

C-5-D

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GRANT OF EASEMENTS AND MAINTENANCE AGREEMENT

FILE # FA 04-5276
EXHIBIT # C5-D

Parties:

NORTHWEST LANDS, INC., an Oregon corporation ("Northwest")

and

PAT KRONBERGER, a widow

Recitals:

- A. Northwest owns real property in Lane County, Oregon, part of which is being purchased by Pat Kronberger contemporaneously with the execution of this agreement. Northwest will continue to own the real property described on Exhibit "C" attached hereto and incorporated herein (Northwest's property). There currently exists a private roadway easement for access, which is more particularly described as Recording Number 9241358, recorded July 24, 1992, and incorporated herein.
- B. Attached hereto and incorporated herein as Exhibit "A" is the description of real property being purchased from Northwest by Pat Kronberger (Pat Kronberger's property).
- C. By this agreement, Northwest desires to grant to Pat Kronberger an easement over an existing roadway which is more particularly described as Recording No. 9241358, recorded July 24, 1992, there currently exists a private roadway which is more particularly described on Exhibit "D" attached hereto and incorporated herein. The easement described on Exhibit "D" will service Northwest property described on Exhibit "C" and the Pat Kronberger property described on Exhibit "A" and the parties desire to set forth their rights and duties with respect thereto. For and in consideration of the mutual covenant and conditions set forth herein, the parties now enter into the following :

Agreement:

- 1. The foregoing recitals are incorporated into and made a part of this Agreement.
- 2. Northwest grants, transfers and conveys to Pat Kronberger perpetual nonexclusive easements, which easements are described as Recording No. 9241358, Recorded July 24, 1992, and Exhibit "D" attached hereto and incorporated herein. These easements are appurtenant to each and every part of Northwest's property and the Pat Kronberger property.
- 3. The foregoing grant is made on the following terms and conditions:
 - 3.1 The grantee may use the easement granted, including the existing roadway, as a means of ingress and egress to and from its property as hereinbefore described, or any portion thereof. The grantee may also use the easement granted for the installation and maintenance of public utilities as might be needed to serve its property as hereinbefore described, or any portion thereof.
 - 3.2 The parties and all other persons having the legal right to use the roadway (collectively referred to as "users") shall at all times thereafter jointly maintain the roadway in a condition as good as its present graveled condition or

Division of Chief Deputy Clerk
Lane County Deeds and Records

2001-049298

AFTER RECORDING RETURN TO:



\$51.00

I Pat Kronberger
PO Box 647
Cottage Grove, OR 97124

00199975200100492980050050

08/05/2001 11:54:29 AM

RPR-ESMT Cnt=2 Stn=7 CASHIER 08

\$5.00 \$25.00 \$10.00 \$11.00

3.3 The cost of maintenance shall be paid by the users on a pro rata basis proportionate to the extent of travel and use by the users. All users shall pay their respective shares of the cost of maintenance upon the written demand of any user. In the case of disagreement regarding cost or shares, the matter shall be submitted to binding arbitration before a single arbitrator in Eugene, Oregon, all expenses of which shall be borne equally by the users.

3.4 The grantee shall operate all vehicles on the roadway at speeds low enough to suppress airborne dust, and shall insure that its invitees do the same. If airborne dust persists due to vehicular travel, then the periodic watering of the roadway shall be included in a cost of maintenance for the purpose of Section 3.2 above.

3.5 The easements granted by this Agreement run with the land hereinbefore described and shall bind and benefit the parties, and their respective heirs, successors and assigns.

This Agreement is executed by the parties on the dates set forth below, and, in case of corporate signatories, with the authority of their respective boards of directors.

NORTHWEST LANDS, INC.
an Oregon Corporation

a Widow

PAT KRONBERGER

[Signature] Plus 12/14/00 Pat Kronberger Dec. 14-00
Darren Kroneberger, President Date Pat Kronberger Date

STATE OF OREGON, County of Lane)ss.

This instrument was acknowledged before me on 12-14, 2000,
by Pat Kronberger

This instrument was acknowledged before me on 12-14, 2000,
as Darren Kronberger President
of Northwest Lands Inc.



[Signature]
Notary Public for Oregon

My commission expires 5-25-02

II

After recording return to
Darren Kronberger
P.O. Box 647
Cottage Grove, Or. 97424

EXHIBIT "A"

Beginning at a point of the section line between Sections 7 and 8, in Township 19 South, Range 1 West, Willamette Meridian, in Lane County Oregon, where the South line of the William McCall Donation Land Claim No. 39 intersects said section line; thence from said beginning point North along the section line 830.28 feet; thence East 690 feet, more or less, to the Westerly right of way line of the Southern Pacific Railroad right of way; thence Southeasterly along the Westerly right of way line of said railroad to a point where the South line of the William McCall Donation Land Claim No. 39 intersects said railroad right of way; and thence West 1,025 feet, more or less, along said William McCall Donation Land Claim South line to the point of beginning on the section line, in Lane County, Oregon.

III

EXHIBIT "C"

Parcel I:

Beginning at a point of the Section line between Sections 7 and 8, Township 19 South, Range 1 West of the Willamette Meridian, 830.28 feet North of the intersection of said section line with the South line of the William McCall Donation Land Claim No. 39 of said Township and Range; thence East 690.0 feet, more or less, to the Westerly right of way line of the relocated Southern Pacific Railroad right of way; thence Northwesterly along the Westerly right of way line of said railroad to a point where said westerly railroad right of way line intersects the section line between Sections 7 and 8; thence South 1010.0 feet along said section line to the point of beginning, all in Lane County, Oregon.

Parcel II:

Lot 3 and that part of Lot 4 lying Westerly of Southern Pacific Railroad right of way line in Section 17, Township 19 South, Range 1 West of the Willamette Meridian in Lane County, Oregon.

ALSO: Commencing at the Northwest corner of John Stoops Donation Land Claim No. 41, Notification No. 6505, Township 19 South, Range 1 West of the Willamette Meridian; running thence South 2233.84 feet to the Southwest corner of John Stoops Donation Land Claim No. 41, Notification No. 6505; thence East 2021.0 feet, more or less, to the Westerly right of way line of the Southern Pacific Railroad right of way; thence Northwesterly along the Westerly right of way line of said railroad to a point where the South line of the William McCall Donation Land Claim No. 39 intersects said railroad right of way, and thence West 863.5 feet, more or less, along William McCall Donation Land Claim line to the point of beginning, in Lane County, Oregon.

ALSO: That part of the Southwest quarter of the Northeast quarter of Section 17, Township 19 South, Range 1 West of Willamette Meridian, lying Westerly of the Southern Pacific Railroad right of way, in Lane County, Oregon.

ALSO: That part of the South half of the Northwest quarter of Section 17, Township 19 South, Range 1 West of the Willamette Meridian, lying Westerly of the Southern Pacific Railroad right of way, Lane County, Oregon.

ALSO EXCEPT any portion lying within the Southern Pacific Railroad right of way.

TV

"EXHIBIT D"

A strip of land 40.0 feet in width, 20 feet on either side of the following described centerline, beginning at the centerline of the easement described in an instrument recorded July 24, 1992 Reception No. 92-41358 in Lane County, Oregon Deed Records and further described as follows:

Beginning at a point on the West line of Section 8 in Township 19 South, Range 1 West of the Willamette Meridian, said point being North $00^{\circ}05'41''$ West, 15.00 feet from the Brass Cap Monument marking the 1/4 corner between Section 7 & 8 in said Township 19 South, Range 1 West of the Willamette Meridian; thence leaving said west line and running along the arc of a 100.00 foot radius curve right (the chord of which bears South $71^{\circ}22'42''$ East, 46.68 feet) a distance of 47.10 feet; thence South $57^{\circ}53'06''$ East, 163.48 feet; thence along the arc of a 225.09 foot radius curve right (the chord of which bears South $31^{\circ}31'26''$ East, 199.89 feet) a distance of 207.12 feet; thence South $5^{\circ}09'47''$ East, 297.73 feet; thence along the arc of a 149.20 foot radius curve right (the chord of which bears South $16^{\circ}21'01''$ West, 109.43 feet) a distance of 112.04 feet; thence along the arc of a 154.53 foot radius curve left (the chord of which bears South $6^{\circ}18'53''$ East, 215.37 feet) a distance of 238.29 feet; thence along the arc of a 251.03 foot radius curve right (the chord of which bears South $14^{\circ}18'17''$ East, 296.43 feet) a distance of 317.10 feet; thence along the arc of a 305.93 foot radius curve left (the chord of which bears South $4^{\circ}10'28''$ East, 268.77 feet) a distance of 278.26 feet; thence along the arc of a 420.77 foot radius curve right (the chord of which bears South $20^{\circ}43'54''$ East 138.89 feet) a distance of 139.53 feet; thence South $11^{\circ}13'54''$ East, 129.48 feet; thence along the arc of a 105.00 foot radius curve left (the chord of which bears South $63^{\circ}58'45''$ East, 167.15 feet) a distance of 193.33 feet; thence North $63^{\circ}16'24''$ East, 103.35 feet; thence along the arc of a 130.00 foot radius curve right (the chord of which bears South $72^{\circ}35'23''$ East, 181.06 feet) a distance of 200.29 feet; thence South $28^{\circ}27'12''$ East, 131.49 feet; thence along the arc of a 300.00 foot radius curve right (the chord of which bears South $9^{\circ}34'27''$ West, 369.62 feet) a distance of 398.22 feet; thence South $47^{\circ}36'06''$ West, 335.43 feet; thence along the arc of a 167.27 foot radius curve left (the chord of which bears South $30^{\circ}23'26''$ West, 98.99 feet) a distance of 100.49 feet; thence along the arc of a 291.95 radius curve right (the chord of which bears South $30^{\circ}35'03''$ West, 174.66 feet) a distance of 177.37 feet; thence along the arc of a 327.75 foot radius curve left (the chord of which bears South $20^{\circ}13'59''$ West, 305.27 feet) a distance of 317.55 feet; thence along the arc of a 439.95 foot radius curve right (the chord of which bears South $5^{\circ}21'15''$ West, 196.09 feet) a distance of 197.75 feet; thence along the arc of a 1004.54 foot radius curve left (the chord of which bears South $8^{\circ}56'15''$ West, 324.46 feet) a distance of 325.88 feet to a point on the south line of the John Stoops Donation Land Claim No. 41 in Township 19 South, Range 1 West of the Willamette Meridian and there ending, all in Lane County, Oregon.

The side lines of said strip are to be lengthened or shortened to commence on the west line of Section 8 in Township 19 South, Range 1 West of the Willamette Meridian and terminate on the south line of the John Stoops Donation Land Claim No. 41 in Township 19 South, Range 1 West of the Willamette Meridian.

Bearings used hereon are based on C.S.F. No. 34037 on file in the office of the Lane County Surveyor.

V

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C-6 (1/2)

Sustaining Oregon's Family Forestlands



Charter of the Committee for Family Forestlands

Pursuant to ORS 526.016 General duties, limits, meetings, and rules; the State Board of Forestry hereby establishes a standing committee to assist the Board in addressing family forestland issues.

Purpose

The Committee for Family Forestlands shall advise the Oregon Board of Forestry and State Forester in matters relating to family forestlands such as but not limited to:

- The formulation of family forestland policy for the Board and Forestry Program for Oregon.
- Evaluating effects changes in forest policy will have on family forestland owners.
- Providing guidance for integrating ODF's Protection, Forest Practices, and Forestry Assistance Program strategies and activities to improve services to family forestland owners.
- Defining the role of family forestland owners in forest sustainability, salmon restoration, watershed improvements, and timber availability.
- Determining the type and level of assistance needed by family forestland owners to fulfill their objectives while considering public interests in their lands.
- Evaluating adequacy of current type and levels of assistance available to family forestland owners in relationship to meeting their objectives while considering public interests in their lands.

This committee shall provide family forestland owners improved access to the Board of Forestry and raise the public awareness of the role family forestland owners play in maintaining a healthy Oregon environment. The Board and State Forester shall consult with the committee with regards to such matters.

Committee Membership

The committee shall be composed of nine members, consisting of:

Seven voting members:

1. Four family forestland owners, one from each of ODF's three administrative regions and one at-large position.
2. One forest industry representative.
3. One environmental community representative.
4. One citizen-at-large.

Two ex-officio members:

1. OSU College of Forestry representative.
2. State Forester representative.

Member Appointments, Qualifications, Committee Organization

1. The Board of Forestry shall appoint committee members.
2. Family forestland owners' acreage of forestland, 1 to 5,000 acres, shall be a consideration in selecting landowners to provide a perspective of small to large forest ownerships. The forest industry representative shall be a landowner of more than 5,000 acres of forestland or the authorized representative of such landowner. The environmental community member shall be a recognized representative of the environmental community. The citizen-at-large shall be a private citizen who does not own forestland.
3. Voting members are appointed to 3-year terms with a maximum of two consecutive terms. Initially, two members will be appointed to 1-year terms, two members to 2-year terms, and three members to 3-year terms.
4. The State Forester shall appoint an individual of the Department of Forestry to serve as a support secretary.
5. The Board of Forestry shall appoint the chairperson and vice-chairperson.
6. The committee will be provided with technical support by the Oregon Family Forestland Coordinating Group.

Conduct of Meetings

1. The committee may determine the operating procedures governing the transaction of their business.
2. The chairperson shall have the usual duties and power of a presiding officer.
3. All meetings will be conducted as open public meetings, consistent with ORS 192.610 – ORS 192.710.
4. The committee secretary shall send an agenda together with minutes of the previously held meeting to all committee members prior to each meeting.

On the cover: Chris and Donna Hefferman and their sons, Sheldon, 14, and Justin, 17.

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Acknowledgments

The Committee for Family Forestlands thanks the following individuals and organizations for making the Family Forestlands Symposium a special success.

The Family Forestlands Symposium Steering Committee

- Bill Anderson
- Cecil Barnhart, secretary
- Deborah Bliss, Co-Chair
- Mike Cloddesy
- Diana Emmit
- Jim Jaffe
- Mylene Simon Brown
- Ilene Waldorf, Co-Chair

Our sponsors and financial supporters

- Oregon Forest Resources Institute
- USDA Forest Service Cooperative Programs
- Committee for Family Forestlands
- Oregon Board of Forestry
- Oregon Department of Forestry
- Oregon State University College of Forestry
- Oregon Small Woodlands Association
- Starke Forests
- Willamette Industries
- Westvaco Paper Company
- Associated Oregon Trappers
- Swanson Superior Forest Products
- Defenders of Wildlife
- Oregon Forest Industries Council

In addition, the committee expresses its gratitude for the contributions of two members who completed their terms of service this year: Bill Byrnes, the Committee's Citizen-at-Large and Chris Heffernan, who represented family forestland owners in Eastern Oregon. Many thanks for your faithful service.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, and marital status. USDA also prohibits retaliation against individuals who file complaints or otherwise exercise their rights under this policy. To file a complaint or otherwise contact USDA regarding discrimination, visit the USDA National Consumer Complaint Hotline at: 1-800-795-3000 or write to: Director, Office of Civil Rights, USDA, Room 2856, P.O. Box 357015, Seattle, WA 98135-7015.

Executive summary

Seeing family forestlands in a new light

This publication is the first fruit of the Oregon Family Forestlands Symposium, held at Oregon State University in February 2001. The symposium was initiated and facilitated by the Committee for Family Forestlands, a standing committee appointed by the Oregon Board of Forestry in 2000 to help the Board address issues and concerns faced by family forestland owners. The mission and membership of the Committee are set forth in its charter, printed on the inside front cover of this publication.

The symposium, and the four regional roundtable meetings held prior to it, tapped into an unexpectedly strong current of opinion and feeling shared by family forestland owners from across the state—from Astoria to Molalla, from North Powder to Jacksonville. More than 300 family forestland owners shared their views on a wide range of topics. They talked about their role within Oregon's forest economy, the general public's understanding (and sometimes misunderstanding) of that role, the opportunities and barriers to achieving sustainability of their forestlands, and their hopes for a policy environment that takes better account of their situation.

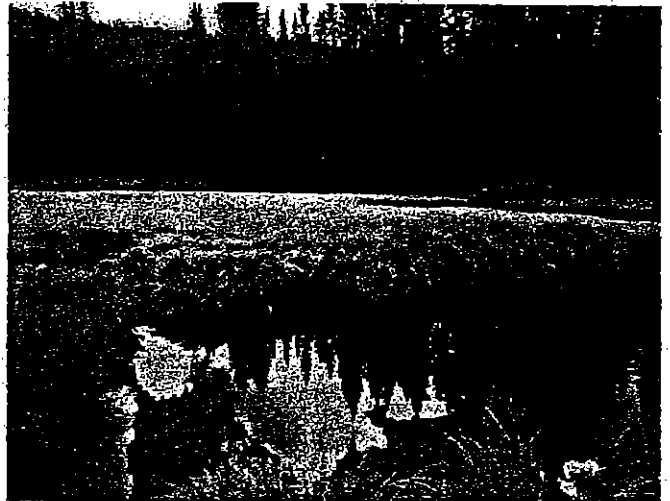
Their opinions are as diverse as the landowners themselves, but several common threads emerged from the discussion. This publication attempts to capture these themes in order to help the Committee for Family Forestlands and other decision makers clarify the next steps in addressing the particular concerns of this constituency. A summary of the issues and concerns begins on page 6 of this publication.

What are family forestlands?

The Symposium's keynote speaker, Dr. John Bliss, defined the term "family forestlands" as a category of nonindustrial private forestlands owned by individuals or families, excluding nonfamily corporations, clubs, or other associations. Bliss holds the Starker Chair in Private and Family Forestry at Oregon State University's College of Forestry; his talk is reprinted beginning on page 10 of this publication.

Although statistics specifically describing family forestlands are unavailable, we do know that farmers and miscellaneous individuals own about 157,400 forested tracts in Oregon. These ownerships range from just a few acres (most family forestland owners fall into this category) to several thousand. Together they own about 4.4 million acres of Oregon's forestland.

Family-owned forestlands have an influence on Oregon's economic, ecological, and social



environment that is out of proportion to their area on the landscape. Because family-owned forestlands are typically situated along the lower reaches of Oregon's streams, near cities, suburbs, and the more densely populated rural areas, they represent significant ecological value. They contribute much to the sustainability of forests and fish habitat in those areas where most Oregonians live, and they have the capability of contributing more.

Who are family forestland owners?

Family forestland owners are a diverse group—profiles of several of them are featured in this publication. In their breadth of traditions, values, and objectives, these owners represent a wealth of on-the-ground knowledge of the landscape and a demonstrated commitment to good stewardship. However, family forestland owners do not occupy the attention of Oregon's citizens as much as do industrial forestland owners or state and federal forest management agencies. Indeed, they are largely invisible to the public. Their concerns and interests are sometimes assumed to be the same as those of industrial or federal owners even though there are significant differences. This low public profile of family forestland owners may be partly explained by their own undeveloped sense of themselves as a collective influence within Oregon's political economy.

Helping family forestlands achieve sustainability

Most family forestland owners express a deep desire for sustainability—of their own forestland, of their family ties to the land, and of Oregon's natural heritage generally. Yet they feel that the social, legal, and economic institutions influencing their stewardship often work against their efforts to achieve sustainability. Furthermore, like every other sector of Oregon's economy, family forestland owners are affected by forces operating beyond their property lines: globalization, limited access to markets, shifting ownership patterns, changing populations, changing social values about forests, and a growing body of scientific understanding of how forests function.

Fostering a wider awareness of family forestland owners' concerns, what helps them achieve their goals, what divides them, and what draws them together is the first step toward addressing their concerns and improving the climate for good stewardship of these lands. With this publication, the Committee for Family Forestlands hopes to bring the important issues to the awareness of both family forestland owners themselves and of the general public. Our hope is that a fruitful, ongoing conversation will ensue.



Families to forestry. From left: family forest owners Clyde and Norma Ramsey, Amy Monte and Alene Winkhart (Clyde and Norma's granddaughters), Emily and Heather (Clyde and Norma's granddaughters), and Clyde Kendall (Clyde and Norma's great-grandchild). From right: Norma (Clyde and Norma's sister) and Amy Kendall (Norma's grandchild).

Issues and concerns

Family forestland owners face a number of internal challenges and external pressures. Very often, these two sets of problems are brought to bear at the same time. Buffeted from both without and within, owners may feel overwhelmed and may believe the only solution is to sell the family land. The mission of the Committee for Family Forestlands is to help family forestland owners identify these challenges, bring them to the attention of the Oregon Board of Forestry, and ultimately suggest some strategies for solving them.

In the winter of 2000, the Committee sponsored regional roundtable discussions in Bend, La Grande, Roseburg, and Forest Grove. They invited family forestland owners to gather and share their thoughts, feelings, and opinions on the challenges and opportunities they face. The Committee then brought these ideas to the Oregon Family Forestlands Symposium, held Feb. 12 and 13, 2001, in Corvallis. More than 300 family forestland owners participated in one or more of these gatherings.

Participants named a long list of concerns: global markets, conflicting land-use and other rules, population pressures, societal demands, Mother Nature, cooperation (or the lack of it) among landowners, access to markets, public image problems, uncertainties posed by forest certification, and tax disincentives. They brainstormed ideas around the general topics of economic pressures facing family forestland owners, expectations held of them by the larger society, differences between their interests and those of industrial or public forestland owners, their contributions to good stewardship of Oregon's forests, and difficulties of passing their family lands along to their children.

From these wide-ranging discussions emerged a pattern of four underlying themes and a list of three main stresses—one internal, two external. The four themes were summarized as **trust, equity, complexity, and uncertainty**.

Trust is lacking, said participants, between family forestland owners and the public, the government, and industrial landowners. Equity means having the public pay its fair share of the cost of increased forest-practices regulation—a difficult bargain to strike if the public is unaware of the benefits in clear water and improved wildlife habitat provided by good stewardship on family-owned forestlands. Complexity comes from dealing with changing regulations and policies, global economic forces affecting timber markets, and ever-evolving scientific understanding of forest ecosystems. These factors all contribute to a very complicated decision space, and because all are dynamic, uncertainty is the result.

The key internal stress is anxiety about the intergenerational transfer of family lands. "We are a provider of sustainability over generations," said one participant—perhaps one of the fortunate few whose children are willing and able to continue in their parents' footsteps. In the same optimistic vein, another participant said, "Love for the land and love of my parents' hard work makes me want to continue." However, many who spoke felt doubt about whether their stewardship would continue after they are gone. Some expressed disappointment that their children are simply not interested in the family business and land.



Dealing with the Issues

Those who attended the Committee for Family Forestlands symposium raised a host of challenges faced by family forestland owners. Helping these owners identify the underlying issues and bringing them to the attention of the Oregon Board of Forestry and other policy and decision makers is part of the Committee's mission, as spelled out in its charter, printed on the inside front cover. Its mission also includes addressing issues brought directly by the Board of Forestry. The Committee will consider all issues submitted by the

Board. Issues raised by family forestland owners and other interested parties will be evaluated, prioritized, and addressed within the Committee's abilities and resources.

The Committee's charge gives it a broad general agenda. Committee members will be wrestling with such questions as how to keep family forestlands in family ownership, how to deal with economic challenges such as distance from markets and high hauling costs, how to cope with the uncertainty of the regulatory and economic climate now and in the future, and how to engage Oregonians in a meaningful discussion of equitable allocation of costs associated with owning and managing forestland.

Once it adopts an issue for further consideration, the Committee appoints a subcommittee to evaluate it thoroughly. Subcommittees are made up of Committee members, family forestland owners, and other interested parties. The recommendations of each subcommittee are reviewed and, if appropriate, adopted by the Committee. Committee recommendations are sent to the Board of Forestry or the State Forester for final action.

To date, the Committee has identified four issues for further evaluation and has appointed a subcommittee for each. The issues are 1) the Family Forestland Symposium and its follow-up activities, 2) incentives proposed in the Forest Practices Advisory Committee report of August 2000, 3) forest certification, and 4) stable funding for forestry assistance provided to small-tract forestland owners by the Oregon Department of Forestry.

1) *The Family Forestland Symposium subcommittee* will continue to evaluate and consolidate the many concerns raised at the Symposium for further consideration by the full Committee, develop appropriate follow-up activities to the Symposium, and find ways to keep communications open between the Committee and family forestland owners.

2) *The Forest Practices Advisory Committee (FPAC) subcommittee* will discuss recommendations proposed in a report issued in August of 2000 by the Board of Forestry-appointed FPAC. They will consider regulations,

Charles Laird and Judy Shepherd

Seattle, Washington

Charles Laird, a professor of zoology at the University of Washington, and his wife Judy Shepherd, an aquatic biologist, live in Seattle and typify a number of Oregon family forest landowners who are non-resident. In 1970 they and friends from Portland decided to buy some forestland, both for recreation and as a long-term investment. They settled on 113 acres of Columbia County forestland in Keasey.

Charles said the land was affordable because it did not have large, standing trees of a valuable timber species. "We liked the diversity," he says, "though many would say it looked like a substandard forest. We wanted to maintain a healthy forest, but it took us 15 years to understand what that meant."

Their work at first was dealing with the aging and dying hardwoods, a task Charles says would be just a cleanup chore to commercial loggers. But at the same time they were planting conifers like Douglas-fir and cedar. "We could do all that work without burning and spraying because we were leaving large, overstory trees," Charles says. "This approach demands attention because our trees are growing vigorously, but basically we've achieved diversity by thinning for a healthy understory."

They were able to change the distribution of species from predominantly hardwood to mixed conifer much faster than anyone had anticipated, and Charles says that because they did not spray, they have alder coming in vigorously. The diversity is a buffer to disease, he says, and even though profit is not their chief motive, their investment has more than paid for itself.

The challenge, Charles says, is finding loggers to buy into your goals—which are somewhat out of the mold—and do the work. The real satisfaction is in a long-term relationship to the land.



3) *The certification subcommittee* has been following the issue of forest certification and evaluating its potential impact on family forestland owners. Noting that the movement has gathered much momentum, the subcommittee is considering effects on family forestland owners of forest practice standards that come from sources other than the Board of Forestry (e.g., from certification organizations), costs of certification to family forestland owners, and how a certification system can deal fairly with the approximately 45,000 family forestland owners in Oregon.

On this issue the full Committee has already addressed the Board of Forestry, recommending that Department of Forestry "monitor the forest certification movement and look at ways for Oregon to receive recognition for the way its forests are already managed." Further, "it is important that family forestland owners practicing sound forest management not be disadvantaged by this movement."

4) *The alternate funding service foresters subcommittee* recognizes that stable funding for service foresters who provide assistance to family forestland owners has been a problem for several decades. In the last legislative session, the Legislature directed the Department of Forestry to continue and complete the work toward finding a fair and equitable funding arrangement for the Forestry Assistance program.

Tax policy was another large issue raised at the Symposium. The Committee is not dealing directly with tax policy, but it has a representative on a working group established by the Oregon Legislature to develop tax policies that would ensure fair and equitable treatment of family forestland owners and provide an incentive for these owners to continue to own and manage their land.

The Committee recognizes that its charter sets forth an enormous responsibility—to fairly summarize and prioritize the many issues facing family forestland owners and bring them to the attention of the Board of Forestry. The Committee will strive to provide meaningful information and recommendations to the Board in a timely manner.

If it is to succeed, the Committee needs input from as many family forestland owners and interested parties as possible. The subcommittees will be looking for members. For an update on Committee on Family Forestlands activities, please get in touch with the Secretary, Wally Rutledge, at the Oregon Department of Forestry's Forestry Assistance office at 2600 State Street SE, Salem, OR 97310. Telephone number is 503-945-7392. E-mail address is wrutledge@odf.state.or.us.

incentives, compensation proposals, tax policies, and other factors that



Robert Mealey

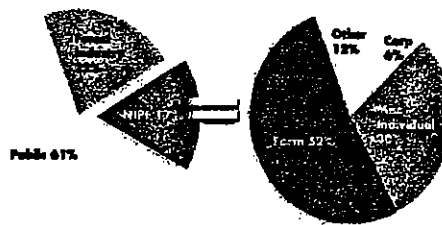
Albany, Oregon
 Bob Mealey grew up in the Imper family. He was born in 1915 in Foster and his father and uncle owned forestland and built a steam mill near Foster in 1903. "When I was just a kid," Bob recalls, "my dad used to let me come and watch the carnage go by and sport the logs and boards stay at one end and the special spot under the sawn branch."
 His father wanted him to be an attorney, "but was so strange though to me," Bob says. He did attend Willamette University for 30 years in pre-law. Then he decided that's not for me, "he says. He transferred to the School of Forestry at Oregon State University.
 There he graduated near the end of the Depression. He became a young forester for the Forest Service in 1940, a year of rising timber and marauding ravens, light and making maps. With the exception of a 10-year hiatus in private forestry, he spent his career in the Forest Service, becoming a District Ranger at the River and ultimately timberland officer on the Siuslaw National Forest.
 Since his retirement, Bob spends most of his time managing a timber now owned with his four children and 12 grandchildren. He has been very active in small woodland organizations, serving as president of both the Oregon and Clatsop County Small Woodlands Associations.
 His recent passion has been introducing the native Douglas fir to the Willamette Valley, considered a pine tree region. He's responsible for introducing 300,000 seedlings and the state has established a seed orchard in his name for the propagation of the species. Bob has a demonstration plantation next to his home, a favorite spot for his horse, Jay.

land owned by entities such as businesses, clubs, organizations, or nonfamily corporations. So you can see that the terms "family forestland," "nonindustrial private forestland," and "private forestland," are related, but not interchangeable. I will use all three in this essay, depending on the data available to address a given question.

How many family forestland owners are there in Oregon?

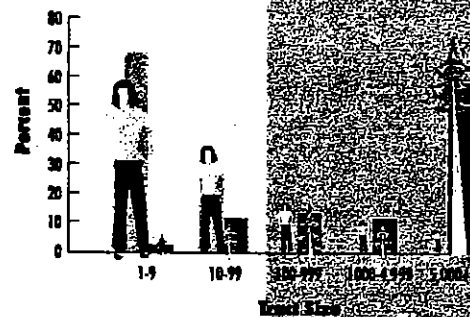
That question is not easy to answer. The USDA Forest Service conducts a survey of private forestland owners every decade or so, but it does not separately classify family forestland owners, and its estimates of numbers of private owners are prone to sampling error. Nevertheless, the survey provides the best available data on private forest ownership (Birch 1996). Figure 1 shows the breakdown of private forest acreage in the state. The Forest Service estimates there are 157,400 ownership units owned by farmers and miscellaneous individuals in Oregon. Because many owners own more than one parcel, the actual number of owners in this category is certainly less than 157,400. Together they own about 4.4 million acres. Family forestlands make up a substantial proportion of this farm and miscellaneous individual category.

FORESTLAND OWNERSHIP IN OREGON



How big are the individual ownerships? Most private forestland owners own relatively small tracts, under 10 acres in size (Figure 2). This reflects the fact that most private forestland owners are nonindustrial owners—farmers, families, and individuals. On the other hand, most of the private forestland acreage is owned in very large tracts, over 5,000 acres and larger, by a handful of industrial owners. The uneven distribution of private forestland acreage among its owners has wide-ranging management and policy implications.

OWNER AND ACRES (BIRCH 1996)



What is the significance of family forestlands to Oregon?

In the United States, nonindustrial private forestland makes up 59% of all forestland. The forests of the East Coast, Midwest, and South are mostly privately owned, and most owners are nonindustrial owners. In Oregon that pattern is reversed: nonindustrial private forests make up only 17% of Oregon's forestlands (Figure 1). This small fraction should not lead us to assume that these forests are of minor importance. Two factors—where they are situated on the landscape, and how they are managed—give them a disproportionate significance.



Ecological value

Nonindustrial private forests in Oregon typically occupy the lower elevations of the landscape, especially those along rivers and streams—a legacy of European-American settlement patterns. Riparian areas are ecologically significant, providing habitat for threatened and endangered species both terrestrial and aquatic. A graduate student of mine, Brooks Stanfield, and I recently completed a 2-year examination of the relationships between forest

Source: www.odf.state.or.us/95HarvestReport/Report25.html

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ownership patterns and patterns of forest habitat diversity in the Coast Range (Stanfield 2000). What we found confirmed our assumption that the spatial arrangement of public, industrial, and nonindustrial private forestlands has a large impact on the diversity of the forest present in any given watershed. Moreover, each ownership type contributes a different mix of forest conditions to the landscape. Nonindustrial private forests provide a diverse mixture of young to medium-aged conifer stands, extensive hardwood stands, and a high proportion of nonforested land. This distinctive mixture contributes ecological diversity to landscapes otherwise dominated by the conifer plantations of industrial forestland, or the maturing forest stands found on public forests in the region.

Economic value

Nonindustrial private forests produce about 16% of all timber produced in the state (ODF 1995)—an amount that closely reflects their proportion of the forested land base (17%) (Figure 3). What may be more surprising is that these lands produce about as much timber each year as all public forests in the state combined! As timber harvesting has been curtailed on federal lands, forest products companies have had to look increasingly to their own lands and those of other private owners to keep their mills in wood.

Human value

The families and individuals who own Oregon's family forestlands are as valuable as the forest resource, but their contribution is not so readily recognized. The diversity among them is in itself to be valued, because their diverse objectives result in the wide range of forest conditions we observe on the landscape. Family forestland owners humanize the landscape, linking Oregon's rural past with its increasingly urbanized present and enhancing the state's rich mix of cultural values. Family forestland owners hold many opinions on many issues, but their values commonly include passion for the land, optimism about the future, and a commitment to conserving and enhancing those places they call home.

Who are Oregon's family forestland owners?

It is tempting to say that family forestland owners are diverse and leave it at that. However, some patterns in the data help paint a more-detailed picture. We know that a sizable portion of these owners are getting on in years (Birch 1996) (Figure 4). More than one in three is retired, and another 25% will reach retirement age within this decade. These older owners hold most of the family forestland in Oregon. Only a small percentage of owners are under 35 years old, and they own a proportionately small amount of the forestland.

Retirees make up the largest category of occupation, followed by white-collar and blue-collar owners. Although forestlands associated with farms make up a large proportion of the total NIPF forestland, only about 5% of the owners are farmers.

The Forest Service survey of private forest owners asks the question, "Why do you own woodland?" (Figure 5). More than one-third of respondents replied that their woodland is part of their residence. Another 18% say their primary reason is investment, and 17% say enjoyment of owning "green space" is their primary motivation. Only 4% of owners give timber production as their primary reason for owning forestland, but those owners own 60% of the acres—once again pointing to the irregular distribution of forestland acres across owner categories.



Five ironies

Survey statistics only go so far in fleshing out the picture of these family forestland owners. I would like to share a few personal observations of these folks, having been associated with them for over 20 years now. Each observation invokes some sort of irony, reminding me of Walt Whitman's retort: "Do I contradict myself? Very well then, I contradict myself. I contain millions of contradictions!" We humans are indeed capable of comfortably embracing tremendous contradictions!

First, survey after survey reveals that most family forestland owners intend with all their hearts to keep their forestland in the family forever. Yet the statistics suggest that few families are able to achieve that goal. In Oregon, only 12% of the private owners surveyed have owned their forestlands since 1970. That is less than one rotation of Douglas-fir. Either owners change their priorities, or their children have different priorities, or other constraints preclude their retaining the land in the family.

Second, few owners cite timber production as a primary reason for owning forestland, yet 43% of the owners in the recent Oregon survey have harvested timber during their tenure. In a mid-1990s survey in western Oregon and Washington, 58% of NIPF owners said they planned to harvest within the next 10 years (Johnson et al. 1998). Moreover, studies elsewhere in the country strongly suggest that most merchantable timber eventually finds its way to market. Those owners who report no intention to harvest must either change their minds or sell their forestlands to others who do intend to harvest.

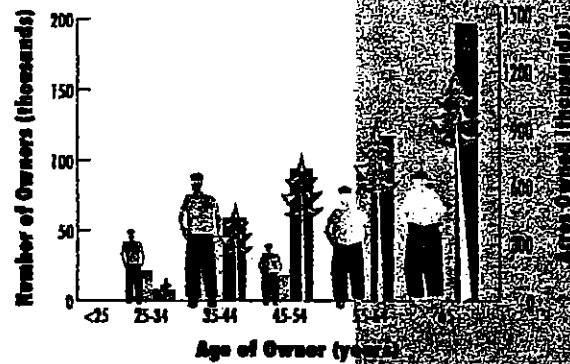
I discovered a third irony when I moved from Alabama to Oregon 3 years ago. Oregon has among the most stringent forest practices regulations in the nation. Far from opposing the idea of government regulation of forest practices, most family forest owners subscribe to the need for common-sense measures, and many take pride in having participated in developing the current set of rules. While the increasing burden of regulation is definitely of concern to most family forestland owners, few would argue for abandoning the existing process.

A fourth irony is a continuing source of amusement for me. Get together with any group of forest owners, and you'll eventually hear some disparaging words about "enviros," as well as sighs of frustration over the general public's inability to understand the views of forest owners. Yet opinion polls across the country demonstrate quite clearly that most forest owners share the same fundamental views on the environment as the American public at large. They may differ on details of particular issues in specific places, but a majority of Americans, forest-owning and otherwise, believe in careful stewardship and management of private forests to produce the many products, services, and values these forests are capable of producing.

How do others view family forestland landowners?

In general, the public's view of private forest owners is positive and improving over time. A telephone poll of some 600 Oregonians conducted in 1999 by the firm Davis & Hibbetts provides some evidence to support this view:

OWNER AGE (BIRCH 1996)



WHY DO YOU OWN WOODLAND?

Primary Reason	% Owners	% Harvest
Part of residence*	37	3
Land investment	18	1
Enjoyment of owning "green space"	17	1
Timber production	4	60
Recreation	3	3

BIRCH 1996

Figure 5

entirely in urban areas, principally in the Willamette Valley. These newcomers are making the state more urban, more ethnically diverse, and less rooted in the traditional natural resource-based economy of the state. The consumption patterns of these recently arrived citizens, their recreation behavior, environmental values, and political predilections, all will influence the working environment for family forestlands. Given a declining family forestland base and a growing and changing population, demand for the products, values, services, and amenities produced by family forestlands can only increase.

Changing science

Our understanding of the relationships between forest management and protection of forest resources will continue to grow. We will have to unlearn some truths and adjust to new truths. Public interest in conserving water quality and quantity will rise as conflicting demands for drinking water, salmon habitat, and hydropower escalate. This focus on water will bring increased public attention to the lowlands of major river basins—and guess who owns a large proportion of these areas? Family forestland owners. The Oregon State of the Environment Report (2000) highlights these riparian areas as the focal point for many of the environmental challenges of the coming decade, and recognizes that the health of Oregon's environment will depend on the cumulative affects of thousands of individual decisions (Oregon State of the Environment Report 2000).

Conclusion

Private forestlands, including family forestlands, are destined to take center stage during the coming decade. Family forestland owners own and manage critical areas of the landscape. Their decisions have impacts far beyond their fence lines, because other people care about their forestlands, and so they should. Developing a shared understanding of who family forestland owners are, what it takes to achieve stewardship of their forestlands, and why these lands are important to the well-being of all Oregonians, is the important task that faces not only Oregon's family forestland owners but all of us who make our home here.

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Leaders into the future

Family owned forest land played a critical role in our economy, our environment and the vitality of our communities. The following observations were made in a document produced by Oregon State University, following a 2001 symposium that focused on the role of family forestland owners in Oregon:

Private forestlands, including family forestlands, are destined to take center stage during the coming decade. Family forestland owners own and manage critical areas of the landscape. Their decisions have impacts far beyond their fence lines, because other people care about their forestlands, and so they should. Developing a shared understanding of who family forestland owners are, what it takes to achieve stewardship of their forestlands, and why these lands are important to the well-being of all Oregonians, is the important task that faces not only Oregon's family forestland owners but all of us who make our home here.

Although statistics specifically describing family forestlands are unavailable, we do know that farmers and miscellaneous individuals own about 157,400 forested tracts in Oregon. These ownerships range from just a few acres (most family forestland owners fall into this category) to several thousand. Together they own about 4.4 million acres of Oregon's forestland.

Family-owned forestlands have an influence on Oregon's economic, ecological, and social environment that is out of proportion to their area on the landscape. Because family-owned forestlands are typically situated along the lower reaches of Oregon's streams, near cities, suburbs, and the more densely populated rural areas, they represent significant ecological value. They contribute much to the sustainability of forests and fish habitat in those areas where most Oregonians live, and they have the capability of contributing more.

OSWA's Next Steps

At the April 2003 annual membership meeting, OSWA members approved a suite of new projects. They are described below. These projects will advance the organization's mission, enhance services to members and bring in new membership. They will also engage OSWA in partnership with other organizations with similar objectives and compatible skills.

In response to the critical role family forestland owners are likely to play, OSWA will use this plan to ensure we continue to serve our members and that their stewardship efforts are both recognized and rewarded by society as a whole.



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Executive Summary

Building cultural bridges

From its origin in 1960, Oregon Small Woodlands Association (OSWA) has become the leading voice and source of information for and about Oregon family forestland owners. Today we have over 2,500 members. Our organization has seen its reputation grow as we build upon our original goal of providing forest stewardship advice to family forestland owners and the general public. The driving forces behind this development are the members and volunteers of 21 chapters throughout the state, who own and manage approximately 1,000,000 acres of Oregon's 4.4 million acres of family forestland. The vast majority of our members own 70 acres or less.

By using OSWA as a vehicle, we can help society face the many challenges we all share regarding natural resource issues. OSWA is now in a unique position to reach out and influence the management practices and long-term viability of all family forestland owners. We can also highlight what our members are already doing to aid the development of a sustainable society. By sharing information we hope to overcome the conflicts that often erupt over single issue focused natural resource issues and develop a solution based on cultural common ground - a desire to protect, manage, utilize and enhance Oregon's Forest Resources.

Helping family forestlands achieve sustainability

Most family forestland owners express a deep desire for sustainability—of their own forestland, of their family ties to the land, and of Oregon's natural heritage generally. Yet they feel that the social, legal, and economic institutions influencing their stewardship often work against their efforts to achieve sustainability. Furthermore, like every other sector of Oregon's economy, family forestland owners are affected by forces operating beyond their property lines: globalization, limited access to markets, shifting ownership patterns, changing populations, changing social values about forests, and a growing body of scientific understanding of how forests function.



Fostering a wider awareness of family forestland owners' concerns, what helps them achieve their goals, what divides them, and what draws them together is the first step toward addressing their concerns and improving the climate for good stewardship of these lands.

Issues and concerns



As we enter the new millennium, scientific evidence suggests that an ever-increasing number of family forestland owners are looking for advice on a wide variety of management, marketing, and regulatory issues. Research also suggests Oregon's society is relying increasingly on family forestland owners to manage their properties in ways that provide a balance of social, economic and environmental benefits to all.

Family owned forest land played a critical role in our economy, our environment and the vitality of our communities. The following observations were made in the document "Sustaining Oregon's Family Forestlands" produced by Oregon State University, following a 2001 symposium that focused on the role of family forestland owners in Oregon:



Private forestlands, including family forestlands, are destined to take center stage during the coming decade. Family forestland owners own and manage critical areas of the landscape. Their decisions have impacts far beyond their fence lines, because other people care about their forestlands, and so they should. Developing a shared understanding of who family forestland owners are, what it takes to achieve stewardship of their forestlands, and why these lands are important to the well-being of all Oregonians, is the important task that faces not only Oregon's family forestland owners but all of us who make our home here. Although statistics specifically describing family forestlands are unavailable, we do know that farmers and miscellaneous individuals own about 157,400 forested tracts in Oregon. These ownerships range from just a few acres (most family forestland owners fall into this category) to several thousand. Together they own about 4.4 million acres of Oregon's forestland.

Family-owned forestlands have an influence on Oregon's economic, ecological, and social environment that is out of proportion to their area on the landscape. Because family-owned forestlands are typically situated along the lower reaches of Oregon's streams, near cities, suburbs, and the more densely populated rural areas, they represent significant ecological value. They contribute much to the sustainability of forests and fish habitat in those areas where most Oregonians live, and they have the capability of contributing more.

Despite its increasing importance family forestland is being converted to other uses at over 26,000 acres per year, and much of the remainder is in a passive management state as landowners struggle with a wide variety of issues and concerns. Why is this occurring and what can we as a society do to reverse this trend?

Family forestland owners face a number of internal challenges and external pressures. Very often, these two sets of problems are brought to bear at the same time. Buffered



from both without and within, owners may feel overwhelmed and may believe the only solution is to sell the family land.

Recent research highlights a pattern of four underlying themes and a list of three main stresses—one internal, two external. The four themes were summarized as **trust, equity, complexity, and uncertainty.**

Trust is lacking, said participants, between family forestland owners and the public, the government, and industrial landowners. Equity means having the public pay its fair share of the cost of increased forest practices regulation—a difficult bargain to strike if the public is unaware of the benefits in clear water and improved wildlife habitat provided by good stewardship on family-owned forestlands. Complexity comes from dealing with changing regulations and policies, global economic forces affecting timber markets, and ever-evolving scientific understanding of forest ecosystems. These factors all contribute to a very complicated decision space, and because all are dynamic, uncertainty is the result.

Overcoming the concerns and practical providing solutions

Our vision is for OSWA to be an influential and proactive organization united in its efforts to represent the diverse objectives of family forestland owners practicing and promoting forest stewardship.

This 2002-2003 Annual Report and Project Plan marks our progress towards this vision, lays out three new program areas that will help OSWA achieve our objectives in the future and in turn help overcome the mistrust, reduce complexity and restore equity that, due to uncertainty, is preventing many from becoming and or highlighting their active forest stewardship of family forestlands.



OSWA continues to adapt to the needs of an ever growing number of family forestland owners, encouraging them to become active planners and stewards of their land. OSWA also promotes the role family forest landowners play in our communities by staying true to our collaborative and inclusive philosophy of listening and open discussion at the local level.

Our experience is being sought by more and more resource professionals as they realize that local participation is a vital element in the development, engagement, and delivery of projects to reach the desired win-win scenario. We help blend economic, environmental, and social interests together in our efforts to achieve sustainability for local and global forests and society. Any solution we propose is developed by sharing our unique on-the-ground experiences of owning family forestland and knowledge about forest stewardship.

Our staff and volunteers now work on a variety of forest management issues that help family forest landowners, such as how to:

- Profitably harvest and market a variety of local forest products, which in turn helps our economy and allows other objectives to met such as education and ecosystem service
- Employ best use management practices to continue providing non marketable society benefits such as clean water and air to a growing population.
- Protect fish and wildlife habitats though volunteer efforts such as the Oregon Plan for Salmon Recovery.
- Prevent catastrophic wildfire and reduce the impact of fire by managing land to reduce dangerous fuel loads.
- Reverse the trend of loss of forestland to other uses by creating an economic and regulatory environment that supports family forestland owners.

Thank You Members

We would like to take this opportunity to thank OSWA members for their continued support of Oregon's primary organization of family forest landowners. Please continue to pass your ideas on to OSWA and the rest of the world by talking to your board representatives, being active in your chapters, writing article for The Update and website and or by joining one of our committees.



Future Plans

OSWA leaders believe that by working with traditional and non-traditional partners we can help satisfy both the needs of family landowners and society in general. Building upon our current successful programs and local chapter structure, OSWA has proposed three major priorities and a number of future activities that works toward this vision.

Priority Project 1: Promote the Role of Family Forestland Owners

Priority Project 2: Family Landowner Education and Marketing Cooperative.

Priority Project 3: Develop a Statewide Education and Outreach Fund.

These collaborative efforts will require time as well as human and financial resources over and beyond the existing services to OSWA's members, however we feel that we must move forward. It is time to build upon common cultural ground and work together towards a sustainable future. It is time to find a better balance between economic, social, and environmental issues by taking a holistic view and developing solutions that all can feel comfortable with. It is time to offer family forestland owners certainty that their private property rights will be protected, increasing their incentive to own forestland over the long term. It is time to actively promote Oregon's forests, the people who manage them, the standards by which they are managed, and the world-class products they produce. We are looking forward to working with other stakeholders in developing solutions that allow family forestland owners to thrive in Oregon and retain the unique quality of life that is associated with the state that we are very proud to call home.

If you feel the same way we ask you to contact OSWA to either join and/or contribute donations allowing us to proceed with our good work and new project implementation.



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A Lifetime of Caring Brings Rewards as Oregon Family Wins National Forest Competition

In acknowledgement of four decades work restoring their family wood Ron and Barbara Bentz, of Scio, Oregon were named winners of the 2002 national "Outstanding Tree Farmer of the Year" award on Saturday, November 9, 2002.

Their efforts began in 1964 when Ron and Barbara bought land adjacent acreage belonging to Ron's brothers. Here they raised their family and to learn about their 700 acres of land.

Ron and Barbara worked hard to survive those first years. Ron said, "My first goal was to make payments and stay alive. This was an old stump field with no income other than some cattle grazing so that's what we did. The land, mostly brush and stumps, had been logged over three times and not replanted, with mostly brush and stumps. There were a few young trees coming in naturally, but nothing merchantable."

The Bentz' planted a few trees the first year or two, and had what Ron called "lousy results." Game and goats running wild over the land devastated most of the plantings.

"We never got serious about forest management until the early 80s when we took advantage of a Publisher's Paper Company program. They came and did a site study and helped us plant. After that the Bentz' continued every year to improve the land and get it back to production. Ron's concept is that every piece of land should be managed to its highest and best use - for production as well as for beauty and natural habitat. "Those are the goals we are working towards. I want to see a tree in every spot that will grow on this land. That's our long-term goal, to bring balance to our land." The judges of the competition commended the Bentz' on their adaptability.

The Bentz' continue to find ways to make their operation economically sustainable.

Along with planting, they created five ponds and built a fish hatchery to manage for recreational use. They brought in wild turkeys and planted to encourage wildlife. For several years, they did not allow hunting on the land so that the game population could recover. Game management b

an opportunity instead of a disadvantage.

Engagement with the local community by belonging to community organizations such as Oregon Small Woodlands Association (OSWA) has proven to be another strength in the Bentz' approach. "We're always looking for better ways to do things and improve our management techniques. Our OSWA woodland tours have been a great way to share ideas. I think we in Oregon have the best support team of any state in the nation. I truly believe that. Our extension foresters, our state foresters, and the Master Woodland manager program have all been great resources for us."

Ron is concerned about continued pressure from special interests groups. "To conserve the land, rather than preserve it, that is our purpose. We need to invite the Sierra Club, the Audubon Society, and the Nation Conservancy to see good forestry practice in action. To see how the economic factor plugs in to good land stewardship."

State Forester, Rod Bardell said that the Bentz land is what people should strive for – a well-managed timber-producing property that maintains good wildlife habitat and enhances water resources. "Timber production and water enhancement go hand-in-hand."

Ron concludes, "We're not here just for our health. There needs to be a profit and sustainable forestry can do that without damaging the environment. In fact, good forestry improves it. This is a far better farm than it was when we first came here and we will continue improving it. Every piece of land that is well-managed is environmentally improved. Nature does not do a good job on its own. It works in extremes, from rampant wildfires to no fires. As conservationists we take what we've been given and make it better."

Mike Gaudern, Executive Director of Oregon Small Woodlands Association (OSWA) extended congratulations to the Bentz'. "We are very proud of Ron and Barbara. An Oregon family has once again proven itself as the nation's leading practitioner of family forestry. We are looking forward to inviting the governor and legislators for a field tour of the Bentz farm during the new session. We wish to continue building a balanced approach to sustaining Oregon family forestlands."

For more information please contact Mike Gaudern at Oregon Small Woodlands Association at 503-588-1813 or at oswaed@oswa.org.

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Editor's note: Within one month of winning the National Tree Farmer of the Year, Deacon Ron Bentz died of a heart attack. His family has requested that OSWA continue to tell Barbara's and his story. I hope all those who read the text will learn something not just about sustainable management but also how to achieve a vision. His approach of working toward a long term vision of the family land and in planning for all generations demonstrated his fine character. He was a truly great man from whom we all continue to learn.


Ron Bentz, National Tree Farmer of the Year 2002.

Blue Den Ranch

Photo by Shannon Ramberg, OSWA 2002

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<u>Oregon Dept. of Forestry</u>	State Employee Search Form
Oregon Dept of Fish & Wildlife	Oregon Online - State of Oregon
Pacific Northwest Research Station	USFS DC webpage
USDA Forest Service	Atlas of Oregon Forests
Oregon Watershed Enhancement Board (OWEB)	U.S. Geological Survey
	Natural Resource Conservation Service (NRCS)
MARKETING & FOREST MANAGEMENT SERVICES	
New Market Connection Tool	Sustainable North West
Forest Products Society	Northwest Wood Products Association
Wallowa Resources	
PROFESSIONAL SOCIETIES	
National Association of State Foresters	Society of American Foresters
INTEREST GROUPS	

Sierra Club	GreenSpirit Home Page
Welcome to Friends of Trees	Temperate Forest Foundation
RPR Forest Science	The Rainforest Alliance
Oregon Natural Resources Council	Respect Public Resources
Ecotrust	Oregon Lands Coalition
EarthCam - We Never Close	
YOUR GOVERNMENT CONTACTS	
Contact Federal and State legislators	

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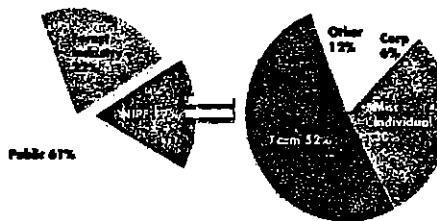


land owned by entities such as businesses, clubs, organizations, or nonfamily corporations. So you can see that the terms "family forestland," "nonindustrial private forestland," and "private forestland," are related, but not interchangeable. I will use all three in this essay, depending on the data available to address a given question.

How many family forestland owners are there in Oregon?

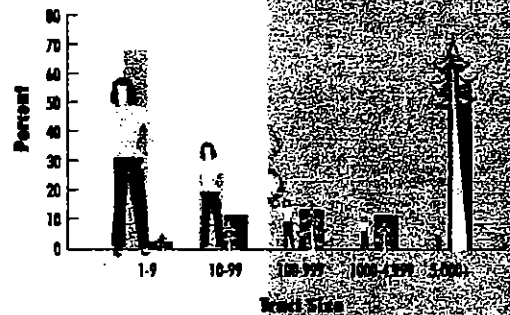
That question is not easy to answer. The USDA Forest Service conducts a survey of private forestland owners every decade or so, but it does not separately classify family forestland owners, and its estimates of numbers of private owners are prone to sampling error. Nevertheless, the survey provides the best available data on private forest ownership (Birch 1996). Figure 1 shows the breakdown of private forest acreage in the state. The Forest Service estimates there are 157,400 ownership units owned by farmers and miscellaneous individuals in Oregon. Because many owners own more than one parcel, the actual number of owners in this category is certainly less than 157,400. Together they own about 4.4 million acres. Family forestlands make up a substantial proportion of this farm and miscellaneous individual category.

FORESTLAND OWNERSHIP IN OREGON



How big are the individual ownerships? Most private forestland owners own relatively small tracts, under 10 acres in size (Figure 2). This reflects the fact that most private forestland owners are nonindustrial owners—farmers, families, and individuals. On the other hand, most of the private forestland acreage is owned in very large tracts, over 5,000 acres and larger, by a handful of industrial owners. The uneven distribution of private forestland acreage among its owners has wide-ranging management and policy implications.

OWNER AND ACRES (BIRCH 1996)

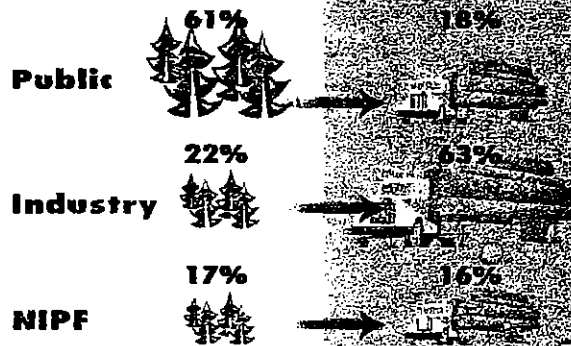


What is the significance of family forestlands to Oregon?

In the United States, nonindustrial private forestland makes up 59% of all forestland. The forests of the East Coast, Midwest, and South are mostly privately owned, and most owners are nonindustrial owners. In Oregon that pattern is reversed: nonindustrial private forests make up only 17% of Oregon's forestlands (Figure 1). This small fraction should not lead us to assume that these forests are of minor importance. Two factors—where they are situated on the landscape, and how they are managed—give them a disproportionate significance.

Ecological value

Nonindustrial private forests in Oregon typically occupy the lower elevations of the landscape, especially those along rivers and streams—a legacy of European-American settlement patterns. Riparian areas are ecologically significant, providing habitat for threatened and endangered species both terrestrial and aquatic. A graduate student of mine, Brooks Stanfield, and I recently completed a 2-year examination of the relationships between forest



Source: www.odf.state.or.us/95HarvestReport/reports.html

ownership patterns and patterns of forest habitat diversity in the Coast Range (Stanfield 2000). What we found confirmed our assumption that the spatial arrangement of public, industrial, and nonindustrial private forestlands has a large impact on the diversity of the forest present in any given watershed. Moreover, each ownership type contributes a different mix of forest conditions to the landscape. Nonindustrial private forests provide a diverse mixture of young to medium-aged conifer stands, extensive hardwood stands, and a high proportion of nonforested land. This distinctive mixture contributes ecological diversity to landscapes otherwise dominated by the conifer plantations of Industrial forestland, or the maturing forest stands found on public forests in the region.

Economic value

Nonindustrial private forests produce about 16% of all timber produced in the state (ODF 1995)—an amount that closely reflects their proportion of the forested land base (17%) (Figure 3). What may be more surprising is that these lands produce about as much timber each year as all public forests in the state combined! As timber harvesting has been curtailed on federal lands, forest products companies have had to look increasingly to their own lands and those of other private owners to keep their mills in wood.

Human value

The families and individuals who own Oregon's family forestlands are as valuable as the forest resource, but their contribution is not so readily recognized. The diversity among them is in itself to be valued, because their diverse objectives result in the wide range of forest conditions we observe on the landscape. Family forestland owners humanize the landscape, linking Oregon's rural past with its increasingly urbanized present and enhancing the state's rich mix of cultural values. Family forestland owners hold many opinions on many issues, but their values commonly include passion for the land, optimism about the future, and a commitment to conserving and enhancing those places they call home.

Who are Oregon's family forestland owners?

It is tempting to say that family forestland owners are diverse and leave it at that. However, some patterns in the data help paint a more-detailed picture. We know that a sizable portion of these owners are getting on in years (Birch 1996) (Figure 4). More than one in three is retired, and another 25% will reach retirement age within this decade. These older owners hold most of the family forestland in Oregon. Only a small percentage of owners are under 35 years old, and they own a proportionately small amount of the forestland.

Retirees make up the largest category of occupation, followed by white-collar and blue-collar owners. Although forestlands associated with farms make up a large proportion of the total NIPF forestland, only about 5% of the owners are farmers.

The Forest Service survey of private forest owners asks the question, "Why do you own woodland?" (Figure 5). More than one-third of respondents replied that their woodland is part of their residence. Another 18% say their primary reason is investment, and 17% say enjoyment of owning "green space" is their primary motivation. Only 4% of owners give timber production as their primary reason for owning forestland, but those owners own 60% of the acres—once again pointing to the irregular distribution of forestland acres across owner categories.



SUSTAINABLE AND THE GLOBAL ENVIRONMENT

Examining
Oregon's Forest
Sustainability
In A Global
Context

FILE # PA 04-5076
EXHIBIT # 037

Why is it we don't think twice when we walk into a lumber or home improvement store in Oregon — the state that leads the nation in lumber production — and find wood or wood products from another part of the country or the world? How can that make sense in a period when fuel costs for transportation are reaching new highs, in a state where trees grow fast and well? Questions like this are quite natural in emerging conversations about sustainability of the earth's natural resources, and about sustainable forest management specifically. Experts are beginning to examine questions like these, and what they are discovering is thought provoking and often surprising.

HIGHLIGHTS

- About one-third of all wood produced in the world today crosses at least one international boundary on its way to market.

- By the middle of this century, 80 percent of our global industrial wood will come from planted forests.

- Wood use has increased by 40 percent since 1960 and is expected to rise by about 30 percent in the next four decades.

The United States, which has 5 percent of the world's population, consumes more than a quarter of the industrial wood consumed worldwide.

- The United States today imports about 20 percent of its wood needs. It exports about 12 percent of its wood harvest.

- When we increase reliance on imports from regions with lower environmental standards while closing our forests to wood production, it hurts our economy and may not be good for someone else's environment.

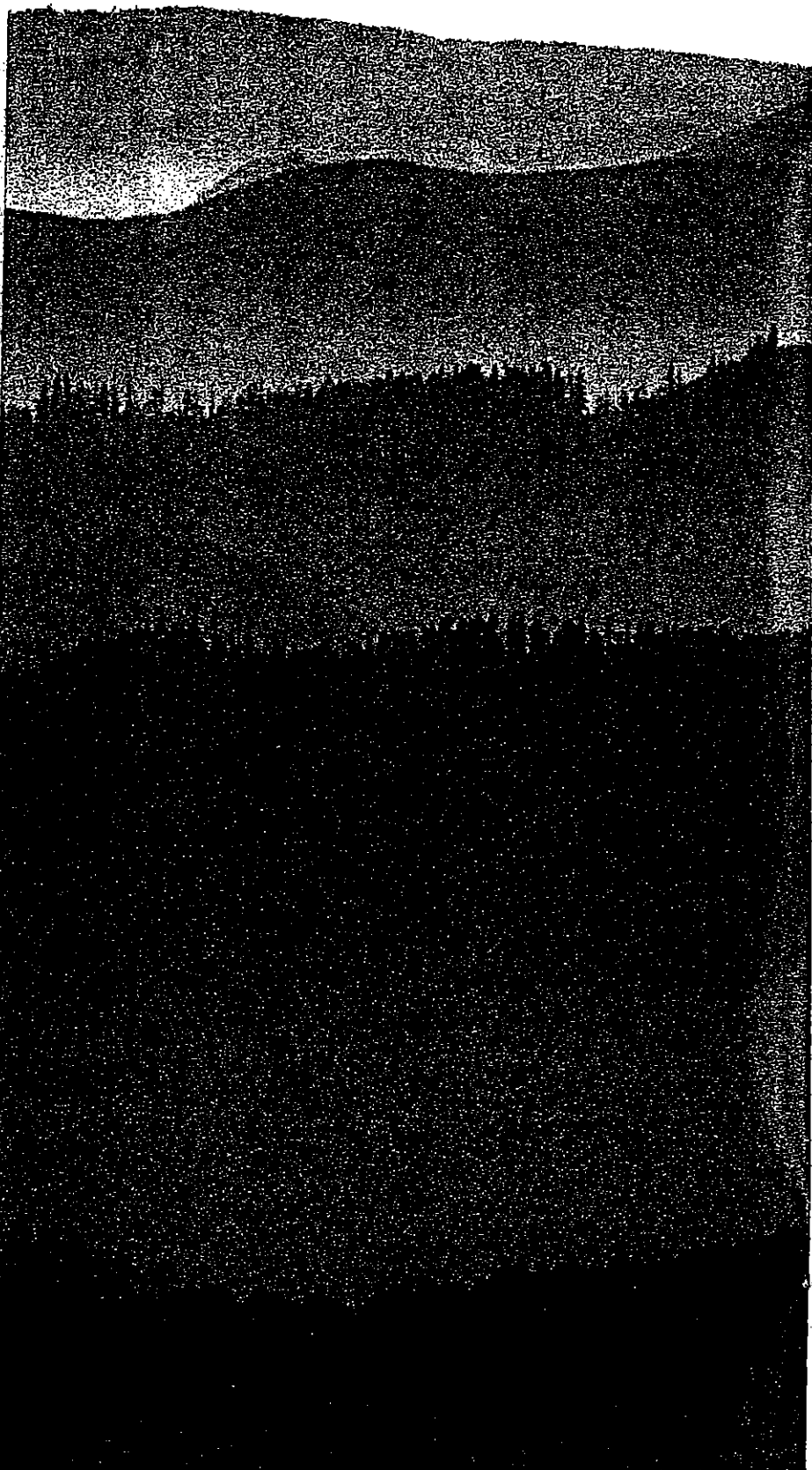
- There are 28 million acres of forestland here in Oregon (more than 90 percent of what existed in the 1600s), but globally the world is losing 20 million acres of forestland every year.

- Oregon is the first state to adopt a forest practices act. The act has changed over time to require high standards for reforestation, stream protection and wildlife habitat.

- In 1999, Oregon became the first state in the nation to adopt international standards of sustainability as baseline criteria for evaluating its forest resources.

- Forest landowners who cannot make a living in forestry may be forced to sell, and the resulting land use may result in permanent deforestation and loss of forestland base.

We're shaping the sustainability of forests, economies and communities in Oregon, this country and around the world with every choice we make — every policy choice, every personal choice.



SUSTAINABILITY AND THE GLOBAL ENVIRONMENT

Jim Bowyer has a way of taking some of your strongest convictions and turning them upside down. Take the federal Northwest Forest Plan of the early 1990s, for example. Many consider it a model of environmental planning, he said. It seemed to mark a place where we took a stand and finally chose the environment over the economy, mandating the reduction of timber harvest on federal lands from 5 billion board feet per year to 1 billion, and halting the large-scale harvest of old-growth forests on federal lands. In a lecture to a group of Oregon State University students, Dr. Bowyer, head of the Tropical Forest Foundation and former chair of the Department of Wood and Paper Science at the University of Minnesota, invited students to examine some of the other ramifications of the Northwest Forest Plan with him. Bowyer then recounted what happened in the decade following its adoption.

- Harvesting on private land in Oregon increased in an attempt to meet demand, but the virtual elimination of harvest on federal lands resulted in an overall 50 percent reduction in harvest levels.
- Softwood net imports to the United States increased by 100 percent.
- Brazil replaced the United States as the leading supplier of plywood to the European Union.
- Steel, more energy-intensive than wood, gained 4-6 percent of the U.S. house framing market, up from 0 percent in 1990.

A 40-member commission of experts put together the federal Northwest Forest Plan, but, said Bowyer, "here are some of the questions that were never asked questions that, in fact, were not even on the table for discussion."

- With wood consumption remaining the same and harvest reduced from 5 billion to 1 billion board feet, where would 4 billion board feet of lumber come from if not from the Pacific Northwest?
- Are there any endangered species in the new producing region, wherever that might be?
- Would the countries producing that wood use the same high standards for cutting and replanting that we do in Oregon?
- What is the environmental impact of transporting 4 billion board feet of timber from Point A to Point B every year from now on?
- Is there any prospect for reducing wood consumption by 4 billion board feet?



Jim Bowyer
Chair, Tropical Forest Foundation
Professor and former Chair, Department of Wood and Paper Science
University of Minnesota

If developed countries took more responsibility for consumption, there would be more discussion about impact reduction strategies here, a reduction in our balance-of-trade deficits and a downward trend in domestic job losses related to basic industries. As long as we practice environmental policies that serve to shift the impacts of our consumption to locations out of sight and out of mind, it is highly unlikely that any groundswell of public opinion against unrestrained consumption will develop.



Mike Gaudern
Executive Director
Oregon Small
Woodlands
Association
Salem

Globalization is now a reality. It is

...table that pres... will continue to... trade barriers... and the forest products industry will be increasingly global, with mergers among companies on either side of the Atlantic and Pacific. Nearly one-third of the world's wood crosses an international boundary on its way to market. The United States had traditionally had the greatest production of forest products but it is under increasing competition from cheaper natural forest and plantation imports.

- What is the possibility of bringing unwanted pests into the country if we import 4 billion board feet of timber each year?
- What will be the environmental impact if markets for wood shift to steel, concrete and other potentially less environmentally friendly materials?

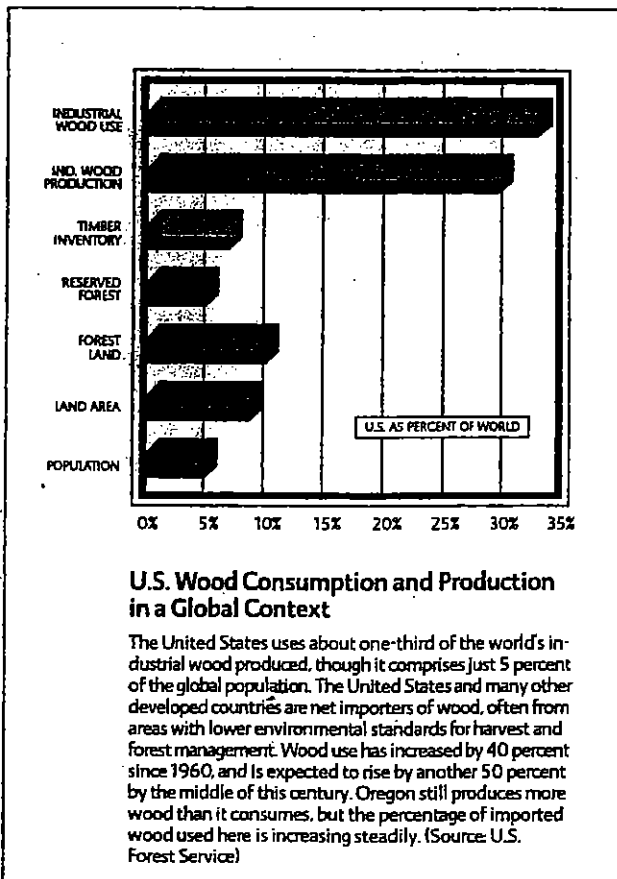
"This plan," Bowyer concluded, "is a model for how environmental planning should never, ever be done again."

In the context of Bowyer's example of limiting harvest on federal land in Oregon, many experts are looking at the larger implications of such a move and finding that there are some unintended and not always desirable consequences. According to Bowyer, some consider it immoral to set aside forestland here and then fulfill our wood needs by importing from regions where environmental standards are lower. As Dr. Hal Salwasser, dean of OSU's College of Forestry, framed it, "When we import wood while setting our forests aside from wood production, we're losing jobs here in Oregon and transferring the economic and environmental impacts to other parts of the world. That's not a good thing for our economy, and it may not be a good thing for someone else's environment."

The Concept of Sustainability

As issues arise about the environment, and given consumption patterns worldwide and the finite nature of many of the earth's natural resources, the kinds of

questions Bowyer raises and the discussions they provoke are becoming more common. This type of questioning has come to be associated with the concept of sustainability. Discussion of questions like these can be fascinating and frustrating — fascinating because they bring new global perspectives to complex human issues, and frustrating because what we mean by sustainability has changed over time and the definition remains fluid. In addition, it often deals with human values, which are not quantifiable. In Oregon, sustain-



ability as it applies to forestry has become a subject of much discussion.

The word sustainability entered usage about a century ago in reference to protecting natural resources — in the case of forestry, to ensure that the country would always have a source of wood. It was based on the simple concept of the volume of harvest not exceeding the volume of growth. In the last two decades, however, it has come to refer to the question of whether our environment can support the full range of human activity over the long term. In 1987, the World Commission on Environment and Development defined it as meeting the needs of the present without compromising the ability of future generations to meet their own needs, which has come to be a common working definition.

Sustainability issues are difficult to address because of their multidisciplinary nature. At its simplest in forestry terms, for example, sustainability refers to timber yield. By this measure, timber production in Oregon passes with flying colors — the volume of wood fiber is growing considerably faster here than what is being harvested or lost to forest fires and has for some time. One reason is that Oregon's progressive land use laws protect forestland. Today, as a result, the state has about 92 percent of the forestland that it did 400 years ago. The loss — about 8 percent — has been primarily to agriculture and urban and industrial development.

Broadly defined, the concept of forest sustainability encompasses the viability of watersheds that run through forestland and provide clean water and fish habitat. It also ensures that conditions are suitable for maintaining wildlife diversity. In addition, it means managing forests for a variety of resources, including environmental assets like recreation and wilderness areas. It also embraces the sustainability of communities and cultures, traditional land uses and, of course, productive capacity and timber revenue for schools and general community welfare. In this broader context, it quickly becomes apparent that discussions about forest sustainability require the participation of not only forest scientists, but also biologists, geologists, hydrologists, economists, sociologists and even philosophers. Because sustainability is ultimately about defining and accepting broad environmental, social and economic goals, citizens at the community level also need to be involved.

In our culture, professionals from different disciplines are not accustomed to speaking a common language, making it all the more difficult for them to talk about a concept like sustainability. Bowyer claims that one of the fatal flaws of the 40-member commission that developed the federal Northwest Forest Plan to protect, among other things, the spotted owl and marbled murrelet, is that it was composed overwhelmingly of biologists and ecologists.



Hal Salwasser
Dean, College of
Forestry,
Oregon State University
Coeville

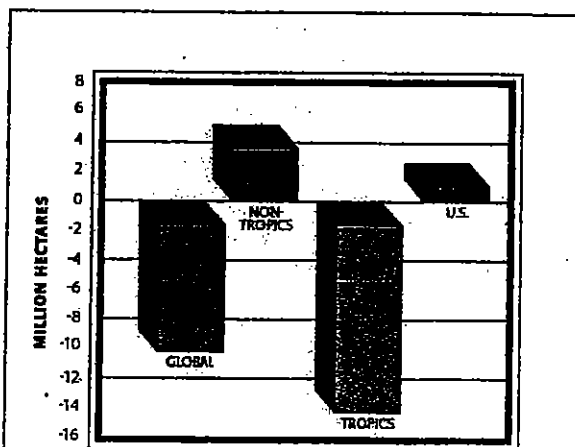
I think the reason we've paid so much attention given to sustainable forest management is that forests contribute in so many ways to our quality of life. Public opinion polls that produce air and clean water represent the most important attributes of forests, followed closely by healthy fish and wildlife populations and habitats. Forests are also a tremendous recreation resource and contributors to scenic beauty and they play a significant role in global atmosphere and moderating climate change. In addition to all that, revenues from the wood they produce support public schools and services and create a lot of jobs. For Oregon, they are a historic and cultural treasure.

OREGON'S FORESTS IN A GLOBAL CONTEXT

When it comes to understanding sustainability, discussing Oregon's forests in isolation is usually not fruitful. A small, family forest landowner like John Poppino finds it hard to think in terms of global sustainability. His definition is closer to home: "I want to pass my land on to my heirs in at least as good a shape as when I got it." As an educator, Salwasser likes to look at the larger picture. "We in the United States are 5 percent of the world's population," he said, "but we use more than a quarter of the world's industrial wood. We have 28 million acres of forestland here in Oregon, but it's important for us to be aware that globally we're losing more than 20 million acres of forestland annually — mostly through conversion to agriculture. That's an area of forest nearly one-third the size of our whole state lost each year. With trade easier than ever before and companies becoming more international, the bottom line is that we're involved in a global enterprise, even if we're just managing a little woodlot and trying to sell into a local or regional market." Suddenly the implications of policies that change wood supplies here take on wider significance.

Forests at the Global Scale

Globally, forests comprise just under 10 billion acres — a little more than half of the forestland thought to be present in 1600 at the start of the industrial revolution. Recent losses have been most dramatic in arid and tropical zones, while in parts of many developed countries, the United States included, forest area has actually



Global Forestland Trends

Any discussion of sustainability for Oregon's forests must include the larger national and global context. Between 1990 and 2000 the world's forestland declined by 9 million hectares, or more than 20 million acres per year. For perspective, Oregon has 28 million acres of forestland. The chart above for the year 1990 shows a loss of 12 million hectares, mostly in tropical, developing countries. The United States and most developed countries tend to have stricter environmental regulations, and meet demand by importing wood. (Source: Food and Agricultural Organization of the United Nations)

increased in recent decades. It used to be that population and economic growth contributed to forest loss, but in the United States, a variety of factors — setting aside more forestland for wilderness, greater reliance on planted forests that grow trees more intensively, and afforestation through the conversion of farmland back to forestland — have resulted in forest growth.

But the demand for wood has not diminished, and other values of the forest are also in demand, like clean water, landscape and wildlife diversity, carbon storage



Gary Hartshorn
President & CEO
World Forestry Center,
Portland

The urban public tends to see forestry as black and white: either total preservation or worthless. A tropical expert tells me that the forest can do it all. There is no reason why management activity, including harvest, can't happen and be compatible with all environmental values. I watched logging change in the Amazon where it was common place to run heavy machinery all over the forest. But when certification standards showed them how to work with less impact on the land, they saw that they were actually saving money and their methods changed almost overnight.

and recreation, among others. Wood use has increased by 40 percent since 1960, and is expected to rise by about 30 percent in the next four decades. A growing population, a shrinking forest land base and increasing demand for all the other values of the forest will create increasing pressure on our global forest resources in the future.

Oregon Takes Enlightened Action

The Earth Summit in 1992 and subsequent meetings in different parts of the world led to the development of a set of international guidelines for forest sustainability. Oregon's then-State Forester Jim Brown and current State Forester Marvin Brown (then in a prior job) both participated in the Montreal Process that developed those criteria and indicators against which forests could be measured. In 1999, Oregon became the first state in the nation to adopt those standards as baseline criteria for evaluating its forest resources.

Oregon's enlightened move toward sustainable forestry was driven in part by its recognition that local decisions could have an unintended and undesirable global impact, but also because a balance of environmental, social and economic values is inherent in the sustainability concept. Forestry was and is a part of the fabric of Oregon's history and culture, yet decisions made outside its boundaries were stretching that fabric thin. The virtual disappearance of timber sales on federal land may be invisible to a Portland resident, but it has severely affected rural communities, particularly in the eastern and southern parts of the state. Sustainable forest management in Oregon means that forest resources across the landscape are used, developed and protected at a rate and in a manner that enables people to meet their current and future environmental, economic and social needs.

This is not the first time that Oregon has addressed sustainability issues. The state developed the Oregon Forest Conservation Act in 1941 to address reforestation and fire protection. In 1971, with the passage of the Oregon Forest Practices Act, it became the first state in the nation to adopt a comprehensive approach to protecting forest ecosystems. The First Approximation Report of 1999 reflects a recognition of international common criteria for evaluating forests.

In 2003, the Board of Forestry published its Forestry Program for Oregon (FPFO), a vision for the next decade. Recognizing that sustainability is a three-legged stool — those legs being environmental, social and economic needs — the FPFO described Oregon's diverse forest ownerships and management objectives as falling into three corresponding categories: reserve, multi-resource and wood production forests. Reserve forests are those managed primarily for older forest habitat, wild ecosystems, at-risk species and other environmental values and are not open for timber production except as a by-product of management to meet



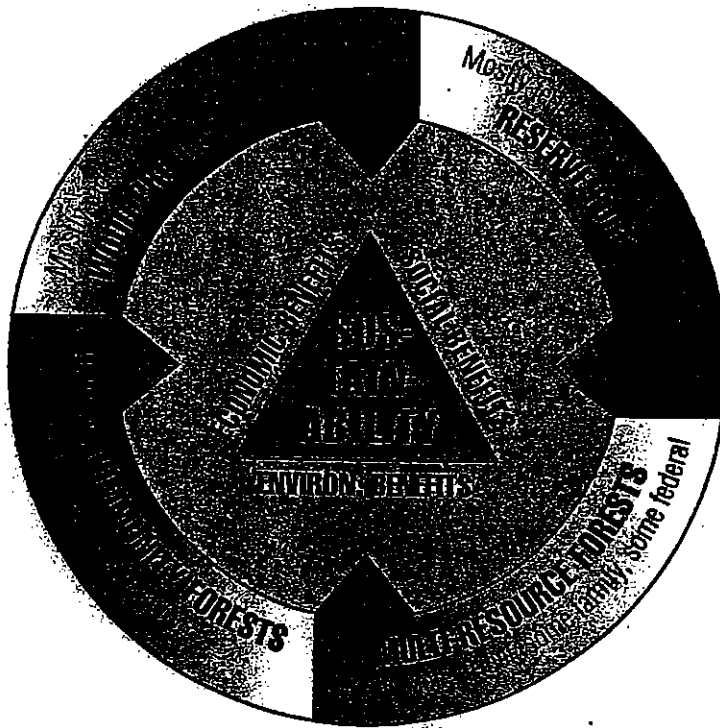
Marvin Brown
State Forester
Oregon Department
of Forestry
Salem

Polling shows that Oregonians are very concerned about environmental issues and the amount of conflict between industry and environmental groups. It also shows that people want a balance of environmental, social and economic values produced from the forest. Sustainability is a unifying theme that most people instinctively understand and support. There is power in the ideas and language of sustainability that gives us the opportunity to change some of the dynamics of confrontation.



John Perez-Garcia
Center for International
Trade in Forest
Products
University of
Washington
Seattle

The ramifications of decisions regarding management of resources in Oregon are not just local. It is quite likely that there will be unintended consequences, both national and international, of actions taken here. Last potential timber demand in Oregon also has implications for future investments in the industry, with related social and economic consequences here. Lower timber harvest levels may reduce incentives for new capacity expansion here amounting to seven or eight average-sized mills.



A Vision for Oregon's Forests

In looking forward to the next decade, Oregon's Board of Forestry has a visionary plan for Oregon's forests that will ensure the viability of the environmental, social and economic values that comprise sustainable forestry. The Forestry Program for Oregon acknowledges the different objectives associated with those three legs of the sustainability stool. Reserve forests, presently 31 percent of Oregon forestland, would be managed for wilderness and older forest habitat, with no timber production except as called for to meet restoration or other resource goals. Multi-resource forests, 33 percent of Oregon forestland today, would have multiple benefits - wildlife habitat and recreation, for example - that include timber harvest. Wood production forests would include industrial and family-owned forestland, which still would provide for reforestation and environmental protection as called for in the Oregon Forest Practices Act. The fourth forest type, urban and community forests, acknowledges the value of trees and green space as improving the environment and quality of life for city dwellers.

other resource goals. Multi-resource forests, as the name implies, are managed for multiple resources benefits, including wildlife habitat, water protection and timber harvest. Wood production forests, also as the name implies, would be private industrial, family-owned and tribal lands that may be managed primarily for wood production, but in ways that also protect other resource values. About a third of the state's total forestland falls into each category.

THE ECONOMY OF THE FOREST SECTOR

Clearly the changes in federal timber supply over the last decade have had a strong impact on the size of Oregon's forest sector. The downsizing has been felt most dramatically in the state's rural communities, particularly on the east side. As discussed earlier, it has also had consequences in other parts of the world, mostly in Canada to date. Many people fear what further declines in the forest sector would do, not just to the economy but to the environment as well. As William Lange, an economist with the Forest Service, put it, "If you're in the private sector,

the forest must yield value to the owner in forest uses or it won't stay forested." Landowners who cannot make a living in forestry will be forced to sell, and the potential conversion of the land to urban or agricultural use could result in permanent deforestation and loss of forestland base and the economic and environmental values associated with it. Oregon's land use laws help guard against this, but forestland conversion is occurring in neighboring states and regions.

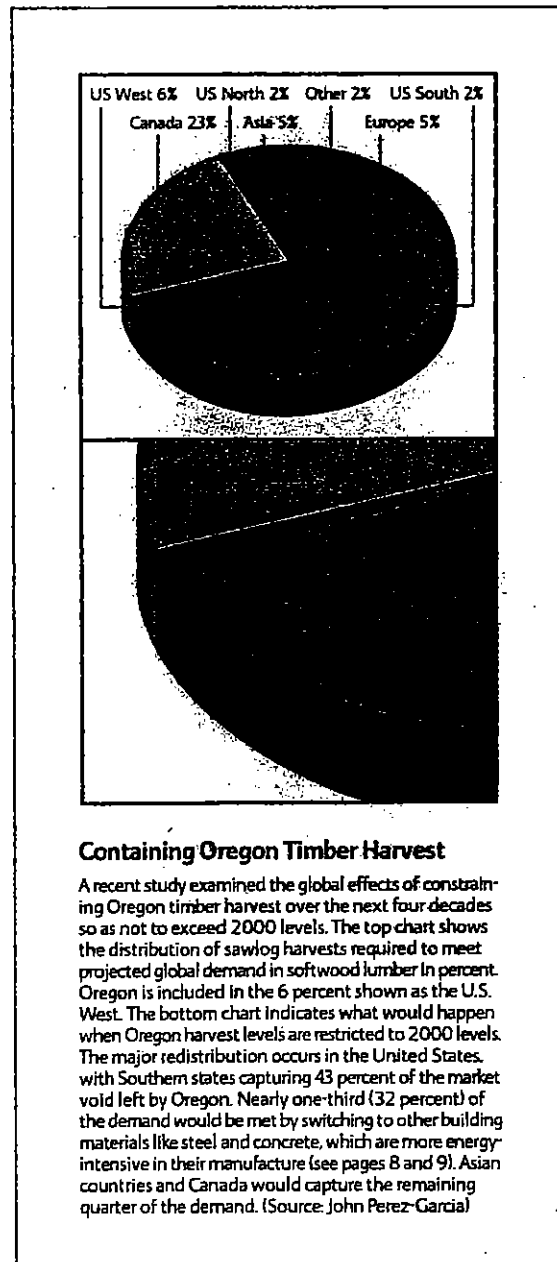
Global Impacts of Oregon's Harvest Decline

Knowing that harvest decisions here in Oregon can have global effects, the Oregon Department of Forestry commissioned a study by forest economist John Perez-Garcia of the University of Washington's Center for International Trade in Forest Products. The basic purpose was to examine the consequences of a no-harvest-

increase scenario for timber in Oregon over the next four decades.

The study addressed the effects on forest products markets locally, nationally and internationally given a reduction in Oregon's timber output; which regions would benefit from the market share once held by Oregon; the tradeoffs between timber production and the environment; and Oregon's role in providing sustainable forestry benefits into the future for Oregonians and the international community.

The immediate effect of constraining Oregon's output would be a rise in timber prices, followed by increased harvest elsewhere in the world to meet that demand. Perez-Garcia's study found that the U.S. South would be the big winner, capturing 43 percent of the void left by Oregon's withdrawal. Nearly one-third of the demand would be met by alternative materials like steel and con-



Eric Hansen
Associate Professor
Forest Products
Marketing
Oregon State
University
Corvallis

There have been plenty of examples of successful branding in the market, but I think the jury is still out on branding Oregon wood products. We certainly need to look at the potential. My big concern for Oregon's forest sector is that as we remove federal lands from timber harvest and increase regulations, we're shifting production out of the state, and the implications of that movement are not clear yet. In terms of the quality of our wood, we have a premium product, but our protection and manufacturing costs are higher and there is an issue of maintaining a viable industry.



Environmental Costs More of a Factor

Architects and builders are more frequently asking about the environmental costs of building materials they consider using. The types of questions have prompted more studies like the one shown here. Concrete and steel, the common alternatives to wood, tend to be much more energy- and resource intensive. When timber harvest is restricted, wood prices rise and alternative materials become more attractive choices, economically.

crete, which are much more energy-intensive in their manufacture. Asian countries would capture 15 percent of the market and Canada the remaining 10 percent. Shorter rotations and lower volumes per acre in producing areas could have a net negative environmental impact. Perez-Garcia concluded, "Since there is a global need to meet growing demand and Oregon can increase its harvest to meet part of that demand, any program that limits its potential to supply wood products will enable other regions and countries to expand harvest, with an associated environmental tradeoff and shift in social and economic benefits."

In contrast with many parts of the world, Oregon has abundant, highly productive native forests. Oregon policy and practices encourage management of these native forests for a diversity of products and uses. According to a 2000 United Nations report, the world's forests were reduced by 9.4 million hectares per year between 1990 and 2000 (a hectare equals 2.47 acres). In contrast, more than 90 percent of the forestland that was in Oregon 400 years ago remains today. Furthermore, Oregon is harvesting well below levels considered sustainable, whereas, according to Dr. Bowyer of the Tropical Forest Foundation, harvests in the southeastern U.S. now exceed growth rates. Oregon also is the first state to adopt a forest practices act, while many states still have not, and is the first state to assess its forest conditions using internationally adopted criteria of sustainability. All things considered, Oregon's performance stacks up very well compared with the rest of the world.

As for the environmental costs of meeting part of the global demand for building products with alternative materials like steel and concrete, recent studies — examining factors like overall energy use, carbon dioxide and other emissions, and water demand in the construction, extraction and manufacturing phases — have found that wood performs better.

Other Economic Initiatives

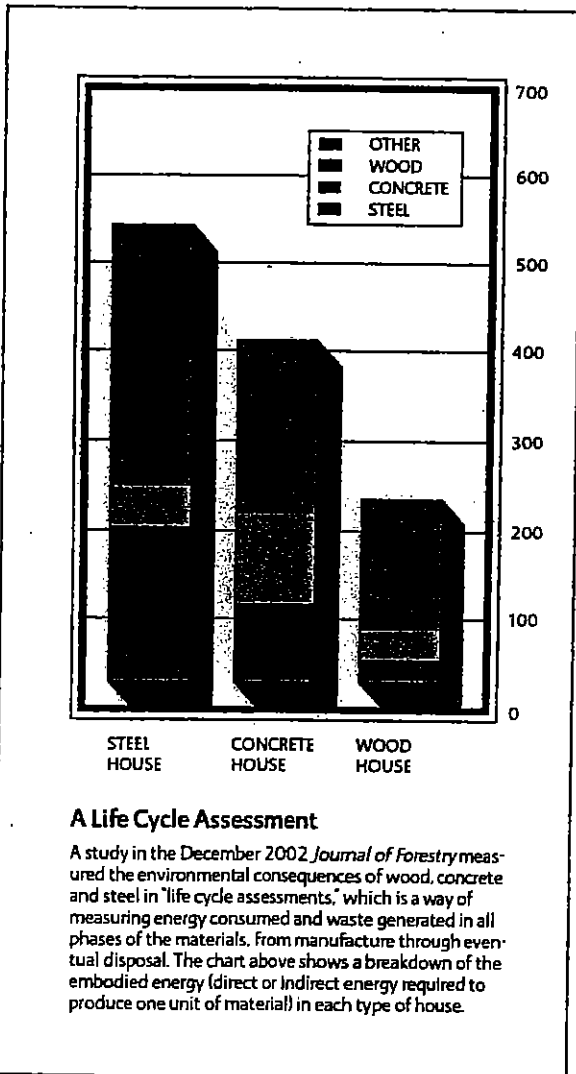
At a conference, *Oregon's Forest Sector: Enhancing Its Economic Contributions and Its Relationship to Global Forest Sustainability*, held in Portland in April 2004, Howard Sohn, chairman of Lone Rock Timber Company and former chair of the Oregon Board of Forestry, laid out a statewide business plan developed by the Oregon Business Council. Part of that plan is a Forest Sector Initiative that sees a vibrant forest sector as critical to statewide prosperity. Among its objectives is to help Oregonians understand the economic and environmental benefits associated with using the forest's productive capacity, to increase state and federal timber harvest without compromising environmental goals, and to identify Oregon wood products with environmentally responsible management.

This latter marketing dimension of the initiative was also an element of a related

study conducted by E.D. Hovee & Company and FP Marketing Solutions. The study took the Oregon Business Plan's Forest Sector Initiative and evaluated the potential it identified for Oregon forest products to compete in the global market. (Copies of the study report are available from OFRI.) Study authors Eric Hovee and Eric Hansen pointed to the forest sector's competitive strengths: a strong infrastructure, productive forests, a distinctly superior product, proximity to markets and a tradition of environmental leadership.

Can "Brand Oregon" Work for Wood?

A prime challenge to Oregon's forest sector is the high cost of production compared with other parts of the world. Both Hansen and Hovee see market potential in the high quality of Oregon wood and wood products and in opportunities to develop specialty markets, in addition to competing as a commodity in global markets. Hovee noted that the certification movement had potential, but to date certification has not commanded a price premium. Certification addresses a land-owner's environmental performance through a third-party evaluation.



The theory is that consumers would favor wood products from companies whose environmental performance meets certain certification standards.

The movement has stirred interest. Many forest products companies have been certified, but some consumers may be confused by competing certification systems. Consumers also are more influenced by price. Hansen noted a study in which two-thirds of consumers would choose a certified product when prices were equal, but when the price of the certified product was raised by 2 percent, the scales tipped and two-thirds chose the less expensive alternative.

"Brand Oregon" is another potential marketing tool, but there is some question whether

WATER IN LITERS X 1000



Environmentally Friendly Building Material

Wood has been shown to be an environmentally friendly building material. A multi-year Canadian study (Forest Canada Corporation, 1999) compared some of the environmental effects of two 100-foot walls as examples: one made from wood and the other from steel. The graph above shows the energy use, and the one on page 9 (opposite) water consumption involved in the extraction, manufacturing and construction phases for the two materials.



Cassie Phillips
Vice President for
Sustainable Forestry
Weyerhaeuser Company
Federal Way,
Washington

When Weyerhaeuser was founded in 1900, one of its assumptions was that timber would not continue to move from one forest to the next and that it would be profitable to buy land and hold it long term. Although the phrase sustainable forestry has evolved over time, Weyerhaeuser certainly has seen the value both environmental and economic of achieving the level of good stewardship necessary to ensure that its forestland remains healthy and productive in perpetuity. That commitment expresses itself today in our broad sense of corporate responsibility toward forest protection at the global scale, and having all Weyerhaeuser forests certified by an independent party.

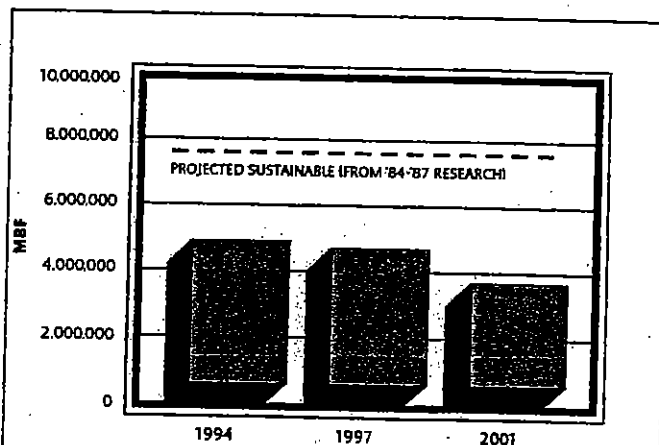
it would have a benefit for forest products. Mike Gaudern, executive director of the Oregon Small Woodlands Association, feels "Brand Oregon" may work and should be given a chance. Hovee believes it is worth more market research and that a concept should be developed for a "Brand Oregon" program. All of these initiatives are aimed at enhancing long-term opportunities for the state's forest sector, because economic success is required if forestry in Oregon is to remain sustainable.

THE FUTURE OF SUSTAINABLE FORESTRY

Sustainable forestry is charged with challenges and promise. The United States, with perhaps the greatest potential to lead the way, is certainly not a model of sustainability. It is the largest consumer and the largest importer, not only of forest products but also of many other natural resources. There has been much discussion of the issue in the United States, but clearly others cannot follow our example as a road map to sustainability. Our consumption rate, based on imports, is simply too high.

The Issue of Consumption

Any discussion of wood supply and demand raises the general issue of consumption. Decreased consumption would obviously lower demand, but in developed countries like the United States there is little incentive to lower our consumption. Bowyer



Actual Oregon Harvests Compared with Growth Rates

One measure of sustainability is whether we are harvesting timber at levels that are below what would be considered sustainable in terms of forest growth. The fact is that tree growth exceeds harvest rates in Oregon by a wide margin. It should be noted that sustainable harvest is not a fixed ratio based only on growth vs. harvest but is also based on socially established goals for protection of water, wildlife and other resources. Although federal harvest levels have declined dramatically since the 1980s, harvest levels on private lands have remained relatively stable for several decades. Most of Oregon's timber harvest now comes from private lands. (Source: Oregon Department of Forestry harvest data, sustainable harvest level from OSU College of Forestry)

believes that as long as the impacts of consumption remain out of sight and out of mind, it is highly unlikely that any groundswell of public opinion against unrestrained consumption will develop. Outside of the United States, history has shown that as developing countries move toward becoming developed countries, their consumption will rise. It is clear that the high consumption of developed countries is linked

to substantial negative impacts outside their borders, and the burden falls to them to accept greater responsibility for the impacts of their consumption.

Is high consumption sustainable? There is no simple answer. Countries with the greatest consumption today are the same ones that have the most pristine environments, most scenic surroundings, highest water quality, purest air, and so on, but these values come at the expense of developing countries. There are those who have argued that a land ethic without a consumption ethic has no moral foundation. Yet



Sustainability preserves high water quality, one of the primary values associated with the forest. Most of the drinking water for Oregon's largest cities originates in forested watersheds, and typically demands much less treatment than that of municipal water systems in other parts of the country.

it is not at all clear that there can be economic growth with reduced consumption, and this has implications for the future of developing countries. Should we reduce consumption or take some initiative to provide more of the world's basic resource needs in an environmentally responsible, sustainable fashion?

Cause for Hope

With all the challenges to a sustainable future, there is still cause for optimism. For example, it is estimated that by the middle of this century 80 percent or more of global industrial wood will come from planted forests. There are potential problems with forest plantations, but they clearly hold out hope for meeting wood demand on a smaller land base in the future. Softwood growth in temperate-region plantations, for example, is ten times that of northern boreal forests. Experts say that global wood needs in the future could be met by 10-20 percent of the world's forests. Technology also has the potential to make our use of wood more efficient. Profit forces alone have tremendously increased the efficiency of mills. Forestry, technology and conservation can and have restored and enhanced forests. Examples are everywhere, but Oregonians need look no further than the Tillamook State Forest, where prudent management has brought back the forest. Forestry



Darius Adams
Professor
Forest Resources
Oregon State
University
Corvallis

As a person who creates the sophisticated supply/demand computer models, Darius Adams has a unique perspective on wood production. As to timber harvest in Oregon, Adams says that "if federal land management policies continue to restrict timber harvest, the state's future timber output will depend largely on the biological characteristics of its private forestlands, the management decisions of private owners and the private land regulatory policies enacted by the state and other agencies. Over the next half century, projected harvests on all ownerships can be realized with stable to rising inventories -- in other words, harvest would be no greater than growth."



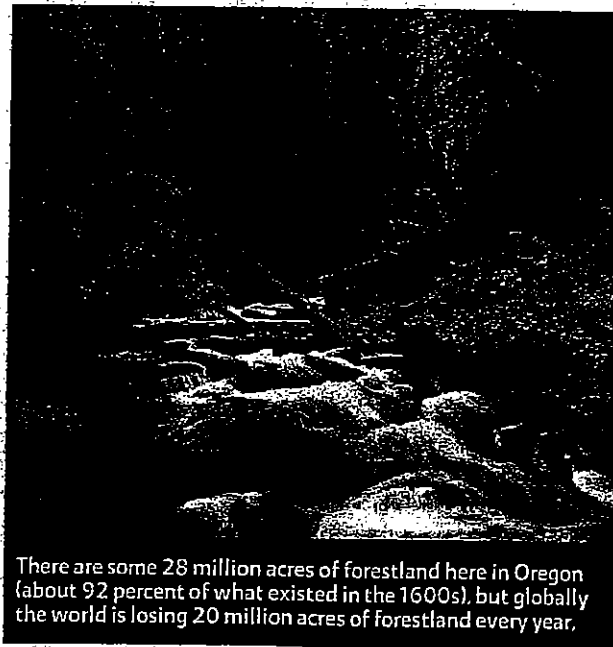
J. Martin Goebel
President
Sustainable Northwest
Portland

"One critical and often unrealized impact of harvest restrictions and a frequent decline in the state's forestry sector is a loss of our community-based human capital and its local knowledge base. Oregon can again be a leader in forest management if we engage in new participatory research and technological innovation with local community partners, who want to contribute to sustainable forestry. We used to export commodities, but we are moving to a knowledge-based economy and we must think of forestry in light of generating useful knowledge on, for example, ecosystem restoration and local specialty value-added strategies."

is not just growing wood. Rather it embraces conservation, restoration and enhancement of forest ecosystems so that forests can provide the full range of values.

As for forestry in Oregon, it is well positioned to lead the way because of its solid foundation for resource sustainability. The Forest Program for Oregon provides a blueprint for land use with a place for parks, wildlife refuges and nature reserves along with wood production zones where management can be intensive. Oregon has world-class forestry education and research capabilities at Oregon State University, the Forest Service's Pacific Northwest Research Station, the United States Geological Survey and the Environmental Protection Agency. The state has laws requiring reforestation and protection of forest streams and wildlife habitat, and it has access to major markets. Oregon is a leader in forest research and education. Its wood growth exceeds harvest by a wide margin, and there is public support for balanced management. The key question is what role Oregon forests will play in meeting growing global demand for wood in the future.

Hal Salwasser sums up the potential for a sustainable future in this way: "We've got options and choices to make. We have remarkably rich and diverse forests. We have a wealth of opportunities for new high-quality wood products, non-wood forest uses, improving the use of incentives and rewards, being more effective at the urban-forest interface, improving environmental performance across all forests from wood production to reserves, and doing a better job with water, fish and wild-life. But we can't accomplish any of this by staying the course only with existing science, policies, plans and practices. The real world is complex, full of uncertainties and unknowns, and is always changing. We need to constantly adapt as we respond to new knowledge and changing markets, and we need to



There are some 28 million acres of forestland here in Oregon (about 92 percent of what existed in the 1600s), but globally the world is losing 20 million acres of forestland every year.

use science to inform our choices, not to drive them. Most importantly, we need to understand the effects of personal choices. We're shaping the sustainability of forests, economies and communities in Oregon, this country and around the world with every choice we make — every policy choice, every personal choice. They all go into determining the future."



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Acknowledgments

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FILE # PA 04-5276
EXHIBIT # C-8

GROWING SOILS

Providing Quality Soils Information to
Agricultural Landowners Since 1979

Dave Hemenway
78314 Highway 99, South
Cottage Grove, OR. 97424

RE: EXECUTIVE SUMMARY Section 17 & 8 T19S R1W Dexter, OR.

An intensive soil survey was completed on about 200 acres of the above property. The purpose of the inventory was to verify the exact composition of the soil series found on the parcel. Standard USDA-NRCS (Natural Resource Conservation Service) methodologies were used to complete pre and post mapping tasks in conjunction with actual field classification of selected soil profiles. The protocols utilized in this study utilized exclusively National Cooperative Soil Survey Standards (NCSS) which are the only standards accepted by Federal/State agencies in regards to ecosystem based soil resource inventories. The DLCD subscribes to the standards set forth by the USDA and are standards which were initially used to produce the soil maps and interpretation guidelines for the Lane County Soil Survey Report, September, 1987 (US Government Printing Office).

Original soil mapping was conducted by the USDA (then Soil Conservation Service) at an Order II detail. Order II detail is designed for broad planning and is typically used by farmers, ranchers and foresters for agricultural and forestry practices. At this detail of inventory, a combination of field investigation and reliance upon stereoscopic interpretation of the physiographic features was used to generate maps and interpretations. Under the Order II guidelines, a few of the mapping units on the subject property were visited but not all delineations. As a former USDA-NRCS Principal Soil Scientist I can say with some certainty, our job requirements on parcels such as the one in question was to minimize field verification whenever possible (for marginal privately owned forested lands). We did not receive funding from private forest owners, therefore we spent more time verifying soil mapping units on agricultural lands of all types and on US- BLM lands for which we were receiving reimbursible funding at the time of the soil inventory in Lane County. For this reason we prioritized the level of field study based upon landuse patterns and funding. The more intense the land use (i.e. horticultural crops such as tree fruits) the more soil descriptions we completed per section of land. The study area currently under review was considered one of the very lowest priorities in Lane County at the time of map generation. The reasons are threefold: 1) most importantly, this parcel was never and has never been used for agricultural crop production; 2) the USDA-SCS received no direct or indirect funding for the mapping of such parcels; 3) the site index or rate of tree growth on the subject parcel (and similar ones) was very poor and so inferior that the owner would not spend a lot of time and money on silvicultural treatments (thinning, fertilizing, herbicide RX etc) since such practices were not cost effective. Therefore when we mapped such soils, typically we spent most of our field time on proximal BLM units and relied heavily upon stereoscopic interpretation to generate the soil maps for these type parcels. In essence, we completed an Order III soil inventory

for properties such as the subject parcel. This type of inventory is much broader and less site specific than for either Order II or Order I inventories. If you were to cross the railroad tracks downslope and reviewed our data sampling levels on the farm lands to the West, you would see those intense farm lands received much more attention to detail. For this entire 200 acre parcel, an average of 0 to 3 soil descriptions would be expected. Order II/III soil surveys typically have a minimal mapping size of 5 to 10 acres with at least 20% inclusions. The inventory we completed here is an Order I survey and has a confidence interval of 2 acres or less and inclusions of less than 15%. In Order I inventories, each and every delineation is visited with several descriptions completed for each mapping unit and delineation encountered. The Order I inventory completed for this property is designed to refine existing mapping units not to establish new soil series or bring forth major new mapping concepts.

See the revised soil maps and following report for specific detail. The revision on the subject property yielded 58.3% or 116.6 acres non-resource soils and 41.7% or 83.4 acres of resource soils (Capability Class I-IV). Intense review of the soil series present yields a higher prevalence of poorly drained and very poorly drained soils such as Panther. These soils are always associated with forested wetlands on the subject parcel. A more detailed review of the stereo photography and subsequent field verification has allowed further division of soils and mapping units found on the landscape. In addition, our exhaustive inventory has shown that the 43 C and E units originally described by the NRCS (SCS) are largely made up of either the Non-Resource Philomath series or the closely related Non-Resource Ritner series. The poorly drained Resource Hazelair series is extremely dominant in areas where neither Panther nor Philomath like soils are present. The original primary series of record on the 43 units is the Resource Dixonville series. This soil has been considerably over mapped on this study parcel. Our 80+ soil descriptions have shown that less than 20 acres of Dixonville is present. This disproportionate over rating of the Dixonville soil is further evidence that the soil maps produced on this parcel were largely the result of photo interpretation rather than field verification.

This refinement of soil survey information is strictly a function of the extra time and great number of soil descriptions completed in the current study. The data presented below is only an expansion of the soil survey methods originally brought forth in the Lane County Soil Survey Report. We have not in any fashion attempted to redefine the mapping unit concepts. Our objective here is to refine existing maps and further separate out, where possible, individual soil series.

17 to 40". Mottles are faint to distinct and begin at 20 to 30" with no gley or iron/manganese concretions noted in the upper 40". Soils belong to Hydrologic Group B and are of Capability Class III e. Rarely, this soil is found adjacent to the Hazelair series (52D) but is closely related to the Philomath series in position on the landscape and slope shape and is found where erosion is minimal and drainage is good. On this property, the Dixonville present is almost always associated with highly weathered bedrock with a matrix with pebbles and cobbles. The Mohs hardness is less than 3. This is an important consideration when comparing these units with the 108C and 108F and 113E units along the ridgecrest. The soils are so shallow in this area due to the exceptionally hard bedrock especially in the Southeast extreme corner of the property. Here the rock is very competent.

ORDER I SOIL SURVEY AND MAPPING UNIT REFINEMENT SUMMARY

Note the revised soil maps and associated delineations for the approximate 200 acres in the study area for the study area. Original units are now refined to include components based upon field verification. The refined composition (based on Order 1-detail) of the 43C unit is now separated into monota (one soil) units. This is achievable due to the high purity of each unit delineated. Ridgecrest positions are almost entirely Philomath or Ritner soils depending upon the depth to and makeup of the underlying parent rock. The 43E unit composition is dominated by either Ritner or Philomath soils depending upon slope, rock hardness and type. In areas down slope (footslope, toe slope, fans and isolated benches/lower ridges), the soils are very consistent Hazelair soils or in some cases Panther soils. These slopes are very typical concave, undulating and are within a couple hundred yards of a drainageway. In summary of the approximate 200 acres within the new parcel shows revision on the subject property yielding 58.3% or 116.6 acres non- resource soils Capability Class V or higher (Ritner, Philomath, or Panther), and 41.7% or 83.4 acres of resource soils (Capability Class I-IV, Hazelair, Dixonville). This percentage was calculated based upon the acreage of each soil found in the study area. Non-Resource soils include Philomath (VIe) due to shallowness to bedrock, Ritner soils (113E, 113G) Capability Class VIe due to shallowness to saprolitic bedrock; Panther soils (VIw) due to the very high clay content near the surface, smectitic features, water table at or near the surface and very poor internal drainage (mottles and gley less than 12") and consistent forested wetland conditions.

In summary, the following can be concluded from our Order I, intense field investigation: 1): runoff from surrounding uplands coupled with slow internal drainage (and high clay at the surface) has precluded this study parcel from commercial status in regards to forestry. Douglas fir will not grow commercially for the same reasons illustrated above on most soils ; these Hazelair soils are nonetheless cited as resource in the acreage tabulation; 2). Panther, Ritner and Philomath soils which are all non-resource according to DLCD and USDA-NRCS criteria are under represented on the original SCS soil maps for the subject property while Resource Dixonville soils are greatly over represented; 3). Landforms and use of stereo photography in conjunction with field verification has allowed for refinement of pre-existing mapping units. 4). The 43 units originally mapped on the parcel have been replaced with more site specific and refined mapping units comprising of only one soil per mapping unit. These include : 1) 52D Hazelair series; 2) 52B Hazelair series; 3) 108C Philomath series; 4). 108F Philomath series; 5) 113E Ritner series;

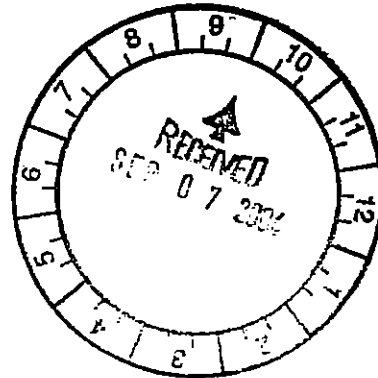
File # PA 04-5276
Exhibit C-9B

This item is too large of page to be attached. Please call Lane County Land Management Division if you wish a copy of this page.

FILE # PA 04-5276
EXHIBIT # 38

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Lane County Planning Commission
c/o Bill Sage
Lane County Land Management Division
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September 7, 2004

RE: Applicant's Statement (PA 04-5276, Ord. No. 1211 – Kronberger)

Dear Mr. Sage:

Please accept this letter as the applicant's final rebuttal argument in the above matter

The applicant is requesting a zone change from F-1 Nonimpacted Forest Land to F-2 Impacted Forest Land for an 82-acre area consisting of four separately owned, lawfully-created parcels ranging from 16 acres to 27 acres each. The application was submitted and accepted for processing under the "Conformity Determination" procedure adopted by the Board of Commissioners on December 17, 2003.¹

¹ The Conformity Determination policies are found in the Rural Comprehensive Plan at Goal Two, Policy 27. That policy lists several circumstances under which an application may be processed. One such, agreed to by staff and the applicant was 27.a.ii. "Failure to zone a property Impacted Forest Land (F-2, RCP), where maps used by staff to designate the property Nonimpacted Forest Land (F-1, RCP) zone did not display actual existing legal lots adjacent to or within the subject property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone." Policy 27 contains two other applicable circumstances. One deals with correction of an inconsistency between the text of an ordinance and an official Plan or Zoning diagram. Policy 27.a.vii. The other is catch-all for any other situation the Planning Commission believes deserves re-evaluation under current facts and law. Policy 27.a.iii.

SUMMARY OF ARGUMENT

This case presents two basic questions for the Planning Commission. First, can it be considered under the Conformity Determination process? If so, does it meet the criteria for a rezone to F-2?

The central theme of the opposition testimony is that the subject property would not have met the Rural Comprehensive Plan Goal 4 tests for distinguishing F-1 lands from F-2 lands in 1984 and, therefore, the matter is not properly before the Planning Commission.

As the applicant demonstrates in detail below, there are three different criteria within the Conformity Determination policy upon which the decision makers can conclude that this application is in the correct forum and deserves to be approved. Two of the criteria do not depend on having met the Goal 4 tests in 1984.

The arguments made by opponents, and some of our responses, are highly technical, legalistic, and probably somewhat hard to follow. Fortunately, common sense has not left the room. The Planning Commission can simply ask: (1) did something happen in 1984 that warrants re-evaluation in 2004? and, (2) if so, does the application pass muster based on current facts and criteria?

We believe the answer is "yes" to both questions for several reasons. A brief summary of those points is as follows:

- The beginning point is to understand that Conformity Determination is a two-step process. Step one is to inquire whether something happened in 1984 that warrants re-evaluation today. Step two is to apply current standards to current facts and determine if a rezone is warranted. The following facts will demonstrate the validity of this application.
- The subject property was originally zoned F-2 in 1984 and may never have been rezoned. The ordinance (PA 891) allegedly rezoning the property to F-1 contains two exhibits. One is a map arguably indicating a change to F-1. The other is a list of specific tax lots to be rezoned from F-1 to F-2. The subject property is not on that list. This situation clearly qualifies as an "inconsistency between the text of an ordinance and a Zoning Diagram." That being the case, the threshold first step is met. Only action by the Planning Commission and the Board can resolve the inconsistency. The matter must move forward to step two for a determination of what should be the correct zoning under today's facts and law. Whether or not the subject property was rezoned, the original F-2 zoning demonstrates that the call was close in 1984 even without correct information about the number of legal lots that existed then.

- Whereas the subject property was one ownership of about 200 acres in 1984, it now consists of 82.6 acres held in four separate ownerships. This happened as a result of a request by Merle Brown, an owner to the south, to add additional acreage to his ownership. The four separate ownerships are a result of the applicant's estate planning goal of transferring ownership to each of his children.
- As the planning staff has concluded, the maps used by the planning staff in 1984 did not correctly indicate all of the actual existing legal lots within the subject property.
- The section of Lane Code that required contiguous units of land under one ownership to be treated as one "tract" came and went during one fairly brief period. It was removed when the Oregon legislature acted in 1985 to remind counties that lawfully created units of land did not merge as a result of being owned by one party.
- When the Goal 4 criteria for distinguishing F-1 and F-2 lands are applied as originally intended, and as discussed in subsequent Hearings Official decisions, (i.e. to "wide swaths of land"), it becomes apparent that the subject property is a small island of F-1 zoning amid a sea of lands designated Rural Residential, Industrial, Quarry-mining and Community. The area lacks the character of the thousands acres of F-1 lands in the mountain regions of Lane County that are owned and managed by large-scale timber companies or the state and federal government.
- Contrary to the opponent's assertions, the practice of Lane County in 1984 did result in F-2 zoning on several properties adjacent to the subject property and in one "ownership" in 1984. A few examples are tax lots 2100 and 2202 to the north and tax lots 400 and 1200 to the southeast. The current zoning map shows the subject property adjacent to F-2 property on the west, north and east. To the southwest are tax lots far larger than the subject property that are also zoned F-2. F-2 zoning on the subject property is consistent with the current zoning pattern.
- The subject area is fully served by rural residential-type public facilities and services. The property is not, as the opposition contends, accessed by logging roads.
- F-2 zoning will serve a public purpose in making lower-quality forest land available for small woodland ownership and operation. As made clear by the work of the Oregon Small Woodlands Association, in conjunction with the Cooperative Extension Service, the Oregon State Forestry Department and others, small woodlands owned and occupied by individuals and families play an increasingly important role in Oregon's forest economy. The 4.4 million acres of small woodlands in Oregon account for about 16% of the harvestable

timberland in Oregon and produce about 16% of the harvested timber. The type of forest practices used by small woodlands owners have lower impact on surrounding property, are environmentally friendly and are especially appropriate on land that would not be commercially feasible for a large-scale industrial forest operation.

- Lastly, even if the decision makers determine that a conformity rezone cannot be considered under Policy 27.a.ii. (legal lots not apparent in 1984), it can still be considered under Policy 27.a.ii. (inconsistency between the text of an ordinance and a zoning map) or Policy 27.a.viii. (other circumstance elected by the Planning Commission.)

DETAILED ARGUMENTS

Parties to the Planning Commission public hearing on August 3, 2004 raised a series of procedural and substantive questions. The applicant's detailed responses to those questions are set forth below.

Question 1 – Is the Conformity Determination (aka Errors or Omissions – RCP Goal Two, Policy 27) process restricted to a “snapshot” of the conditions as they were in 1984?

This question deserves a clear “No” on two grounds.

First is a simple common sense test. Assume that, in the 1984 inventory of existing land use, a rural store or industrial use was overlooked among the hundreds of thousands of properties being surveyed. Assume further that, had the use been known, the property would have been zoned for either commercial or industrial use. So far this sounds like a clear case for rezoning under Errors or Omissions.

But assume one more fact. In 1989, the store or industry burned to the ground and was never replaced. For fifteen years the property has been growing grass or Christmas trees. Clearly the County could not now justify changing the designation to commercial or industrial based on today's facts.

Second is that common sense is backed up by legislative history showing that existing facts must be considered. For example, on page 2 of the November 17, 2003 memo to the Board of Commissioners, staff states: *“An errors or omission policy is a pact between a private property owner and the County to acknowledge existing circumstances and provide relief.”* (Emphasis added.)

Later in the same memo, while describing the Policy 27 application forms, staff states: *“The forms are intended to provide for the disclosure of the essential information necessary for the LCPC and BCC to conclude that the existing development warrants a change in designation.”* (Emphasis added.)

A final piece of legislative history is the comment of County Administrator Bill Van Vactor to the Board of Commissioners at the December 17, 2003 meeting at which Policy 27 was adopted. In advising the Board that the policy should be titled "Conformity Determination," Mr. Van Vactor stated that any resulting re-designation would be a result of "*conforming the zoning to the actual use.*" (Emphasis added.)

This application could have been presented as a pure zone change application under Lane Code Chapters 14 and 16. It would have been heard and decided as a quasi-judicial application by the Hearings Official. In a pre-application meeting with staff including Planning Director Howe, staff and the applicant agreed that the Conformity Determination process was appropriate and more cost-effective for both the County and the applicant. To require a shift now to the Hearing Official forum would seem unfair, unnecessary, and an inefficient use of time and money by both the county and the applicant.² Further, it would create precedent that the Conformity Determination policy should be restrictively interpreted when there is a bona fide inconsistency between the text of Ordinance PA 891 and the Official Zoning Map.

In conclusion, it is both logical and required that the Planning Commission and Board not restrict their review to a "snapshot" of conditions in 1984. The Board of Commissioners intended the Conformity Determination policy to be applied as a two-step process. Further, it is appropriate that this application be deemed eligible to be judged on the merits based on today's facts and criteria.

Question 2— Did the maps used by the County in 1984 display actual existing legal lots adjacent to or within the subject property?

One of the criteria used to qualify this application for consideration includes the following: "*Failure to zone a property Impacted Forest Land (F-2, RCP), where maps used by staff to designate the property Non-Impacted Forest Land (F-1, RCP) zone did not display actual existing legal lots adjacent to or within the subject property*"

One party to the proceeding has claimed that the zoning work maps, and the Assessor's Maps upon which they were based, did display all of the legal lots in existence in 1984. This assertion ignores a fundamental characteristic of Assessor's Maps. That is, they are created for the single purpose of administering ad valorem property tax law. They are not, and never have been, intended to meet the needs of real estate law or land use law.

As clarified in the attached letter reviewed by County Assessor Jim Gangle, (Exhibit 1) the Assessor's maps will sometimes assign a tax lot number to a single, lawfully-created unit of land and, at other times, will consolidate several lawfully-created units into one tax lot. Without detailed deed research and comparison with existing land division laws, there is no way of knowing the number, size or shape of legal lots in a

² In fact, Policy 27 requires that the Planning Director not accept an application that does not qualify for one or more of the criteria of Policy 27.a.i-viii. As stated elsewhere, this application could qualify under three of those criteria.

given area simply by looking at Assessor's maps. That additional legal lot research was not done for the subject area in 1984, but has been done for this zone change application. The result is that Lane County has verified the existence of four lawfully created parcels within the original tax lot zoned F-1 in 1984.

Question 3 – Was a mistake made in the 1984 rezoning?

Goal One Coalition argues that there was no error in the 1984 Ordinance (PA 891) that may have rezoned the subject from its original F-2 designation to the current alleged F-1. Their argument, however, is based on a faulty understanding of the ordinance process and is a denial of what actually happened.

Specifically, Goal One Coalition has mischaracterized the Map Exhibit "A" to PA 891. Although their argument is not entirely clear, it appears to characterize the map exhibit as the "Official Zoning Map" and then argues that it somehow trumps the specific tax lot list that was also an exhibit to PA 891. Actually, Map "A" is described in PA 891 as an "*Interim Plan Diagram and Zoning Map.*"

The following section describes how the system is supposed to work – and, how it did work in practice in Ordinance PA 891.

According to Lane Code 16.014(2)&(3) the final map sheets ("i.e., the maps actually adopted") are 8 1/2" x 14" on durable material and containing several bits of information including: "*(d) Adoption ordinance number, effective date and file reference number.*" and "*(e) Revision number, ordinance or order number and effective date of map amendment.*" LC 16.014(3).

The map exhibit to PA 891 possesses none of these characteristics. It is a rough sketch based on the work maps used by staff in gathering data and making recommendations to the decision makers. Furthermore, the real Official Zoning Map showing the subject property, identified as Plot # 518, shows the ordinance number, effective date and file reference number of the original ordinance that zoned the property F-2, but is completely devoid of any reference to PA 891, which, according to the opponents, clearly changed the zoning from F-1 to F-2.³

So what did happen in the hectic days leading up to the first countywide planning and zoning in 1984. For one thing, Lane County had hundreds of thousands of properties to identify and classify amid a highly charged atmosphere in which issues of property rights, environmental protection and state level involvement in local planning were swirling.

³ Plot # 518 zoning map is on file in the Land Management Division office. The Planning Commission and Board may take judicial notice of it pursuant to LC 14.200(3)(h). The map indicates F-1 zoning on the subject property and additional property to the south.

In that context, it is not at all surprising that mistakes were made. In fact, the first Conformity Determination process was enacted and in force for a year to allow alert property owners to bring problems to the attention of the County officials.⁴

It appears that several mistakes may have been made. For example, the staff person who prepared the exhibit map to PA 891 may simply have failed to draw a bold line along the south edge of what was then tax lot 400. Certainly it was a mistake not to have placed the required revision ordinance number, etc., on the Official Zoning Map. And, the entire process failed to actually adopt the real Official Zoning Maps as required by LC 16.014. The maps adopted by PA 981 are labeled "Interim Plan Designation and Zoning Maps." In fact, when this application was being prepared, the County's computer database still listed F-2 as the zoning for tax lot 400. And, it could be that the list mistakenly omitted tax lot 400. No one really knows for sure.

As noted above, Goal One Coalition erroneously argues that the map exhibit controls the specific list. They include, as evidence, an in-house zoning correction form containing a hand-written note stating, "*The map is the final word.*"

That note is signed "SLM," the initials of Sandy Martin, a County employee. As a technician drawing maps for the planning department Ms. Martin had neither the legal training nor authority to make a definitive comment about the inconsistency between the text and map exhibits.

As acknowledged by the opponents, the exact wording of PA 981 states:

"The following parcels are redesignated and rezoned as set forth on the interim Plan; Designation and Zoning Maps attached as Exhibit "A", and further delineated in attached Exhibit "C." (Emphasis added.)

Several dictionaries are in accord. "Delineate" means "to mark the edges of something" and "to represent accurately and precisely." "Further" means "to a greater extent; more." Taken together, it is reasonable to construe the specific list to be a more accurate and precise depiction of the area to be rezoned from F-1 to F-2.

In fact, it is significant that several properties, which the opponents point out were in common ownership in 1984 (Warren) were in fact zoned F-2 and remain so to this day. They include tax lots 2100 and 2202 (contiguous to the subject property on the north) and tax lot 1200 (contiguous to the subject property but across the railroad to the east.) Also, it is noteworthy that tax lots 101 and 1400 in Section 18 (contiguous to the subject property on the west) comprise ownerships totaling at least 164 and 172 acres respectively and were zoned F-2 in 1984

In summary, there were numerous errors and perhaps omissions that occurred in 1984. In view of these facts it is clear that an inconsistency exists. For the

⁴ The current applicant did not own the subject property at that time.

inconsistency to be resolved, a correction must be made by the Planning Commission and Board.

Question 4 – Were the currently known legal lots cognizable in 1984, and does it matter now?

The second phrase of the Policy 27 standard states: “. . . *and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone.*”

It has been alleged that the four legal lots recently acknowledged by Lane County would not have been recognized as such in 1984 because of the then excising definition of “tract” in state law and LC 13.010. See Lanfear letter of August 12, 2004. This argument erroneously asserts that the four legal lots could not have existed until the passage of ORS 92.017 in 1985 as part of House Bill 2381.

It is correct that the definition of “tract” in effect in late 1984 defined “*contiguous units of unsubdivided or unpartitioned land under the same ownership*” as a single “tract.” What that testimony does not indicate is that the quoted definition was only in effect for a brief moment in the history of Lane Code.

Specifically, the quoted definition does not appear in Lane Code until September 1983. See Ordinance 16-83. That ordinance also removed reference to contiguous land under one ownership from the definition of “lot.” There was no specific definition of “legal lot” at the time.

The quoted definition of “tract” lasted only until, as described below, the Oregon Legislature acted in 1985 to remind local government that contiguous, lawfully created units of land remain discrete even if held under one ownership.

House Bill 2381 was intended by its sponsors as a housekeeping bill to clear up an ambiguity in the state enabling statute that allowed counties to regulate land divisions. It was intended to deal with the unintended consequences of the following definition:⁵

“Partition of land” Divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.”

That definition was causing some counties to require properly divided lots or parcels to go through the land division process every year if several lots or parcels were held in one ownership at the beginning of the year. Lane County may have been one of those counties. See memo by County Legal Counsel dated July 30, 1986.

⁵ The definition was incorporated into Lane Code, Chapter 13.010 in order to conform to state law.

To clear up the ambiguity, HB 2381 contained the following section, which was codified at ORS 92.017:

"A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided, as provided by law."

It is noteworthy that not all local governments were taking the burdensome approach caused by the former statute's ambiguity. As explained by Representative Al Young, speaking before the Senate Energy and Natural Resources Committee:

"Most counties are using a common sense interpretation of the statutes and do not require already approved lots or parcels to be re-reviewed simply for reasons of ownership." (HB 2381, June 10, 1985, tape 146A at 213.)

ORS 92.017 did not suddenly create the law of "lawfully created" units of land. It simply codified the authority for the long-standing practice of allowing lawfully created discrete units of land to be conveyed without being subject to further local government review. In other words, ORS 92.017 did not make the pre-existing parcels lawful; it just reminded counties that those parcels do not merge into one unit of land by virtue of common ownership. See *Tarjoto v. Lane County*, 34 Or LUBA 124 (1998). (Two parcels created in 1900 and 1907 were lawfully created and remained discrete.)

It is interesting to note, in passing, that some Oregon property owners have tried to use the statute to force local government to treat each discrete lot under common ownership as a separate "development site." That notion has been rejected, for example, in situations where one or more of the parcels are below the minimum lot size dictated by the relevant land use laws. See e.g. *Kishpaugh v. Clackamas Co.*, 24 Or LUBA 164 (1992).

While this is interesting, it is of no significance to this application because, under current land use laws, legal lots less than 80 acres may be conveyed and used as provided in the applicable zoning code provisions. In other words, the standards used to judge the validity of F-2 zoning today would acknowledge that the four separate ownerships that make up the subject property are cognizable as legal lots and can be conveyed separately and used pursuant to current zoning laws. They meet the Goal 4 criteria for F-2 zoning.

Those are the facts to be considered by the County in deciding whether the area merits F-2 zoning. As explained above, it is the existing facts and standards that are relevant.

The opponents have argued, however, that the threshold test for the Conformity Determination process was not met by this application. Three things should be kept in mind on this point. First is the fact that Lane County originally zoned the property

F-2 in 1984. In other words, the property deserved F-2 zoning in Lane County's eyes.

Second, the staff report of July 15 reached the following conclusion:

"The applicant has provided documentation and LMD staff have determined that in 1984 there were four lawfully created parcels within the metes and bounds of tax lot 401 of TRS 19-01-17, which the Assessment and Taxation Maps are (sic) the time did not display actual existing legal lots adjacent to or within the subject property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone." (Report at page 3. Italics in the original.)

Third, Goal Two, Policy 27.a.vii. and viii. provide additional criteria that will allow the Planning Commission to process the application anyway, regardless of whether it feels the strict test of Policy 27.a.ii. had been met.

Policy 27.a.vii. states: *"Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram."* This criterion can, and should, be used to remedy the confusion within Ordinance PA 891, the ordinance that rezoned several parcels within Lane County from F-2 to F-1 in late 1984. As noted at the hearing, and explained in more detail above, that ordinance contains a zoning work map apparently showing the change to F-1; however, an exhibit list of the specific tax lots to be rezoned omits the subject property (known then as tax lot 400).

Policy 27.a.viii. states: *"A circumstance other than as listed in 27.a.i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners."* This catchall category could be used in view of the staff conclusion reached above and the original discussion with staff in which it was agreed that the Conformity Determination process was a viable forum for this application. As noted above, a contrary decision will require the applicant to resubmit the application for consideration by the Hearings Official under the same standards to be used by the Planning Commission and Board.

In summary, regardless of whether one agrees that the four legal lots that have been verified could have been recognized in 1984, the bottom line is that there is ample basis within Policy 27 for the Planning Commission to move on to the question of what should the zoning be now.

Question 5 – What are the appropriate criteria and how should they be applied?

Goal One Coalition has asserted that the zone change is a "Minor Amendment subject to LC 16.400(6)(h) criteria and LC 16.252 processes."

This claim is wrong on almost all counts. First, LC 16.400(6)(h) specifically applies only to Plan Amendments. Because F-1 and F-2 are both designated as "Forest Lands" on the Rural Comprehensive Plan Diagram, this application does not involve a Plan Amendment. Second, the application is governed by the "criteria," as well as the process, of LC 16.252 (and Policy 27).

Goal One Coalition argues that the presence of legal lots in 1984 is not determinative because the Goal 4 criteria refer to "ownerships" not legal lots.

Several factors are relevant here. Land use law is replete with terminology problems. Codes and cases construing them often interchange terms such as "lot," "parcel," "unit of land," "tract," "tax lot," "management unit" and "ownership." While these terms may come to acquire specific meanings, such precision is not always found in every statute, code, plan policy, background paper or staff report. The important thing is to look at the practical reasons and effects behind each policy that uses one of these terms of art.

In the case of F-2 zoning, the policy direction was to apply it in areas characterized by a pattern of small parcelization and ownership. The word "ownership" is used in the Goal 4 criteria; however, it must be remembered that discrete legal lots can become discrete ownerships at the stroke of a pen. As explained in detail above, lawfully created lots and parcels can be freely conveyed and used.

It is apparent that Lane County understands that legal lots are, in practical effect, surrogates for eventual ownership patterns. That reality is reflected in Policy 27 itself, which refers to "*actual existing legal lots adjacent to or within the subject property.*" (Emphasis added.)

As to the current criteria for distinguishing F-1 from F-2 lands, Goal One Coalition and 1000 Friends have both put forward their own interpretation of how the nine criteria for distinguishing F-1 and F-2 lands should apply.

For example, Goal One Coalition asserts that it is "clear" that F-1, factor 2 and F-2, factor 2 both apply only to the subject property. (Goal One Coalition letter at page 5.)⁶

This assertion, however, is contradicted by past rezoning decisions. There have been three such cases since the original 1984 zoning. Without exception, the Hearings Official has applied the F-1 factor 2 to surrounding property and the F-2 factor 2 to the subject property itself. (See cases cited and discussed in the Application at page 2.) These past decisions have consistently interpreted County policy to apply F-2 zoning in contextual situations characterized by small-scale parcelization over an entire area, or "large swath of land" as the Hearings Official phrased it.

⁶ The F-1 factor states: "*Predominantly contiguous ownerships of 80 acres or larger in size.*" The F-2 factor states: "*Predominantly ownerships 80 acres or less in size.*"

Goal One Coalition argues that it is erroneous to look at land other than that which is "contiguous" to the subject property. (Goal One letter at page 6.)

This argument attempts to be hyper-technical, but does so by ignoring some of the wording within the criteria.

Specifically, it is noteworthy that F-1 factor 2 states: "*Predominately contiguous ownerships 80 acres or larger in size.*" and that F-2 factor 3 states "*Ownerships generally contiguous to tracts containing less than 80 acres . . .*" (Emphasis added.)

Those two words of modification are extremely important and consistent with the intent of the Goal 4 policies. Those policies intend that zoning decisions should not be restricted to a narrow look at only the abutting property. When one thinks of the many infinitely varied situations that could occur throughout the County, and of the nature of logging impacts, it becomes fairly obvious that the specific setting should influence the decision in each case.

F-2 zoning was intended to protect neighboring property from the impacts of large-scale industrial logging and to protect the timber industry from the complaints that might be lodged based on normal machine-intensive timber management practices. Such things as aerial application of herbicides and pesticides, slash burning, clear cutting, and high volume harvest with heavy trucks or helicopters are simply not appropriate in an area which includes two acknowledged "communities" and in which the subject property area is nearly surrounded by rural residential, two communities, and other non-resource zoning.

F-2 zoning, which offers the potential for labor-intensive, selective cut, hand application of vegetation control materials, sustainable-yield operation, seems inherently more suitable. See materials in the application and submitted by the applicant on August 17, 2004 regarding the substantial social and economic contribution made by Oregon's small woodlands.

Goal One Coalition and 1000 Friends are also wrong, both factually and procedurally in their analysis of the public facilities and services policies and in the related provisions regarding access.

Goal 4, F-1 factor 4 states: "*Accessed by arterial roads or roads intended primarily for forest management.*" F-2 factor 4 states: "*Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*"

Goal One Coalition begins by noting that the "subject area was not accessed by an arterial road in 1984, and is not so accessed today." (Emphasis added. Goal One Coalition letter at page 6)

If that statement was meant to argue for F-1 zoning, the author has misread the policy. F-1 areas are those that are accessed by arterial roads (or roads intended primarily for forest management.)

The more significant error is Goal One Coalition's failure to check the record. Instead of being a "timber management" road, the access is, in fact, a "non-exclusive perpetual easement for ingress and egress" that can also serve as a location for the "installation and maintenance of public utilities" to serve the subject property.⁷ 1000 Friends makes the same error of fact checking. The fact that the easement was used at one time to remove logs in no way alters its status as an unrestricted corridor for all types of travel and utility placement.

Both opponents compound the error by reasoning that, because the road is a timber management road, that public facilities and services could not reach the subject property. As noted above, nothing could be further from the truth. They also argue that the F-2 criteria are not met because certain utilities are not actually on the subject property.

In reality, nothing in F-2, factor 4 requires that public facilities and services be in place on the subject property to justify F-2 zoning. That factor, which relates to the RCP Goal 11 policies, simply requires that the facilities and services be available to the area. The test is whether the power company or phone company would install the lines if requested. The test is whether the fire department or police departments would respond if requested. The test is whether a child living in the area would have a school to attend. The test is whether a solid waste disposal facility is nearby.

In all cases, the answer is "Yes" for this application. Having utilities actually on the property was never a condition precedent for an F-2 rezoning. (See, e.g., the three F-1 to F-2 rezoning cases cited above.)

Question 6 -- Is the subject property composed of separate, lawfully created ownerships?

Goal One Coalition asserts that the property line adjustment declaration and deed recorded on January 6, 2003 violates applicable law in that: (1) it contains eight sequential adjustments in a single document, (2) does not bear the approval of any County agent in violation of ORS 92.190, and (3) was a "replat" and must conform to the procedures of ORS 92.180 and 92.185.

Once again, Goal One Coalition must be credited with being at least partly right. The reference to eight adjustments in a single document correctly invokes *Warf v. Coos County*, 43 Or LUBA 460 (2003). Warf involved two property line adjustments that were submitted to the county for approval in a single document.⁸

⁷ See easements recorded at 9241358, 2001-049298, and 2001-057889, Lane County Deeds and Records.

⁸ Note that Lane County currently does not approve property line adjustments.

In *Warf*, LUBA reviewed the statutory definitions of “subdivide land” land and “partition land” in ORS 92.010 and observed that a property owner has some choice over how to divide and reconfigure property lines. LUBA held that an owner can realign existing parcels through an almost unlimited sequence of serial property line adjustments with no limits on the number that can be done in a single year.

The crux of the *Warf* case flows from an analysis of the statutory limitations governing property line adjustments. 43 Or LUBA at 465. First, a property line adjustment involves relocating “a common property line between two abutting properties” (ORS 92.010(11), which means, “one property line may be relocated and it must be a common property line between two abutting properties.” 43 Or LUBA at 466. Second, the properties that share a property line that is being adjusted must be existing units of land, which means, “the subdivision or partition plat or the deed or other legal instrument that created the existing lots or parcels must be recorded before the boundary lines that those lots or parcels create can be further adjusted.” *Id.* (Note: The statutes controlling property line adjustments also require that: (1) no additional units of land are created, and (2) the existing unit of land reduced in size complies with any applicable zoning ordinance. ORS 92.010(7)(b). The property line adjustments in this case comply with both of those statutory requirements.)

LUBA summarized its conclusions as (1) serial property line adjustments can be used to accomplish a complex reconfiguration of existing parcels and (2) multiple property line adjustments may not be submitted and approved in a single application.

In this case, the single-document property line adjustment declaration and deed was executed and recorded before LUBA issued the *Warf* decision. Later, when the applicant submitted the document for legal lot verification, he was informed that Lane County would apply *Warf* retroactively. In response, the applicant has had the document recast into a series of eight documents, which were recorded separately. Each of the eight adjustments conforms to the statutory requirements for a property line adjustment. Because Lane County does not regulate property line adjustments, no County approval is required. Legal lot verifications will be applied for as needed for land use permits. Again, verifications do not “create” legal lots; they only verify their existence.

The assertion to “replating” and the requirement for a County agent approval are just plain wrong. As LUBA has explained in *Goddard v. Jackson County*, 34 Or LUBA 402 (1998), the replat procedures are used only when a party is reconfiguring an existing partition or subdivision or increasing or decreasing the number of lots or parcels. Here there is no underlying partition or plat and no additional parcels were created.

In summary, this matter is properly before the Planning Commission because, among other things, it represents an inconsistency between the text of an ordinance and the Official Zoning Map. Further, when the current criteria are applied to the current facts, the subject property merits a return to its original F-2 zoning.

Respectfully submitted,

A handwritten signature in cursive script that reads "Al Couper".

Al Couper, Agent for the Applicant

Cc: Darren Kronberger