

March 8, 2019

Rep. Anna Williams
900 Court St NE, H-377
Salem, Oregon 97301

Re: **Opposition to House Bill 2656**

Dear Representative Williams:

We request that our letter be entered into the public record on this matter. First off, thank you again for hosting your town hall in Sandy last weekend. It is apparent you value the input of your constituents (which we are) regarding the crafting of public policy. To that end, we want to let you know that **we are opposed to the passage of House Bill 2656.** This bill will subject small forestland owners to unprecedented restrictions on forestry management operations.

First, a little background about us. My wife and I are retired, and we own and manage about 84 acres of forestland in western Oregon near Estacada, which we have been doing for almost 30 years. We are proud of our sustainable forest stewardship, and have conducted tours of our forest for the Clackamas County Farm Forestry Association and the Clackamas River Basin Council, among other organizations. Additionally, I have been a lecturer at the OSU Extension Service Clackamas Tree School. We are supporters of the Clean Energy Jobs bill.

We understand HB 2656 is intended to apply to forest management operations on lands that are a drinking water source (section 2, part 2 of the bill). In western Oregon, the vast majority of land is considered to be a drinking water source since watersheds cover large areas and ultimately drain into large creeks and/or rivers from which many public drinking water agencies derive their water. For example, in our area, although we are far removed from the Clackamas River, we are still part of the Clackamas River watershed, and the rainfall on our land will ultimately, and circuitously drain to it (first, through Suter Creek, then to the North Fork Eagle Creek, then to Eagle Creek and finally into the Clackamas). Over 200,000 people derive their water from this river. As a result, the vast majority of small forestland owners reside on lands that are ultimately a source of drinking water and they will be similarly affected by this bill.

Second, we want to provide you with our interpretations of the bill's language and how that will impact us. Prior to delving into this, we want to make it clear that we have always been proponents of best management practices in everything we do, including how we manage our forestland. Public policy evolves with good science. However, we expect that those best practices be based upon a firm, consensus-based grounding in the best science prior to enactment into public policy. That is not the case with this bill.

1. Section 2 (2) (a) of this bill bans "Type 3" harvest operations. These are operations that are also known as clear cuts, where few seedlings, saplings or poles remain, and thus must be replanted per the requirements of the Oregon Forest Practices Act (OFPA) following harvest. While clear cuts are unsightly for a number of years, they serve a specific silvicultural purpose if a landowner wants to grow and harvest shade intolerant species like Douglas-fir (the most common, and economically important conifer in western Oregon). Douglas-fir will not grow, or its growth will be significantly impaired if grown in too much shade. The OFPA currently places limits on Type 3 harvest size, frequency and proximity to streams, wetlands, ponds, etc.

Furthermore, the Oregon DEQ study, "Oregon Water Quality Index Data Summary Water Years 2007-2016 (*Oct. 1, 2007 through Sept. 30, 2016*)" By: Dan Brown, February 2017, page 4 states, "Comparing the percent of sites in each water quality status category to the dominant land use type in a five-mile buffer upstream of the monitoring site shows that rivers and streams in urban and agriculture areas have the greatest number of sites in poor to very poor water quality. The forest land use type has the highest percentage of excellent and good water quality sites followed by the mixed land use type." [We underlined the preceding text for emphasis.] This report makes no differentiation between managed and unmanaged forestland. Given this finding, it would appear that no basis exists for prohibiting Type 3 harvest operations and attention should be focused elsewhere,

as the DEQ notes, on other land use activities to improve water quality. If a consensus was ultimately found for modifications to current best practices for this type of harvest, then any changes should first take the form of possible areal reductions in the maximum size of clear cuts, distance from a stream, pond or wetland, or consider the type of soil and sloping topography of the site to minimize sediment transport prior to making any blanket prohibition on the use of Type 3 harvests. From a practical standpoint, most small forestland owners, when they do clear cut, do so over relatively small areas (much less than the 120 acre maximum allowed) since their lot sizes are small, and thus their impact is correspondingly small.

2. Next, this bill would prohibit construction of a new logging road, unless the construction occurs in conjunction with the vacating of a logging road that poses a high risk to a drinking water source environment (Section 2 (2) (b)). This statement would appear to attempt to deal with potential concerns of sediment ultimately being transported into the water. Again, current OFPA rules have clear, practicable requirements for the construction of forest roads. Roads are also needed for access to help reduce the risk posed by wildfire hazards, which are growing in frequency. Additionally, small forestland owners usually have few logging roads through their property on account of the property's size – over 75% of small forestland owners own less than 50 acres. We are not aware of any consensus-based scientific conclusions that recommend a blanket prohibition of logging roads; rather, recommendations are typically put forth for increasing forms of erosion control, stream crossings or proximity to a sensitive site, depending upon the situation.
3. Sections 2 (2) (c) and (d) of the bill would prohibit the application of a pesticide as defined in ORS 634.006 and the application of a fertilizer as defined in ORS 633.311. Of course we are all concerned about any potential overuse of these chemicals. But again, current OFPA rules have clear requirements for the application of these chemicals. Small forestland owners typically use small quantities of such chemicals, mainly for controlling invasive weeds and shrubs such as blackberry, holly, scotch broom, etc. (We typically use less than a half a gallon of herbicide concentrate on our place every year, and when we do it is only a glyphosate-type product. We also keep well away from our creeks per the OFPA. We do not use fertilizers, but we understand some folks do.) It would appear that any further recommendations along these lines, if needed based upon scientific findings, should first take the form of modifications to pesticide/fertilizer type, quantity, manner of application, soil type and proximity to a water source.

Lastly, we want to point out that all permitted harvest activities are subject to on-site inspection by the Oregon Department of Forestry to confirm adherence to the OFPA. In many cases, detailed logging plans are required and must be approved prior to working near sensitive areas.

In summary, we find that proposed bill, HB 2656, as currently written, particularly with regards to small, private forestland owners, is not founded upon any consensus-based scientific evidence and is excessively burdensome. We believe that in its current form, HB 2656 should be withdrawn from further consideration.

Thank you.

Sincerely,

David & Mary Ann Bugni
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cc: Representative Ken Helm (chair, House Committee on Energy & Environment)
Chuck Thomsen (our state senator)