

**Testimony of Gregory Haller, Conservation Director Pacific Rivers
Before the House Committee on Agriculture and Natural Resources.
March 30, 2017**

Why do we need OFPA reform now? The reasons are quite simple.

- Oregonians cherish healthy rivers and robust fish and wildlife populations for hunting, fishing and wildlife viewing. People move to Oregon because they believe it is a “green” state, with progressive laws that protect the environment while supporting a sustainable timber industry. The reality is much different. The intent of this bill is not to demonize loggers, logging or small family foresters. The bill is a direct response to the actions of industrial timber owners and their stranglehold on the ability of Oregonians to implement change, either through the legislature or the Board of Forestry.
- The current Forest Practice law is over 45 years old. And while there have been administrative updates, forest practices in Oregon are not based on the best available science, and thus continue to harm fish and wildlife habitat and human health. Our neighboring states and federal land managers recognized this fact years ago and have updated their forestry regulations to better protect the environment. And the timber industry is still quite profitable in those states.
- The economic landscape has changed. Historically, most timber companies were owned by Oregon families. Today, most industrial timber companies are owned by large investment banks, insurance companies and other multi-national corporations – delivering their profits to out-of-state Wall Street investors. Oregon essentially subsidizes Wall Street with weak environmental protections, leaving Oregonians to bear the costs passed on to them through dirty drinking water, chemical contamination, cleanup of landslides, and threatened fish and wildlife populations. There is increasing demand for sustainably harvested wood, and the development of new wood-based building materials like cross-laminated timber will open Oregon’s timber supply to new markets. This bill will accelerate the development of these new markets.
- The current law creates liability exposure to landowners from lawsuits brought under the Endangered Species Act. Current practices on private lands have contributed to the decline of fish and wildlife species, resulting in ESA protection for Coho, northern spotted owl and the marbled murrelet. Mature and old growth forests have all but disappeared from private lands. The bulk of the habitat supporting fish and wildlife is located on federal lands. There is no conceivable way that we will recover threatened species until we restore some percentage of private lands into real forests and adequately protect streams and rivers with appropriate streamside buffers and a reduced road network.
- Climate Change. Oregon is not immune from the effects of climate change. In fact, Oregon’s currently available cold water habitat- the streams and rivers

that produce our salmon, steelhead and trout fisheries, is predicted to shrink drastically this century. If we do not expand buffers on all streams, fish-bearing or otherwise, we risk losing salmon and trout populations, a major economic component of the state's GDP, and a culturally important species to Native American tribes.

- The Board of Forestry has proven itself unable or unwilling to modernize forest practices. The current riparian rule making starkly illustrates this point. The Department of Forestry, to its credit, showed that buffers of at least 100 feet were necessary to meet the requirements of the Clean Water Act. Instead, the Board adopted rules that fell far short, expanding buffers by a mere 10 -20 feet, far less than what is necessary to maintain cold water habitat in the affected streams. Making matters worse, the Board exempted SW Oregon from the rule. Buffers in Oregon are still far smaller than our neighboring states.
- Current law doesn't require landowners to protect cultural sites important to Native American tribes.

What this bill won't do. You will hear testimony that this bill is a job killer, that that it's a regulatory overreach that will require additional time and expense to plan and conduct logging operations or that it will shut down logging completely. You will hear testimony that "everything is just fine on private lands, our laws are sound, and we replant trees" Just ask the Oregon Forest Resources Institute, a quasi government agency that uses millions of dollars that industry used to pay in property taxes to support the communities it operates in, but that now goes to OFRI to develop propagandized commercials for television and radio, essentially telling you to move along, nothing to see here. This green-washing is a sham and Oregonians know (and deserve) better. The fact is this bill will not shut down the forest or make timber management anymore burdensome. But it will require change.

What this bill will do

This bill represents a vision for private lands forest management. It is a starting point for a conversation of how we restore Oregon as a leader in sustainable forestry and conservation. The bill attempts to strike a balance between providing necessary oversight to protect people, fish and wildlife with enough operational flexibility to ensure timber owners can manage their investments profitably. It incentivizes practices that will monetize ecosystem services like restored fish and wildlife habitat and clean drinking water that will bring added value to landowners.

- Forest Management Plans will provide transparency and accountability to all affected stakeholders, bolstering the state's ability to protect public trust resources. FMPs work in California; they can work in Oregon too. As the federal government makes severe cuts to agencies tasked with protecting the environment it is up to state governments to provide adequate oversight to protect the public interest.

- Streamside buffers will be expanded on all streams and wetlands. Current buffers are inadequate for providing needed shade to keep streams cool or for delivering large dead trees to the stream channel, where they create habitat complexity.
- Industrial landowners will be required to restore a portion of their lands to natural forests, with mature and old growth trees, which they will be able to harvest.
- Landowners will be required to identify and protect cultural sites important to Native American tribes and rules governing that process will be developed in consultation with the tribes.
- Prohibitions on clear-cut logging on sites with high landslide risk will reduce the likelihood of an Oso-like disaster.
- The aerial application of herbicides in drinking water source areas, as identified by ODEQ, will be prohibited, as will clear-cut logging.
- Road management plans will be required for large landowners to identify problem roads and to ensure they are improved or decommissioned.
- Local governments, counties, cities and water districts will be entitled to develop more stringent regulations, which will ensure greater protection for at-risk resources.
- This bill will level the playing field for small field, allowing small sustainable foresters to compete with large industrial landowners.

We are not alone in thinking that the OFPA is woefully out of date. Federal agencies, which have withheld funding from Oregon due to its weak forestry laws, other states, small landowners and rural and urban Oregonians know that reform is necessary. The question of reform is not “if” but “when.” My organization is committed to working with landowners, large and small, with scientists, economists and others to craft a vision for sustainable forestry in Oregon, one that creates new markets and products and ensures our fish, wildlife and public health are protected. And we will not stop our efforts, regardless of the fate of this bill.

If Oregon truly is a progressive state, it should be a leader in environmental protection, particularly as the current federal government is intent on abandoning virtually all environmental oversight.

Thank you for allowing me to testify in support of this important legislation.