



**March 17, 2021**

**RE: KS Wild & Rogue Riverkeeper Comments in Support of SB 335-2**

**Dear Chair Golden and Senate Committee for Natural Resources and Wildlife Recovery,**

On behalf of our more than 10,000 members and supporters, KS Wild and our Rogue Riverkeeper program submit these comments in support of Senate Bill 335-2, a bill to reform the Oregon Board of Forestry.

KS Wild and Rogue Riverkeeper work to protect and restore wild nature in the Klamath-Siskiyou region of southwest Oregon and northwest California, promoting science-based land and water conservation through policy and community action. Nearly 25% of the Klamath-Siskiyou Region in southwestern Oregon is private forestlands and the decisions made for and on those lands impact us all. Clean drinking water, clean air, wildlife habitat and areas of climate refuge all depend on healthy forests and sound governance in regulating them.

Historically, Oregon's Board of Forestry has been unequally influenced by representatives connected directly to the timber industry. Our Rogue Riverkeeper program has engaged with the Board of Forestry over the past five years in advocating for the removal of the Siskiyou Exemption to expand stream buffers on private forestlands in the Siskiyou region of southern Oregon. In advocating for modest increases of streamside buffers to protect cold water and sensitive fish species, we have testified at hearings and attended various meetings with the Board. During the course of our engagement, the Board was made up of at least three members who had interests or direct connections with the timber industry creating a potentially biased and unequal representation of Oregonians interests and values governing our forests.

We support sound governance and encourage new standards for oversight that would offer positions on the Board to thousands of knowledgeable and qualified Oregonians who do not work for or are affiliated with the timber industry. We find it unethical and inappropriate to have the Board that oversees the Oregon Department of Forestry have direct financial interests in the industry.

**Specifically, KS Wild and Rogue Riverkeeper support SB 335-2 because it would:**

- 1. Strengthen the conflict of interest language for Board of Forestry appointments.**

*Current statute (ORS 526.009 (4)) claims that "no more than three members of the board may derive any significant portion of their income from persons or organizations that are*

*subject to regulation under ORS 527.610 to 527.770, 527.990 (1) and 527.992.*” As a practical matter, that language is taken to entitle the timber industry to three of the seven BoF seats.

SB 335-2 revises that language such that up to two BoF members can derive “*significant income*” (which is specifically defined to enhance the statute’s clarity) from forest operations or timber products. One seat is unrestricted and the second is provided for an owner of woodlands of 5000 acres or less. These seats are permitted, not mandated.

We believe that a central principle of good governance is that public policy decisions should be made as free as possible from individual professional and financial interests. When nearly half of the seven seats governing a regulatory agency are filled by employees or shareholders of the regulated industry, that standard is not met and there is a conflict of interest especially when thousands of knowledgeable and qualified Oregonians are available to serve who do not work for that regulated industry.

## **2. Dissolve Regional Forest Practices Advisory Committees**

By statute (ORS 527.650), at least two-thirds of the members of these three advisory committees must be “*private landowners, private timber owners or authorized representatives of such landowners or timber owners who regularly engage in operations.*” Staffed extensively by ODF personnel, the committees provide input on possible impacts on timber industry operations of new rules or policies that are under consideration. There is no representation of other stakeholder interests in the ODF advisory committees to provide input on Oregon forest policy. Oregon forests provide so much for the state and Oregonians beyond timber harvest. Therefore, we feel strongly that there should be representative groups focused on water resources, wildlife habitat, climate, recreation, tourism, etc.

SB-335-2 would dissolve these standing committees and provide that the BoF “*may establish a work group to research, assess or provide recommendations on any issue or question, as necessary to achieve the purposes described in ORS 527.630.*” This would give the BoF flexibility to access input from any stakeholder group it chooses, whenever it chooses.

Input from the timber industry on prospective ODF rules and policies is essential. There are multiple channels for providing that input, whether solicited by the BoF or ODF staff, or initiated by the industry itself. Embedding standing committees for just one of the several relevant stakeholder groups is a structural impediment to balanced and unbiased policy decisions and rulemaking. Additionally, considerable personnel resources currently used to staff these committees can be redirected to other ODF needs.

**3. Transfer authority to hire or discharge the State Forester from the Board of Forestry to the Governor.**

SB 335-2 would transfer authority to hire or discharge the State Forester from the BoF to the Governor. This action is intended to align ODF with sound organizational practices generally.

Over time, forest practices have become one of the most contentious and politicized issues in the domain of state government. The dramatic challenges of catastrophic recent wildfire seasons have intensified that dynamic. The Governor is the state's highest elected official, selected by and accountable to all Oregonians, as well as its Chief Executive Officer, responsible for the quality and performance of executive branch agencies, including ODF. It is neither reasonable nor organizationally effective to hold the Governor to that responsibility if he or she lacks authority over the agency's director.

As an organization that works to protect healthy forests, clean drinking water and wildlife habitat, we believe it is crucial that Oregon's forests are regulated and governed with equitable representation of interests to represent all Oregonians and make appropriate and balanced use of our valuable forest resources.

Thank you for the opportunity to provide comments in support of SB 335-2 to reform the Oregon Board of Forestry.

Sincerely,

Michael Dotson  
Executive Director  
KS Wild

Robyn Janssen  
Program Director  
Rogue Riverkeeper