

Environment

# Oregon environmental groups, timber companies strike ‘extraordinary’ compromise, signaling end to November ballot fight

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A clearcut in the Oregon Coast Range. (File/The Oregonian) Jamie Hale/The Oregonian

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Timber companies and conservation groups have agreed to stand down from their divisive and potentially expensive ballot measure fight over Oregon's logging rules, striking a compromise that sets the stage for the biggest changes to Oregon's logging practices in decades.

The agreement, a copy of which was obtained by The Oregonian/OregonLive, calls for state lawmakers to immediately pass tighter restrictions on aerial herbicide spraying, which legislators punted in 2015. The new restrictions would quintuple the size of no-spray buffers around homes and schools, widen them around streams and require logging companies to provide one-day notice to neighbors before helicopters start spraying.

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If that passes, both the timber companies and environmental groups agreed to halt efforts to push dueling ballot measures in November.

"I would describe this as historic, unprecedented and extraordinary," Oregon Gov. Kate Brown, who helped broker the deal, told The Oregonian/OregonLive. "The commitment is very clear and the agreement frankly brings both sides together. This is a paradigm shift."

Thirteen timber companies and 13 environmental groups signed the compromise, which calls for a groundbreaking negotiation that could remake forestry on private land in Oregon. Over the next 18 months, timber companies and green groups would work in mediated meetings toward developing a conservation blueprint to ensure

Logging practices on private industrial timberlands allow salmon and other species to come back from the brink of extinction.

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That would give logging companies protection from litigation if their actions harm an endangered species in exchange for solid conservation commitments.

The negotiations, governed by a long list of ground rules, would aim to develop new rules for the 2022 legislative session and begin the process of seeking needed federal approval.

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Brown said she expected the process to result in "a significant rewrite" of the Oregon Forest Practices Act, the state's logging rules. She said she was confident the aerial spraying legislation would pass during the Legislature's month-long short session and pledged her commitment to shepherding the longer-term deal to fruition.

"No one thought this could be done," Brown said. "And we are making it happen because people are tired of the endless wars at the ballot and in the courtroom."

There is no guarantee the legislation will pass or the talks will succeed. But the agreement is a step toward resolving the conflicts over logging rules that have played out at the Board of Forestry, the Legislature and in courts for decades and soon on the November ballot. Signatories included timber companies like Weyerhaeuser, Hampton Lumber and Roseburg Forest Products, and environmental groups including Oregon Wild, the Wild Salmon Center and Beyond Toxics.

While Oregon in 1971 became the first state in the nation to adopt comprehensive logging rules, the state has since fallen far behind its neighbors. Today, the state's logging rules are the West Coast's weakest, allowing timber companies to cut more

aggressively than in California and Washington.

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Frustrated by legislative inaction in a state where timber gives more to lawmakers than anywhere else, environmental groups led by Oregon Wild pushed three ballot initiatives this year to tighten aerial herbicide spraying rules, increase forest stream buffers, prohibit logging in steep landslide-prone areas and prohibit conflicts of interest for state forestry board appointees.

Timber companies quickly punched back. The Oregon Forest & Industries Council proposed initiatives that would have expanded industry control over the state's forest regulator, the Oregon Department of Forestry, while amending the state constitution to require compensation for any landowner financially affected by any land-use change. The constitutional change held the power to remake Oregon's land-use system.

But both sides blinked. Timber companies approached Brown's office to negotiate a compromise. The hastily negotiated deal announced Monday offers more certainty for both the timber industry and environmental community than leaving their differences to be decided by voters. It still leaves an uncertain path toward the larger deal, one that will require people who are deeply distrustful of each other to negotiate in good faith.

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Greg Miller, a retired Weyerhaeuser executive speaking on behalf of the timber companies, said the deal signaled “a new era of cooperation and transparency” while calling for forest policy to “continue to rely on the best available science.”

“We are hopeful that we have found a pathway forward that meets those expectations and sets Oregon up for the most comprehensive, forward-thinking forest policy in the nation,” Miller said in a statement.

Environmental groups also lauded the deal. Bob Van Dyk, Oregon policy director at the Wild Salmon Center, called it “a critical step toward modernizing Oregon’s forest rules.”

“It’s our collective duty to make sure that a healthy timber industry doesn’t come at the expense of fish, wildlife, and public health,” Van Dyk said.

The changes to aerial spraying are a significant initial concession from the timber industry, which helped kill a similar proposal in 2015. Companies use helicopter sprays to help kill the plants that compete for sunlight with seedlings replanted after clearcuts. More than 800,000 pounds of herbicides were sprayed on forestland in 2008, the last year Oregon required amounts to be reported.

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The practice comes with risks. Aerial spraying can allow toxic chemicals like glyphosate, 2,4-D and atrazine to drift long distances or get into waterways that serve as drinking water sources. Twenty Curry County residents complained of illnesses in 2013 after a helicopter pilot flew over their neighborhood while spraying herbicides on clear cuts, misting homes in his path.

Oregon’s timber industry has long known it was vulnerable if aerial spraying

Oregon's timber industry has long known it was vulnerable if aerial spraying restrictions went to the ballot. Voters in Lincoln County approved an aerial spray ban in 2017, despite being a recent 2017 ballot. (The ban was subsequently turned in

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court.)

The industry polled 500 likely voters in the other coastal counties in 2018 and found them “very susceptible” to the idea of banning aerial pesticide spraying -- despite the voters’ widespread support of logging.

[A two-page memo](#) obtained by The Oregonian/OregonLive and Oregon Public Broadcasting, summarizing an internal May 2018 poll, shows that polling found voters with family members employed in the timber industry opposed helicopter spraying at the same rate as voters overall.

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Even when given context about why the chemicals were used, the polling showed, between 55 and 57 percent of likely voters still thought it put the environment at risk and spread harmful chemicals through the air and water, compared to about 33 percent who thought it was good, necessary to help young trees grow.

While coastal communities are more conservative than the rest of Oregon, the poll noted, those voters chose protecting the environment over creating local jobs.

One of the ballot measures backed by the environmental groups would have established a 500-foot aerial spraying buffer on all waters in the state. Timber companies worried that would be an effective ban on all aerial spraying in many areas. The legislation doesn’t go that far. But it does increase setbacks for sprays near homes and schools to 300 feet (from 60), establishes stricter setbacks on drinking water intakes and boosts the minimum buffer on streams with fish from 60 feet to 75.

It would also establish 50-foot aerial spraying buffers on all headwater streams --

It would also establish 50-foot aerial spraying buffers on all headwater streams waterways that don't have fish but that feed into streams and rivers that do. Those

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for them currently.

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A copy of [the agreement between the timber industry and environmental groups is here.](#)

-- Rob Davis and Ted Sickinger

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