



November 16th, 2017

To: Representative Ken Helm, Chair
Workgroup on Agriculture, Forests, Fisheries, Rural Communities and Tribes

Re: **Proposed forestry amendments to SB 1070**

Dear Representative Helm and other members of the Workgroup:

At the November 2nd, 2017 Workgroup meeting Senator Dembrow and Representative Helm signaled their willingness to consider amendments to SB 1070 to improve its ability to reduce greenhouse gas emissions in Oregon and reverse ongoing threats to the resiliency of forests, farmland and rural communities as climate change unfolds. The attached suggested amendments are relatively minor in length and complexity but will have a huge impact by helping to incentivize climate smart practices and phase out harmful ones and enroll big emitters (forestland owners whose practices emit 25k+ CO₂ each year) as covered entities regulated by the cap-and-invest market on par with other sources. Right now, as you know, these GHG polluters are left untouched by the proposed legislation. The Sustainable Energy and Economy Network (SEEN) and its partners believe that there are three key facts that underscore the imperative to act:

1. the fact that timber harvesting remains Oregon's largest source of greenhouse gas emissions, a fact first established by the Oregon Global Warming Commission in a 2008 report and now confirmed by estimates of timber harvest related emissions (CO₂ removals minus about 25% for long lived wood products) from a new (2016) data set;
2. the fact that the vast swaths of industrial tree plantations that dominate most of the state and private forestland base pose major hazards as climate change unfolds – the science is well established that these plantations are far more vulnerable to drought, disease, wildfire, floods, landslides, low summertime streamflow, thermal pollution, fish kills, regeneration failures and other climate change-induced impacts than natural late successional forests and riparian vegetation, and;
3. climate smart forestry practices that result in continuous increases in carbon density and improved resilience to climate change represent a quadruple win solution for the climate, forests, workers, and the economy of forest dependent communities.

Many thanks for all you are doing to enact meaningful climate legislation in 2018 and for your time and consideration of these proposed amendments. And as always, we stand ready to provide any of the detailed technical data and research that makes the case for these SB 1070 modifications.

Sincerely,

John Talberth, Senior Economist
Sustainable Energy and Economy Network
Portland, Oregon

Folding the Timber Industry into Oregon's Climate Agenda Proposed amendments to SB 1070

Summary of amendments:

- ✓ Expands covered entities to include forestland owners whose logging practices generate 25,000 metric tons CO₂-e or more on an annual basis.
- ✓ Directs the Environmental Quality Commission to adopt a method for calculating timber harvest related emissions that takes into account loss of carbon storage, loss of sequestration capacity, emissions associated with decay of logging residuals, and emissions associated with chemical pesticides and fertilizers.
- ✓ Reduces emissions associated with clearcutting and conventional logging practices on the same timetable as other covered entities (20% by 2025; 45% by 2035; 80% by 2050).
- ✓ Establishes the date of enactment as the baseline year.
- ✓ Exempts timber harvest emissions associated with climate-smart practices from the cap.
- ✓ Refines existing Oregon Global Warming Commission duties to track and evaluate climate smart practices that increase carbon storage back to historic levels and reduce emissions associated with logging and wildfire.
- ✓ Requires registration and reporting of timber harvest-related emissions.
- ✓ Ensures accountability of offset projects through public review mechanisms.

Section by section proposed amendments:

(amendments to the 11/17 SB 1070 version in **bold**, ~~strikeouts~~ are proposed removals)

STATEWIDE GREENHOUSE GAS EMISSIONS LIMITS

Section 4(1)(a) is amended to read:

“(a) The total annual emissions of greenhouse gases in this state **except for timber harvest related emissions, which are calculated in accordance with rules adopted under section 22 of this 2018 Act;** and”

Section 4(2)(a), (b), and (c) are amended to read:

“(a) A statewide greenhouse gas emissions goal for the year 2025 to limit greenhouse gas emissions to levels that are at least 20 percent below 1990 levels **except at least 20 percent below present levels for covered entities engaged in timber harvesting;**

(b) A statewide greenhouse gas emissions goal for the year 2035 to limit greenhouse gas emissions to levels that are at least 45 percent below 1990 levels **except at least 45 percent below present levels for covered entities engaged in timber harvesting;**

(c) A statewide greenhouse gas emissions goal for the year 2050 to limit greenhouse gas emissions to levels that are at least 80 percent below 1990 levels **except at least 80 percent below present levels for covered entities engaged in timber harvesting;**”

GREENHOUSE GAS CAP AND INVESTMENT PROGRAM

Section 10(3)(d) is amended to read:

“(C) **Develop public review mechanisms that enable any person aggrieved by a proposed offset project to comment on, administratively challenge, and if necessary seek judicial remedies to prevent harm or prevent violations of standards established by this subsection.**

(D) The relevant court, in issuing any final order in any action brought pursuant to this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.”

GREENHOUSE GAS EMISSIONS REGISTRATION AND REPORTING

Section 22(1) is amended to read:

“(c) Any landowner who authorizes or engages in timber harvesting on their lands using practices other than the alternative, climate smart practices specified by the Oregon Global Warming Commission pursuant to ORS 468A.250(1)(i), as amended by Section 31 of this 2018 Act.”

Section 22(6) is added to read:

“(6) For the purposes of determining greenhouse gas emissions associated with timber harvesting, the commission shall adopt by rule emissions factors per thousand board feet harvested that take into account removal of stored carbon minus the share of said carbon stored in long lived wood products regardless of where end use wood products are consumed, foregone sequestration, decay of logging residuals and use of chemical pesticides and fertilizers.”

Sections 22(6) and 22(7) are renumbered to Sections 22(7) and 22(8).

GREENHOUSE GAS CAP AND INVESTMENT PROGRAM DEVELOPMENT FEE

Section 25(1) is amended to read:

“(d) Any landowner who authorizes or engages in timber harvesting on their lands using practices other than the alternative practices specified by the Oregon Global Warming Commission pursuant to ORS 468A.250(1)(i), as amended by Section 31 of this 2018 Act.”

CONFORMING AMENDMENTS, OPERATIVE JANUARY 1ST, 2019

Section 31(1)(f) is amended to read:

“(f) Greenhouse gases emitted by various sectors of the state economy ~~including but not limited to industrial, transportation and utility sectors;~~ **economic activities in the state including but not limited to industrial, transportation and utility sectors; industrial activities, transportation, farming, land use conversion, generation of electricity and heat and timber harvesting;”**

Section 31(1)(i) is amended to read:

“(i) The carbon sequestration **and storage potential of Oregon’s forests, alternative, **climate smart** methods of forest management that **can increase carbon storage back to historic levels** and reduce the loss of **carbon storage and** carbon sequestration **to logging and wildfire**, changes in the mortality and distribution of tree and other plant species and the extent to which carbon is stored in tree-based building materials;”**