No. 42.

In March 1994, he became a certified trainer for tactical baton instruction. In 1995, he became certified as a restraint law enforcement instructor. He also served as a survival skills instructor.

In addition to his wife, daughters and grandchildren, he is survived by his brother, Edward (Barb) Pohl of St. Helens; four nieces; and two nephews.

Jim enjoyed his grandchildren and taekwondo. His favorite holiday was Halloween.

He is preceded in death by both of his parents and his brothers, Ricky Pohl and Larry Pohl.

A celebration of life will be held at the Clatsop County Fairgrounds Sunday at 1 p.m.



James Pohl

OBITUARY POLICY

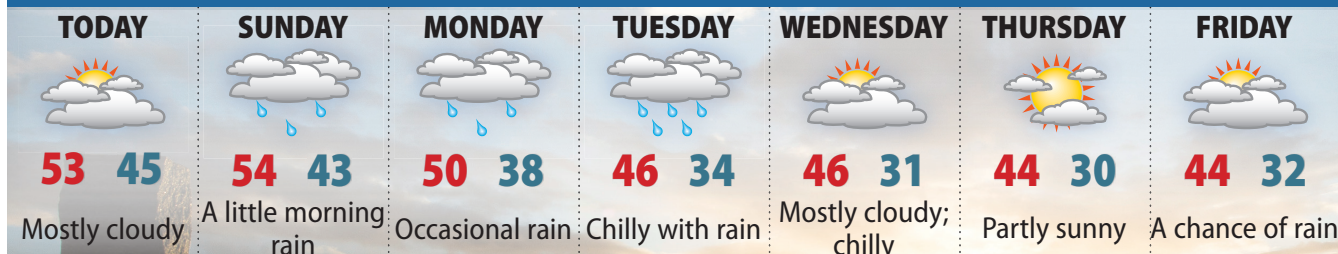
The Astorian publishes paid obituaries. The obituary can include a small photo and, for veterans, a flag symbol at no charge. The deadline for all obituaries is 9 a.m. the business day prior.

Obituaries may be edited for spelling, proper punctuation and style. Death notices and upcoming services will be published at no charge. Notices must be submitted by 9 a.m. the day of publication.

Obituaries and notices may be submitted online at DailyAstorian.com/forms/obits, by email at ewilson@dailyastorian.com, placed via the funeral home or in person at The Astorian office, 949 Exchange St. in Astoria.

For more information, call 503-325-3211, ext. 257.

SEVEN-DAY FORECAST FOR ASTORIA



ALMANAC

Astoria through Thursday

Temperatures

High/low 55/32
 Normal high/low 52/39
 Record high 66 in 1954
 Record low 25 in 1985

Precipitation

Thursday 0.00"
 Month to date 1.90"
 Normal month to date 7.56"
 Year to date 40.65"
 Normal year to date 53.78"

UNDER THE SKY

Tonight’s Sky: Low southwest at sunset, brighter Venus and Jupiter are just 2 degrees apart.

SUN AND MOON

Source: Jim Todd, OMSI

Sunrise today 7:27 a.m.
 Sunset tonight 4:36 p.m.
 Moonrise today 3:35 a.m.
 Moonset today 3:25 p.m.



TODAY’S TIDES

Astoria / Port Docks

Time	High (ft.)	Time	Low (ft.)
10:16 a.m.	8.8	4:03 a.m.	1.1
10:55 p.m.	7.4	4:56 p.m.	0.1

Cape Disappointment

Time	High (ft.)	Time	Low (ft.)
9:52 a.m.	8.5	3:12 a.m.	0.2
10:36 p.m.	7.0	4:11 p.m.	0.2

Hammond

Time	High (ft.)	Time	Low (ft.)
10:03 a.m.	9.2	3:33 a.m.	1.1
10:43 p.m.	7.7	4:28 p.m.	0.3

Warrenton

Time	High (ft.)	Time	Low (ft.)
10:11 a.m.	9.2	3:47 a.m.	1.2
10:50 p.m.	7.8	4:40 p.m.	0.3

Knappa

Time	High (ft.)	Time	Low (ft.)
10:53 a.m.	9.0	5:04 a.m.	0.9
11:32 p.m.	7.7	5:57 p.m.	0.2

Depoe Bay

Time	High (ft.)	Time	Low (ft.)
9:06 a.m.	9.0	2:40 a.m.	1.3
9:49 p.m.	7.3	3:41 p.m.	0.4

NATIONAL CITIES

City	Today Hi/Lo/W	Sun. Hi/Lo/W
Atlanta	65/45/r	57/39/s
Boston	47/37/s	47/37/r
Chicago	42/28/pc	46/36/c
Dallas	59/38/s	67/46/s
Denver	53/31/pc	57/31/pc
Honolulu	85/74/pc	86/74/pc
Houston	67/44/s	70/51/s
Los Angeles	74/52/s	75/50/s
Miami	82/70/pc	85/64/pc
New York City	46/40/pc	47/36/r
Phoenix	70/47/s	71/46/s
San Francisco	63/47/s	62/47/pc
Wash., DC	49/41/r	52/36/r

Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, l-ice.

REGIONAL FORECAST

