



Our mission is to connect people to the natural world and cultivate a community of environmental stewards working together to build a greener and healthier planet through advocacy, action, and education.

February 15, 2022

VIA EMAIL and US MAIL

Joint Committee on Legislative Audits
Oregon State Capital
900 Court Street NE, Room H-178,
Salem, Oregon 97301

RE: Oregon Forest Resources Institute (OFRI)

Dear Chair Steiner Hayward, Chair Nathanson, and Members of the Committee:

Thank you for your continued work to ensure Oregon's public money is spent lawfully and in good service to the state. The Worthy Garden Club is a strong proponent of responsible forest management and is actively engaged in efforts to reduce the contributions of Oregon's forest management practices to global climate change. We sincerely appreciate the work you do in support of Oregon's outstanding natural resources.

But we are concerned about the activities of the Oregon Forest Resources Institute (OFRI). Following Secretary Fagan's audit, which suggested that a legal analysis would be helpful, we retained counsel to address two questions:

- (1) Is OFRI's charter, which bans members of environmental and conservation organizations from appointment to its board of directors, constitutional? ORS 526.610(a)(B),
- (2) Has OFRI, based on the public facts, over the past few years itself (or through surrogates) engaged in unlawful practices to influence legislation and legislators, in violation of anti-lobbying statutes? ORS 526.650.

On the constitutionality question, the memo concludes that the OFRI charter has violated the freedom of speech and assembly clauses of the Oregon Constitution. (See Memo by Tom Christ dated Jan. 7, 2022, attached).

On the illegal lobbying question, the memo concludes that OFRI staff has itself and through surrogates engaged in unlawful efforts to influence legislators and legislation. (See Memo by Ralph Bloemers dated Jan. 7, 2022, attached).

The legislature created OFRI in 1991 to "support [the forest products] industry and the wise stewardship of natural resources for the benefit of Oregonians." ORS 526.605. To that end, OFRI

is authorized to, among other things, educate those in the industry to “[p]ractice good stewardship of the land, and protect water and other public resources to the maximum extent practicable.” ORS 526.640(2)(a).

OFRI was not “captured” by the timber industry, rather, it was designed from the outset to further the interests of the timber industrialists. It has not educated the public, nor industry, on practicing “good stewardship of the land” or “protecting water and other public resources to the maximum extent practicable.” By expecting the state agency to serve all Oregonians, but requiring the board to represent the timber industry, and banning conservationists and environmentalists, the Legislature in our view required foxes to protect the proverbial hen house.

In the past few months, several recent developments call into question the need for the State to continue funding the Institute. The Private Forest Accord includes substantial funding for a Small Forestland Owner office at Oregon Department of Forestry to aid small landowners in complying with private forest regulations. This office will also help small landowners navigate Oregon forest laws, access special grant programs, tax credits and more. OFRI supporters justify its existence by citing the role the Institute plays in advocating for small landowners. However, with the passage of the Private Forest Accord, this function will now be covered by the new ODF small landowner office, duplicating efforts by state agencies and effectively rendering OFRI obsolete.

We strongly encourage the joint committee to reconsider the need to continue funding OFRI, especially when the support for small landowners will be provided by an ODF office operating with transparency and oversight. The Oregon Forest Resources Institute served a purpose when it was created in 1991 in response to habitat concerns over the Northern Spotted Owl. But the purpose and value of OFRI has faded, and it no longer serves the interest of the residents of Oregon with integrity and honesty. It’s time to move on.

Thank you,

s/Richard Martinson

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