



The Oregon Court of Appeals has overturned a \$1 billion timber settlement.

Timber verdict overturned

Appeals court sides with the state

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — The Oregon Court of Appeals has struck down a \$1 billion jury verdict that was intended to compensate county governments for insufficient logging on state forestlands.

A law that requires Oregon to manage the forestland for the greatest permanent value does not create an “immutable promise” to maximize revenue for the counties, the appeals court ruled in April.

The appeals court said that “historically, ‘value’ has myriad definitions, some of which could relate to revenue production and others that do not relate to revenue production.”

The statute also directs that forests be managed for the greatest permanent value to the state, rather than to the counties, which means the text falls short of the clear and unmistakable intent of making a contractual promise, the ruling said.

For that reason, a Circuit Court judge in Linn County wrongly refused to dismiss the class-action lawsuit against the state government, the ruling said.

“The Court of Appeals decision today is a victory for Oregon’s environment as well as for sound forest management,” state Attorney General Ellen Rosenblum said. “The court agreed with the state’s legal position in recognizing that Oregon’s forests serve a full range of environmental, recreational and economic uses that the Department of Forestry has authority to balance in order to secure the greatest value to all Oregonians.”

John DiLorenzo, an attorney for the counties, vowed to challenge the ruling before the Oregon Supreme Court because it “does not align with the law or the evidence we presented at trial.”

The ruling doesn’t take into account the economic and social damage that rural communities have suffered after the state government changed its logging policies without input from the counties, he said in an email.

Oregon’s leaders have decided the timber economy is inconsistent with their “urban values,” but the resulting problems must be addressed to bridge the urban-rural divide,

DiLorenzo said.

“The lack of productive employment in these communities has led to substance abuse, violence, lack of educational opportunity and general hopelessness and despair,” he said.

A jury determined the state violated a contract requiring it to maximize revenue from forestlands donated by the counties in the 1930s and ‘40s after a monthlong trial in 2019.

A CIRCUIT COURT JUDGE IN LINN COUNTY WRONGLY REFUSED TO DISMISS THE CLASS-ACTION LAWSUIT AGAINST THE STATE GOVERNMENT, THE RULING SAID.

State forests must be managed for the greatest permanent value by law, but more than a dozen counties claimed the Oregon Department of Forestry impermissibly expanded that definition beyond its original intent. In 2017, the Clatsop County Board of Commissioners voted 3 to 2 to opt out of the lawsuit, citing a need for more balanced forest management.

Under language adopted in the late 1990s, the greatest permanent value was changed to include environmental and recreational considerations that restricted timber harvests, shortchanging the counties and tax districts within them of revenues, the plaintiffs claimed.

Attorneys for Oregon appealed the jury verdict on the grounds that the counties didn’t have an enforceable contract that dictated how state forest officials must manage the nearly 700,000 acres of donated property.

The law governing state forestlands pertains to matters of statewide concern that cannot be challenged in court by the counties, state attorneys claimed. As political subdivisions of the state government, the counties cannot sue over such state policies.

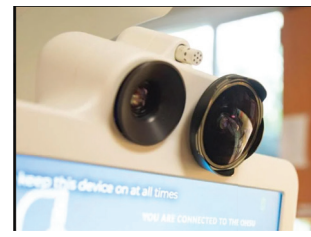
Federal environmental laws enacted since the property was donated, such as the Endangered Species Act, also effectively limit how much timber can be extracted from state forestlands, according to state attorneys.

The counties claimed that Oregon forestry officials weren’t obligated to create habitat for federally-protected species that resulted in logging restrictions. In any case, the counties said the state government can alter forest management policies but must still pay them damages for breaching the contract.

Counties provide health care and other functions under contract with the state government, so they must be able to rely on such agreements being enforceable, the plaintiffs said. If the counties had known the state government could reinterpret the contract’s terms at will, they’d never have donated such huge amounts of forestlands.

Through virtual ICU, patients to get more access to expertise

By **ABBEY McDONALD**
The Astorian



Lydia Ely/The Astorian

The Columbia Memorial Hospital ICU is reflected in a camera lens of the robot used for remote consultations.

Patients who check into the intensive care unit at Columbia Memorial Hospital may find themselves speaking to a robot on wheels to get a consultation from a doctor a hundred miles away.

Since July 2020, the Astoria hospital has been working with Oregon Health & Science University Hospital to use the tele-intensivist consult service, allowing providers in Portland to give remote consultations to patients and collaborate with local doctors.

OHSU’s intensivists — doctors who specialize in intensive care — speak to patients through a screen wheeled to their bedsides.

Chris Strear, the chief medical officer at Columbia Memorial, said the consultations have allowed the hospital to retain complex cases that might otherwise be transferred to the larger hospital over two hours away.

Backed by nearly \$1 million in federal funding secured last month, Columbia Memorial will have expanded access with the creation of a virtual ICU. The partner hospitals have not settled on a timeline.

Strear said the virtual ICU will increase access to OHSU’s infrastructure and regionalize health care services that have been stretched thin during the coronavirus pandemic.

With a virtual ICU, Columbia Memorial’s providers will still be going into rooms to care for patients. At the same time, OHSU nurses and physicians will use cameras, audio equipment and access to monitors from their control center.

“Instead of getting a snapshot, when the provider here engages with them they’re actively monitoring these patients just like we are,” Strear said. “So it’s as if these patients are in the OHSU ICU, except virtually. So the ability to monitor the patients more closely and more intensely is there.”

The Connected Coast Virtual ICU, a partnership between OHSU, Columbia Memorial and Bay Area Hospital in Coos Bay, received \$943,000 in the \$1.5 trillion omnibus spending package President Joe Biden signed in March.

The funding will go toward installing equipment in each room, rather than having the mobile robot shared between rooms, and help pay the nurses and intensivists working at OHSU, according to Columbia Memorial.

“So it’ll help support that a little bit so we can keep the costs down for the patients, and it’ll help us prove that this is really a good thing to do,” said Judy Geiger, Columbia Memorial’s vice president of patient care services.

The hospitals discussed a virtual ICU in 2019 as a way to keep patients in their communities. They launched the consultation service as a first step.

“It’s certainly been used more since the pandemic

started,” Geiger said. “The hospitals have been very full in Portland and so we’ve kept patients a little bit longer and a little bit sicker than we would have otherwise. And we felt like we could do it very safely with the OHSU support.”

The hospital uses the consultation service twice a day on average.

Patients typically respond well to the remote services, Geiger said. Providers have scripts to explain what the service will be like before turning the camera on.

The hospital said that patients can expect the same level of care with a virtual provider.

“We kind of have the best of both worlds, because the complicated part of caring for these patients isn’t the physical exam. It’s not hooking them up to the monitor or measuring their blood pressure. The complicated part is: What do you do with all of this data? How do you analyze it and turn it into a care plan? And you don’t need to be in the same room to talk about what the tests show, or what the X-rays show or how the patient is responding to the treatment,” Strear said.

Patients needing specialists and surgeries that are not available locally will still be transferred to Portland.

Columbia Memorial expects the virtual ICU to still be in demand even if hospitalizations from COVID continue to decrease.

“We’ve always had patients that traditionally transferred to Portland that now, hopefully, with COVID forcing us to up our game and with the augmented help from the virtual ICU, we’ll now be keeping these patients here,” Strear said.



VETERANS IN CLATSOP COUNTY NEED YOUR HELP!

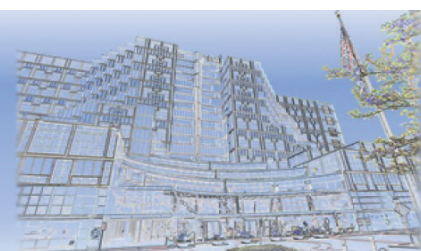
Clatsop County’s Rural Veterans Healthcare Transportation is seeking volunteers to help our local veterans access their crucial medical appointments.

Volunteer drivers are needed to pick up veterans at their home, take them to their local appointment and bring them home from the appointment. There also are times when a veteran will need to be taken to an appointment in Portland and returned home. Volunteer drivers are reimbursed for the miles they drive.

If you are a licensed driver and own or have access to a vehicle and can volunteer to transport veterans to healthcare appointments please contact:

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jason@ridethebus.org

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