

Submitter: Craig Herman

On Behalf Of:

Committee: Senate Committee On Natural Resources and Wildfire Recovery

Measure: SB1501

RE: Oppose Senate Bill 1501

Dear Chair Golder and members of the Senate Natural Resource and Wildfire Committee:

I ask that you oppose SB1501. I have a small ranch in Coos County with trees and property with trees in Clackamas County. I have read the draft documents proposed in the Private Forest Accord (PFA) and have concerns regard the Small Forest Owners (SFO) provisions that would adversely affect my family. The whole Private Forest Accord lacked transparency which is very important for all Oregonians. The process was confidential and behind closed doors. SB 1501 finally came out last week and it changes many Oregon statutes. SB 1501 also refers to the Private Forest Accord Report which is not yet available. SB 1501 should not move forward until everyone, including legislators, have had the opportunity to view all the materials and try to understand the financial impacts to landowners and the State of Oregon.

The following comments below reflect my concerns with SB 1501 without the PFA Report. When the report comes out, I will then be able to address such issues as roads, riparian buffers, etc. which cannot be addressed based on the draft documents:

1. SB 1501 takes away the rights of landowners for “just compensation” for land use regulation and the expansion of riparian and slope buffers are a taking of land. For coastal Oregon timber producers, this takes up a huge amount of forest land.
2. Landslide Modeling: At this point, the modeling is to be developed by a specific contractor. This does not follow normal government contracting protocol. From the documents we have seen, the landslide buffers take a tremendous amount of timber especially when added to the fish stream buffers.
3. Beaver Management: The language in the Beaver Conservation Commercial section severely impacts a landowner’s ability to manage beaver on their property. Beaver trapping is prohibited on private forestland. Relocating beavers moves the problem elsewhere and the notification process is time consuming and costly for landowners and ODFW. Beaver removal is essential to protect riparian habitat buffers. This proposal will change beaver management in Oregon.
4. Grazing Management: This should not be in the mitigation of the PFA. This agriculture practice is managed under the Oregon Department of Agriculture’s Water Quality Plan (AWQMP) and Rules.
5. Removal of Structures that block fish passage: The term “tidegates” was

removed from the original Accord document and replaced with this language. Such structures are an essential part of coastal agriculture operations and impacts of removal are extensive. This section should be removed from the mitigation portion.

6. Supporting acquisition of existing water rights: "Water rights" is primarily related to agriculture and generally not related for growing of timber. Even though this is in the mitigation section, it should be removed.

7. Grants: Please refer to the SFO language as everything is based on "may". For SFO's, there are no guarantees for funding of projects. Where is the funding for this bill coming from?

8. More Government Bureaucracy: The requirements required for SFO's is extensive and will be time consuming and costly to SFO's. Unlike large timber companies, we do not have a building full of staff to do the work.

9. Penalties: There are increases in penalties is unnecessary.

10. Habitat Conservation Plan (HCP): The HCP will be written by Oregon Department of Forestry and approved at the federal level. The timeline is extensive for this process, and we understand the new rules will be in effect after passing legislature and ODF rulemaking process.

Thank you for the opportunity to communicate my concerns as to the dilemma this legislation presents to Small Forest Owners. I encourage you to remove Small Forest Owner's provisions from this Private Forest Accord legislation.

Respectfully yours,
Craig J. Herman