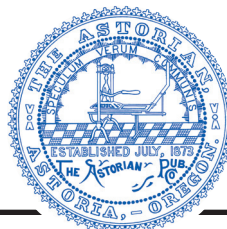


OPINION



the Astorian

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Founded in 1873

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GUEST COLUMNS

What the timber lawsuit really means

After a monthlong trial, after hearing more than 100 hours of testimony and reviewing hundreds of exhibits, some going back to the early 1900s, the Linn County jury deliberated for only a few hours before returning with a verdict. The jury determined that the state had indeed breached a long-standing contract with the forest trust counties and awarded full damages of more than \$1 billion.

Clatsop County commissioners opted out of the lawsuit, although the majority of their taxing districts decided to stay in and are entitled to \$243 million. Judge Thomas McHill determined that Klamath County forests operate under a pre-2001 forest management plan and



DAVID YAMAMOTO

removed them from the lawsuit. This left 13 counties and 151 taxing districts found to be harmed and eligible for compensation.

The 1941 Forest Acquisition Act created the idea of greatest permanent value to mean managing these forest trust lands to return timber revenue to the counties, taxing districts and the Oregon Department of Forestry. It was in 1998 that the Board of Forestry decided to change the definition of greatest permanent value, and for the last 20 years, timber revenue suffered while the state instead prioritized going far above the mandates of the federal Endangered Species Act and directing funds to increasing recreational opportunities.

While these are admirable goals, these shortfalls over the last 20 years were being born entirely by the trust counties. What the jury found is that the trust counties have been shorted \$1 billion to provide these additional services to all residents of Oregon and it is only fair that we be fairly compensated for these services. Over the last 20 years, trust counties have had to cut public safety, education, emergency services, road maintenance, health care, libraries and other essential services.

When it comes to natural resource-based industries, Tillamook County is blessed with dynamic timber, dairy and fishing opportunities. Some think that increasing timber harvest will harm the environment. As a Tillamook County commissioner, I am proud to be able to say that when it comes to clean water, habitat restoration and fish recovery, no Oregon county does these things better than Tillamook County.

Over the decades, our timber, dairy and fishing partners have collaborated with our county public works department, watershed councils, Oregon Watershed Enhancement Board, Tillamook Soil & Water Conservation, Tillamook Estuaries Partnership, Salmon SuperHwy and others to provide continuing improvements to our watersheds. We recently completed a 600 acre,



Hailey Hoffman/The Astorian

Clatsop County opted out of a timber lawsuit against the state.

\$11 million habitat restoration project called Southern Flow Corridor. In Tillamook County, we have over 3,500 culverts, which often, due to increased fish passage rules, need to be replaced with a bridge, which is an expensive proposition. This is one of the reasons we have a bridge for every 3 miles of roadway. A difficult environment for a small rural county, but a true success story in Oregon.

Our victory in court does not mean we can or should diminish our commitment to our environmental responsibilities. As I explained above, Tillamook County is the state leader in clean water, habitat restoration and fish recovery. The Department of Forestry cannot disregard the Endangered Species Act or Clean Water Act, but I feel this jury verdict clearly specifies that the state should not go above and beyond to the detriment of the trust counties.

Timber revenue is but one part of the economic and social sustainability of rural Oregon. It must also be understood that jobs in the woods, mills and truck transportation are some of our rural counties best paying jobs with benefits.

In Oregon, the average annual private-sector wage is \$52,000. This same classification of jobs in Tillamook County is \$37,000. Yet, when you look at forest products industry jobs in Tillamook County, we have forestry and logging at \$55,000, wood products manufacturing at \$59,000 and truck

transportation at \$47,500. These are family wage jobs. Tillamook County has 852 forest products industry jobs, which adds over \$43.5 million to the county's economy.

In Oregon, there are over 60,000 forest products industry jobs paying an average of \$53,500. These jobs add more than \$3.2 billion to the state's economy. Every county in the state has some economic activity generated by the forest sector. Total wood product sales in Oregon exceeded \$10.3 billion in 2016. The total number of wood processing facilities in Oregon was 360 in 1988 and was down to 172 in 2017. When looking at sawmills in Oregon, number have decreased by 53% during the period 1988 to 2017, down to 78 sawmills in 2017.

The jury award underestimates the real social cost which was caused by the state's breach of contract. According to the state's own figures, each additional million board feet of harvest results in 9.8 family wage jobs, so 3.6 billion board feet of foregone harvest meant 3,700 jobs lost. Imagine what those lost jobs would have meant to the trust counties, not only in terms of the productive lives of its residents, but of the economic multiplier which would have attached to all the purchasing power those jobs would have resulted in.

It is important to note that interest at the state-mandated rate of 9% accrues on this damages award, which equates to

\$260,000 per day. It is expected that the state will appeal this verdict to the Oregon Court of Appeals and then possibly to the Oregon Supreme Court, taking years for these court decisions.

No one should blame the trust counties for this situation. Had the state performed the contract as originally promised, the counties would be in a much better financial condition and the Department of Forestry would also have had the financial means to properly manage the state forests. It is not right to expect rural counties to shoulder the burden to benefit the entire state.

We in rural Oregon have a great story to tell when it comes to our magnificent forests and the sustainable forestry practices that bring so much to so many. It is unfortunate that the urban-rural divide is so poignant in Oregon. Most rural counties will never be the home of a Nike, or Intel, or Columbia Sportswear. Long before these companies came into existence, rural counties and their natural resource-based industries were the growth engines of Oregon.

We can continue to be vibrant, sustainable, self-reliant rural counties if given a level playing field, and our success will not come at the expense of the environment if we have reasonable harvest policies.

David Yamamoto is a Tillamook County commissioner and the chairman of the Council of Forest Trust Land Counties.

Leading the fight for salmon habitat

Treaty Indian tribes in western Washington state are greatly encouraged by Gov. Jay Inslee's recent commitment to challenge the status quo and take steps needed for salmon recovery.

It happened in November at the annual Centennial Accord meeting. Created in 1989 to mark the 100th anniversary of statehood, the gathering brings together the tribes and state in a government-to-government forum to address



LORRAINE LOOMIS

issues of mutual interest, such as health care, education and natural resources.

Salmon are declining across western Washington for one main reason: Their habitat is being damaged and lost faster than we can fix it.

The treaty Indian tribes have been leading the fight for salmon habitat for decades. We know that to recover salmon we must hold ourselves accountable and do what is necessary to halt and reverse the ongoing loss and damage to their habitat.

Tribes have documented the decline of salmon habitat through the State of Our Watersheds report series, which details habitat conditions and limiting factors for recovery. We have developed solutions through gw̓d̓zadad, our strategy for restoring salmon habitat that takes its name from the Lushootseed word that means "teachings of our ancestors."

This work calls out a handful of immediate recommendations:

• Protect streamside habitat through a consistent science-based approach across the region. That means creating and protecting healthy streamside buffers with plenty of mature trees that keep water temperatures low, stabilize riverbanks and contribute to diverse instream habitat for salmon.

• Revise the state's Growth Management Act and other resource protection guidelines from one of no net loss to one of net gain — working to better protect and enhance the ecosystems that salmon, orcas and we all depend on.

• Develop a statewide permit tracking system to create transparency, accountability and efficiency in understanding the cumulative effects of our collective land use decisions.

• Reduce toxic contamination of water and salmon through improved water quality standards, source control and stormwater management requirements.

At the Centennial Accord meeting, Gov. Inslee acknowledged the importance of healthy streamside areas as critical to both our region's salmon recovery efforts and our resiliency in the face of global climate change. In a strong move, he directed his state environmental and natural resources agencies to develop a proposal for a consistent approach by the end of the year. State data show that more than 1,700 miles of streams and rivers in western Washington do not meet state and federal water quality standards for water temperatures.



Spawning chum salmon splash in the water of Greenhead Slough.

Ecology Director Maia Bellon and Fish and Wildlife Director Kelly Susewind echoed Gov. Inslee's support and reinforced the need for clear and unified action across all sectors.

Bellon, who is stepping down this month, said the state will stay the course in the fight to stop the U.S. Environmental Protection Agency from rolling back Washington's hard-fought water quality standards that are the most protective

of human health in the nation. The EPA is moving to rescind the standards based on a complaint by some industry groups claiming the rules increase their cost of doing business while ignoring the health risks to everyone who lives here.

Susewind and I have committed to working cooperatively as co-managers through the annual North of Falcon salmon season setting process to embrace the actions outlined in the gw̓d̓zadad habitat restoration strategy and include the issues of habitat protection in our management discussions.

These are the actions that are going to recover salmon and orcas, preserve our health and protect us from climate change while also addressing tribal treaty-reserved rights. To its credit, Washington was the first state to establish a government-to-government relationship with tribes through a formal agreement like the Centennial Accord.

We know there are those who oppose our efforts. They are the same people who want to lock us into the status quo. We know that path does not lead to salmon recovery. We don't have to argue about what needs to be done. We're past that. We know what the science and our hearts tell us are the right things to do.

Right now, we are witnessing leadership, cooperation and commitment on a scale we have not seen in a long time. This is how we will recover salmon.

Lorraine Loomis is the chairwoman of the Northwest Indian Fisheries Commission.