

Board of Forestry finalizes HCP

March 10, 2024



In a 4-3 vote on March 7, the Oregon Board of Forestry approved finalization of a habitat conservation plan for western Oregon state forests that will regulate management of those forests for the next 70 years.

Serious cuts in projected harvest levels under the plan drew intense criticism from officials from counties and special districts that rely on revenues from the state forest and timber industry representatives. But following a recommendation of approval from State Forester Cal Mukumoto, four board members voted for approval of the plan, saying they did not believe higher harvests could be achieved in compliance with federal statute, while three voted against.

At the beginning of the meeting, Mukumoto officially recommended that staff from the Oregon Department of Forestry (ODF) move forward on finalizing the habitat conservation plan (HCP) and obtaining incidental take permits associated with it.

Mukumoto acknowledged the concerns about the plan's economic impacts and noted that ODF has operated on limited budgets for many years. He said that staff at ODF would work to minimize the economic impacts

in the forest management plans that will set harvest levels for ten-year periods during the HCP, using dynamic forest management techniques. He also said that the state forests division was looking at ways to reduce its budget by increasing efficiency to account for lower revenues.

The HCP will govern around 640,000 acres of state forests west of the crest of the cascades that over the past two decades have averaged around 225 million board feet (mmbf) in annual harvests. The plan will establish habitat conservation areas to protect 17 species protected under the National Endangered Species Act (ESA) by establishing habitat conservation areas removed from harvest. Those restrictions are projected to lead to harvest levels between 165 mmbf and 182.5 mmbf.

After Mukumoto finished his presentation, the board welcomed public comment, which was evenly split between support for and opposition to the plan.

Opponents warned of financial ruin in the forest trust land counties, citing studies that showed that between 10 and 15 jobs are generated by each million board feet of timber harvested.

Proponents said that the plan was a fair compromise between conservational efforts and the economic health of the counties, noting that they would have favored options with stronger protections for the endangered species.

The board then began debate on whether to accept Mukumoto's recommendation.

Board Member Carla Chambers kicked off the discussion and voiced her opposition to the plan, pointing to the potential impact on wildfire risk in the state. Chambers said that the history of reduced harvests on federal forest lands in Oregon dating back to the 1980s showed those reductions led to increases in fire risk.

Chambers noted that the increase in fires has led to a concomitant rise in the price of electricity and insurance in recent years, discouraging new business activity across the state. It has also driven up the cost of fire fighting for ODF, which she said has spent \$94.5 million on firefighting in the past five years.

Adopting the new HCP would only further exacerbate the problem, while simultaneously reducing the department's budget to fight fires, causing serious concern, Chambers said.

Chambers also voiced her concerns about the economic impact of the plan, which she said would cause a \$3.08 billion loss in revenues over its 70-year implementation period. "There is no financial plan for this HCP," Chambers said.

Chambers urged the board not to adopt the HCP and said that ODF could negotiate a minimum harvest level as part of a reworking of the plan. "It is time to do better for the people of Oregon on an HCP, I do not support this plan," Chambers said.

Board Member Liz Agpaoa concurred with Chambers and said that claims that reworking the HCP would lead to a multi-year delay in its implementation were unfounded. Agpaoa pointed to additional technical assistance that could be paid for with federal money under provisions of the 2018 farm bill and help to expedite a reworking of the plan.

Other members of the board then chimed in to voice their disagreement, starting with Brenda McComb who said that she did not believe managing the forest would achieve conservation of endangered species. McComb said that she felt the HCP did a good job of providing the necessary protections for the species to persist and said that she planned to support its passage.

Board Member Ben Deumling then said that he was sensitive to the financial concerns raised by the plan and committed to achieving a balance between financial and conservational goals, a stated goal of the process.

However, Deumling said that after reviewing the plan and information provided by ODF staff he was convinced that a plan with higher harvest levels could not meet conservational requirements under federal law. “The problem is I don’t think more time will get us a better scenario,” Deumling said, “that’s hard for me to say because I wish at the bottom of my heart there was a scenario, but I don’t think the risk is worth it.”

Board Member Chandra Ferrari echoed Deumling’s sentiment, saying that it was the board’s responsibility to make a decision based on common sense, which would comply with applicable laws, and that it was time to move forward. “I think we do everybody a disservice to suggest that there are other alternatives available under the ESA,” Ferrari said.

Board Chair Jim Kelly expressed a similar sentiment, saying that the board needed to look at the big picture when making a decision and consider the impacts on the whole state.

Kelly noted that state forests have produced an outsized percent of timber harvests since reductions to federal timber harvests in the 1980s, with state forests now accounting for 10% of harvests though they only comprise 3% of forest land in the state. Kelly said that this was out of balance and that “most Oregonians don’t want our state forests to be managed like a commercial tree farm.”

Further, Kelly argued that the risk of delaying the process was not worth the potential reward of higher harvests. He also noted that Governor Tina Kotek has been working with affected counties on replacement funding, committing to make them whole, and said that he could only support passage with that in mind.

“I believe it is time we send a clear message that this board intends to get this over the finish line,” Kelly said.

Board Member Joe Justice disagreed with Kelly’s assessment and argued that the choice before the board was whether the proposed HCP was better than continuing under the current take-avoidance scheme employed by the department. Justice said that a 2020 projection that estimated state forests could achieve between 175 and 212 mmbf of harvest with take avoidance clearly demonstrated that it was not.

Justice said that the process had begun with the twin goals of creating operational certainty around conservation measures and preserving the economic viability of the groups relying on forest revenues and that the proposed plan did not achieve the latter. “One thing I am certain of is that this HCP does not achieve the goal of financial viability,” Justice said.

Justice argued that it was incumbent on the board to return to the federal services that have partnered in the plan's development and try to achieve higher harvest levels.

After finishing his comments, Justice made a motion that ODF staff engage with the board, counties and federal authorities to moderate the plan to meet conservational requirements while also achieving a harvest level of 225 mmbf. The motion failed, with Justice, Agpaoa and Chambers voting aye, while the other members voted against.

Chambers followed with a motion of her own, moving that consideration of the HCP be postponed until Mukumoto could identify a financial plan that ensured the department would be able to meet the requirements of the HCP. Chambers argued that proposed conversations with the legislature were not a plan but McComb said that she was concerned about delaying the decision and Justice argued that the motion would essentially mean continuing with a take-avoidance approach.

The motion failed, with Chambers, Agpaoa and Justice voting in favor, while the other members opposed.

Agpaoa then made a motion that the board delay approval until it could receive a legal opinion on whether the adoption would be in violation of a law requiring the department have sufficient income to support the 2010 forest management plan. Again, the motion failed, with the same members voting in favor and against as the previous two motions.

Finally, Deumling made a motion to adopt Mukumoto's recommendation to approve the finalization of the HCP and obtain incidental take permits from applicable federal agencies. The motion passed by a 4-3 vote, with Justice, Deumling, Ferrari and McComb voting in favor, while Agpaoa, Chambers and Justice voted against.