

Release of Commissioner Candidate's Personnel Records Raises Questions

Casey Garrett, a Columbia County employee running for County Commissioner, has a troubled work history.

By Scott Laird

The release of personnel records for Columbia County Commissioner candidate Casey Garrett have raised some questions about his fitness to serve as an elected official.

Garrett is currently employed by Columbia County as the Facilities Service Manager, and is running for Position 3 on the Columbia County Board of Commissioners against incumbent Alex Tardif. Garrett has prominently referenced his employment with the County as part of his qualifications in his Commissioner campaign.

In his current position Garrett is responsible for managing facility projects and maintenance across the county; maintaining working relationships with department heads and staff who use county facilities; supervising staff that maintain county parks, buildings, and facilities; managing the bud-

get for Facilities Services; coordinating the County Safety Committee; managing vendors and contracts for county facilities.

Garrett had previously worked as a construction engineer in California before joining Pacific Stainless Products in St. Helens as a project manager from 2005 to 2010. He also ran his own general contracting business, starting in 2006.

Garret's personnel records were released after a public records request was made and the released records were heavily redacted, which was formally appealed. Columbia County District Attorney Jeff Axelier recused himself from making a decision based on the fact his family has donated to Garrett's opponent in the Commissioner campaign. The decision was then handed to the Multnomah County District Attorney, Adam Gibbs, who agreed the public had a right to know about Garrett's work history at the County and released the unredacted files.

Garrett joined the staff at Columbia County in early 2015 and immediately ran into trouble. His first Annual Performance Review was conducted by

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New Ballot Drop Box



Columbia County has installed a new drive-up, election ballot drop box at the Vernonia Library. Watch for our Candidate Questionnaire and Responses from Vernonia City Council and Mayor, Columbia County Commissioners, and State Representatives in the October 15 issue of Vernonia's Voice.

The Timber Industry of Today Part 4: The State of Our State Forests

By Scott Laird

Over the last several issues we've been taking a look at different aspects of the timber industry, how it's regulated and taxed, different management styles, and its impact on forest ecology. In this issue we examine our state forests – how they're managed and regulated, along with some important current administrative issues.

Oregon's state owned forests are in trouble, and the list of reasons is as long as it is broad. From the ongoing debate between conservation and industry interests, to questionable management, to severe financial issues, the problems have been ongoing for years and only

appear to be worsening. And finding solutions is proving to be difficult.

At the top of the list is the Oregon Board of Forestry, a group of seven individuals tasked with overseeing forest policy on both state and privately held forestland. The Board appoints the State Forester, who supervises the Department of Forestry (ODF) and the management of our state forests. The Board adopts new rules for regulating forest uses for the benefit of all its citizens. In recent years the Board has found itself at the center of the ongoing debate about recreational, ecological, and industrial uses – which is exactly where they should be. It's a debate which has become increasingly more contentious, dysfunctional, and political. The wildfires at the end of this summer season have only heightened the conflict around the state.

Adding to the issue is the current management at ODF. State Forester Peter Daugherty has come under increasing scrutiny and has received serious criticism for his management of what is one of the most important agencies in state government.

Also at the heart of the problem is the continuing "timber wars," the long running battle between environmental interests that want stricter regulations on harvests and better protections for natural resources, and the timber industry who want to harvest wood and generate revenue from the forests. In February this year Oregon Governor Kate Brown announced a compromise agreement between representatives from the two sides – a Memorandum of Understanding (MOU) which halted all forestry-related initiative petitions and related litigation by both sides

following the passage SB 1602. This legislation passed in an overwhelmingly bipartisan vote in June and strengthened the state's aerial pesticide spray regulations. It also set the stage for fundamental reform of the Oregon Forest Practices Act through a new, federally approved Habitat Conservation Plan, which is currently being negotiated.

While this compromise was heralded as a new beginning of cooperation between the two sides ("It's always good when people sit down and try to negotiate away their differences in the interest in solving problems, so this was exceedingly encouraging," said State Representative Brad Witt at the time of the agreement), the ongoing battle now seems to have shifted back to the upper administrative level.

How we want our state forests to be managed continues to be the unanswered question. And I emphasize OUR forests because, unlike privately held timberlands, our state forests belong to all of the citizens of Oregon. Finding some kind of balance between multiple uses remains the elusive solution Oregonians continue to search for. How to manage forests to prevent catastrophic wildfires is making the issue even messier.

"The Board of Forestry table is the place to slug out timber policy – to harvest or not harvest, to build trails or not build trails," said State Senator Betsy Johnson during an interview with *Vernonia's Voice* on September 23. "The Department of Forestry needs to know what their core mission is, what their metrics are, and what are the expectations. And right now, in what I consider a moment of crisis, I would submit that the management of the agency ought to

take primacy over any other debate."

The State of Oregon's State Forests

Oregon has approximately 800,000 acres of state forestland. Most of the land is parceled into six State Forests, all located in the western half of the state. Five of the six state forests are managed by ODF: the Clatsop, Tillamook, Santiam, Gilchrist, and Sun Pass state forests; the sixth, Elliott State Forest, is managed by the Department of State Lands. In addition ODF also owns and manages less than 2,000 acres here in Columbia County along with other small parcels of forestland, located primarily in the Coast Range near Corvallis, Eugene, and south to the California border.

Oregon law (OAR 629-035-0020) requires the Department of Forestry manage the forests under their control by developing a Forest Management Plan based on Board of Forestry established policy. According to these rules, the forest plans must include strategies that: contribute to biological diversity, maintain and restore healthy habitats for aquatic species, maintain healthy forests through pest and disease control, maintain or enhance long-term soil productivity, protect threatened or endangered species, produce sustainable levels of timber for harvest, enhance timber yield and value, and use the best available science in management programs.

Here in Columbia County over 93% of timber harvested annually comes from privately held land (80% from land owners who hold more than 5,000 acres). We have 1,932 acres of state forest on eight tracts of land; the largest is 1,262 acres and the smallest is less than an

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acre. Just 5% of the timber harvest comes from state and other public lands.

But in neighboring Clatsop County it's a different story. The Clatsop State Forest borders almost the entire boundary between the two counties. Compared to Columbia County 26% of the harvest comes from state and other public lands, while a lower percentage comes from privately held lands. (See table, right.)

In other words, while almost all timber revenue in Columbia County comes from privately held and managed property, in Clatsop County a large portion comes from state managed lands. This state harvest from our neighboring county provides local jobs and does have an economic impact here, adding to the conservation versus timber revenue debate.

Oregon's state forests are classified based on the resources they contain (streams, recreation sites, unique wildlife habitat, and timber production) and have management plans developed by ODF. The "Forestland Management Classification System" was adopted by the Board of Forestry in 1998 to ensure a range of benefits would result from the state's public lands, (some of the classification areas overlap and have more than one use) and include:

- High value conservation areas – managed specifically for conservation, emphasizing protection of old growth trees, endangered species and habitat, rare plants, and water quality; approximately 120,000 acres

- Special use areas – managed for heritage sites and cultural resources, utility rights of way, and rock quarries, among others; nearly 80,000 acres
- Focused stewardship – managed for a specific purpose or resource, includ-

ing recreation, streams and rivers, steep slope areas, and timber production; approximately 510,000 acres

- General stewardship – does not fit into one of the other three categories and can be managed for a variety of emphases; over 150,000 acres

Comparing Timberland Ownership and Harvests

	Columbia County	Clatsop County	Oregon
Total Land Area	420,000 acres	529,000 acres	63 million acres
Total Forestland	355,000 acres, 85%	461,000 acres, 87%	29.7 million acres
Large private owned	215,000 acres, 61%	259,000 acres, 56%	6.6 million acres, 22%
Large private harvest	142,338 MBF, 80%	166,123 MBF, 57%	66%
Small private owned	122,000 acres, 34%	78,000 acres, 17%	3.6 million acres, 12%
Small private harvest	22,178 MBF, 13%	7,103 MBF, 2%	12%
State, public owned	10,000 acres, 3%	122,000 acres, 26%	1.1 million acres, 4%
State, public harvest	9,040 MBF, 5%	118,164 MBF, 41%	9%

Source: Oregon Forest Resources Institute, 2019

Federal lands make up 60% of Oregon forestland and 13% of timber harvest

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The State Forest Issues

As noted earlier in this article and detailed in Part 3 of this series, the Oregon Board of Forestry is made up of seven members, appointed by the Governor and confirmed by the State Senate to fill a four-year term; appointees are generally asked to serve a second

politics.

"The challenge is finding a slate that can be confirmed," said Governor Brown in an interview with Sickenger. "I'm concerned that we are at an impasse at this point. Unfortunately, there are too many special interests invested in the outcomes and that's made it difficult when we bring forward qualified nominees."

State statute puts a limit on the number of board members who have financial ties to the timber industry, and the Board has recently been balanced while made up of three members representing timber interests, three represent-

ing a conservation perspective, and one non-partisan or moderate member.

Senator Johnson weighed in on the problems facing the Board of Forestry during our interview. "The problem is the Board has failed to manage the agency. The Board has not been adequately inquisitive and demanding of information and been way too passive as far as the financial difficulties of the agency."

According to Sickenger, Brown had put forward three nominees: Karla Chambers, the co-owner of Stahlbush Family Farms in Corvallis and a Board member of Hampton Lumber who Brown appointed to the state wildfire preparedness council in 2019; Chandra Ferrari, an environmental lawyer, recently with Trout Unlimited; and Sidney Cooper, a financial services executive and recent transplant from California now living in Ashland with no public policy or forestry experience. Sickenger wrote that the nominations were opposed by three democratic senators, including Johnson, and said senators have expressed a need for a voice that represents small woodland property owners.

This issue came to the forefront during the week of September 21 when the nominees were withdrawn from consideration prior to being brought forward to the entire Senate for a vote. Sickenger reported that following the withdrawal, Senator Jeff Golden, a democrat from Ashland, gave a floor speech criticizing what he claimed was "backroom dealing" "It's no secret that there's a grow-

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ing perception that the Department of Forestry is captured by a timber industry that has a special interest, not a general public interest, in forest policy and taxation,” said Golden. “You might agree with that and you might not, but it’s a plain fact that selecting and rejecting Board members in the dark, with no authentic public process, fuels and spreads that belief. That won’t change until this process changes.”

Senator Betsy Johnson had a different take on the Senate’s rejection of Brown’s nominees. “For me, it has to be a Board that is capable of managing a deeply troubled agency,” said Johnson. “I am less interested in having assigned seating than I am in having a Board that understands how troubled the agency is and can make necessary administrative adjustments to get the agency back and financially stable. It has to be a Board the Governor empowers to run the agency, has set expectations, and gets the agency operating effectively.”

Filling the seats on the Board of Forestry seems like a difficult task, given it is a volunteer position fraught with criticism from both the conservation and industry sides. I asked Johnson how you find qualified candidates. “We have made the nomination and confirmation process extremely complicated – a process that is at times personal,” responded Johnson. “It’s difficult to find people interested in giving the amount of time that is needed. I think the Governor needs to look for people that are willing to be agents of change in a broken agency. Let’s leave the ‘timber wars’ aside and let’s get the agency right-sized, right-directed, and fiscally stable, and let’s focus on the fact that we have an agency teetering on the brink. We need people who are qualified to make forest policy and qualified to turn around a troubled agency and get it back on a path to stability. I think we have people who are qualified.”

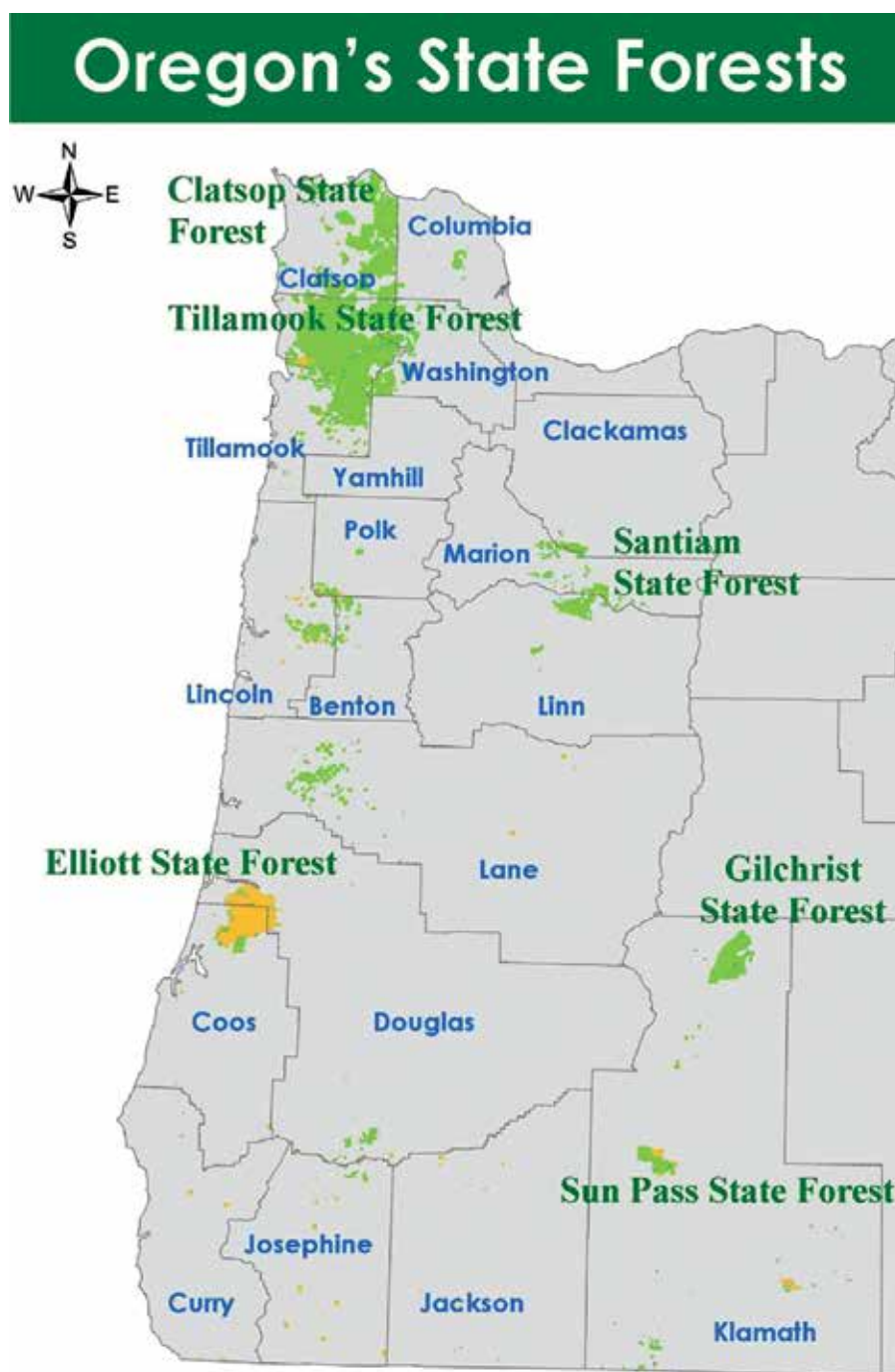
The make-up of the Board of Forestry is just one of the issues currently facing the Department of Forestry.

On October 30, 2019 the Board placed State Forester Peter Daugherty on a performance improvement plan after discussing his record of poor communication, a lack of responsiveness to Board members, and the agency’s financial issues; the corrective plan was supported by the entire Board and the Governor’s office. Daugherty has worked for the Department of Forestry for almost 14 years, starting in the Private Forests Division, where he served as Chief for five years, before becoming the Department Director in September 2016.

Senator Johnson expressed concerns about Daugherty’s management and had severe criticism for the Department of Forestry in general. “The problems at the agency are manifold – weak management, inadequate computer systems and internal controls, siloed departments, and bad internal communication,” said Johnson.

Johnson made very clear during our interview that she “differentiates dramatically” between the fire-fighting side of the Department of Forestry and the administrative side. “I have nothing but boundless respect and appreciation for the men and women who are out fighting these conflagrations under horrific circumstances and I don’t want anything negative I say about the agency to reflect on the fire-fighting efforts.”

Those firefighting efforts have lead in part to the agency’s financial issues. Uncollected reimbursement revenues from federal agencies for firefighting have been accumulating



Source: Oregon Websites & Watersheds Project, Inc. www.orww.org

for years, and forced the agency to borrow \$50 million from the State Treasury.

Also in the background, but rearing its ugly head over the past year, is an ongoing \$1.1 billion class action lawsuit filed by 13 rural counties and 151 local taxing districts against the state. The suit claims breach of contract by the state for failing to maximize timber harvest revenues on state forests and not making resulting payments to the counties over the previous 20 years. In November 2019 a jury in Linn County took just several hours to find in favor of the plaintiffs and award the counties \$674 million in past damages, plus an additional \$392 million in future damages, which assumes the state will continue managing state forest assets and timber revenues in the same way over the next 50 years. The state has appealed the verdict, which is still pending, and earning accrued interest of \$90 million per year.

If the decision is upheld it is unclear where the state will find the money to pay the counties, and how

it would impact the ODF. It’s a large sum – about \$238 per Oregon citizen. Columbia County is part of the lawsuit, but the Clatsop County Board of Commissioners chose to opt out, because it did not align with their values of balanced forest management and they feared the settlement would lead to higher taxes for all Oregon residents.

Interestingly, the rural counties who pursued the lawsuit against the State of Oregon chose Portland based law firm Davis Wright Tremaine, who will receive 15% of the verdict if it is sustained.

The bulk of the arguments in the case centered on the 1941 Forest Acquisition Act, which saw the state take control of 600,000 acres of forestland which mostly became our state forest system, with the agreement that the state would rehabilitate the land, protect it from fire, share two-thirds of timber harvest revenues with the counties, and manage the forests for the “greatest permanent value of such lands to the state.” For 50 years the state maximized timber profits from the land, but little else, but in the 1990s adjusted their focus by adopting new administrative rules that emphasized clean water and air, wildlife habitat and endangered species, and recreation uses, alongside timber harvest production. In their lawsuit the counties argued that change in focus constituted a break in the agreement. The jury agreed with the counties, and now all Oregonians may be on the hook for a large payout to western rural counties, and a Portland based law firm.

The Elliott State Forest: A Special Case

The 80,000 acre Elliott State Forest is located north of Coos Bay and, unlike other state forests, is managed by the Oregon Department of State Lands (DSL). It was the first State Forest established in Oregon. About half of the forest remains as old-growth, making it one of the Coast Range’s largest uncut areas, and is considered by environmentalists as a valued treasure.

The Elliott Forest has been at the center of several controversies over the last decade and is a clear illustration of how the presumed uses for public lands can come into conflict.

In 2014 the state sold 788 acres of the Elliott Forest to the privately held Seneca Jones Timber Company and sold a separate 355 acre tract to the Scott Timber Company. Both sales were contested by environmental groups, and the sale to Seneca Jones was overturned by the Oregon Supreme Court in 2019; the sale to Scott is currently still in litigation. The rest of the Elliott Forest was put up for sale in 2016, but the State Land Board canceled the sale in 2017.

The Elliott Forest is home to the marbled murrelet. *continued on page 9*

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relet, a protected seabird, which has led to reductions in logging in the forest and a drop in timber harvest revenues. The sale of the properties was meant to help correct the budget shortfall caused by the reductions.

“Those who appreciate clean water, stately forests and access to our public lands are the big winners today,” said Josh Laughlin, executive director of the environmentally friendly group Cascadia Wildlands when the Seneca Jones sale was overturned. “Privatizing public land would have been a disaster for imperiled salmon and wildlife that rely on clean water and old forests to survive.”

Industry and Coos County representatives saw the decision as a loss for local school funding, which timber harvests help fund. “The Elliott State Forest was set up to be managed sustainably and provide critical funding for the Oregon common school fund in perpetuity,” said Todd A. Payne, Seneca Jones chief executive officer. “This was done with tremendous thought and wisdom. The Elliott has gone from a revenue generating asset worth hundreds of millions of dollars to a liability for the state.”

“It’s an unfortunate decision for the schools,” added Coos County Commissioner John Sweet. “Education is the real loser.”

Currently the DSL and Oregon State University are exploring the possibility of converting the Elliott into a State Research Forest.

Controlling the Narrative

As the Elliott State Forest issue exemplifies, the public is flooded with mixed messages about the timber industry and how it impacts our environment. As we noted in Part 3 of this series, timber money plays a big part in Oregon politics – the timber industry gives more money to Oregon politicians than they do in any other state. Political lobbyists on both sides in the “timber wars” are active in Salem, while also working to influence public opinion. The timber industry tells us they create jobs while practicing sustainable logging. Environmental groups tell us our drinking water and air are being poisoned while wildlife habitat is being destroyed. Meanwhile a newly formed statewide organization, Timber Unity, which is perceived as being grassroots and centered right here in Vernonia, has added to the discord. Who can we believe and trust?

The timber industry has a lot invested in Oregon. With so much money on the line we need reliable sources of information. In recent years journalists and news organizations’ ability to tell a balanced story has become suspect. Yet the *Oregonian* newspaper, with investigative journalist Rob Davis, together with OPB’s Tony Schick, have been providing detailed reporting on timber industry practices, big money’s influence in Oregon politics, and industrial logging’s impact on small communities. They’ve been a credible source of research and information on a subject that

has needed some balanced exposure.

As citizens we would also like to hope we would receive legitimate information from our government agencies since they work for us, using our tax dollars.

Unfortunately, that is not always the case in regards to our forests. In August of this year, the *Oregonian*’s Davis and OPB’s Schick published a disturbing report on the Oregon Forest Resource Institute (OFRI), a public agency provided with a \$4 million annual budget from timber tax funds, and tasked with educating the public about forest issues and products while encouraging landowners to use sound forestry practices.

While OFRI does provide some useful information – I’ve quoted statistics from their sources numerous times in this series of articles – the agency has become more of a public-relations arm for the timber industry. Following Davis and Schick’s article Governor Brown ordered an audit into “ethical concerns” at the agency.

At the center of the controversy are reports that staff at OFRI, which is prohibited by law from working to influence governmental policy, used advertising dollars to promote Oregon’s “strong logging laws” which in reality are weaker than both Washington and California’s; tried to interfere with the release of peer reviewed research from Oregon State University; and helped stop a research project at the University of Oregon that reflected poorly on the timber

industry. The investigation showed that staff regularly participated in timber industry legislative strategy meetings, helped plan a timber industry lobbying day in Salem, and notified industry representatives of pending research they thought was damaging and then helped craft industry responses.

OFRI is overseen by a 13-person Board of Directors. The board’s 11 voting members are directly connected to the timber industry and include nine representatives of timber producing companies, with members from Weyerhaeuser Co., Hampton Lumber, Hancock Forest Management, WyEast Timber, and Seneca Jones Timber; one member representing small woodland owners; and one AFL-CIO representative for forest industry employees. The two non-voting representatives currently include the Dean of Oregon State University, and a member of the Oregon State University Extension Service who holds the only designated public seat on the Board. A Deputy State Forester serves as a liaison to the Board. As reported by Davis and Schick, the public position had been held by Chris Edwards, a former state senator who resigned from the Board in January 2019 and became a lobbyist for the timber industry.

In June of this year OFRI released a 321-page draft report produced by Oregon State University, which found Oregon’s forest practices laws do not adequately protect some aspects of water quality, and recommended chang-

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VERNONIA LOGGER STADIUM CAMPAIGN

The Vernonia Logger Stadium Steering Committee, a group of alumni and community volunteers, are working to secure the resources to construct a covered stadium with capacity for 900 fans, concession stand, and restrooms at the sports field complex to serve the students and community while rooting on their Loggers.

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es to logging laws including more tree buffers along small streams. OFRI included their own 24-page summary in their release of the report which ignored the published findings and instead stated that Oregon’s logging laws “help safeguard drinking water sources.” “As Oregonians in 2020, this is where we find ourselves: with high-quality water, significantly improved forest practices, and the ability to continue improving,” said the OFRI summary.

The Future of Oregon’s State Forests

While ODF continues to languish in turmoil, there still remains the

daily work of setting and implementing sound forest management policies while wrestling with the ongoing debates between conservation and harvest.

The Department of Forestry and Board of Forestry are currently in the process of reviewing their Forest Management Plan, which they are required to do at least every 10 years. They are also considering the adoption of a Habitat Conservation Plan (HCP).

It’s the HCP which might actually provide the real change the agency appears to be in need of. With direction from the Board of Forestry to improve both financial and conservation

outcomes, the HCP offers a holistic and proactive, rather than reactive, approach to protecting threatened or endangered species which in the past have limited forest management options. The HCP would implement measures, including an “incidental take permit,” to avoid, minimize, or mitigate effects on listed species while not appreciably reducing their chances of survival and recovery, while creating more certainty in timber harvest levels. This would be a change from the current “take avoidance” policy which requires extensive and costly species surveys, and often results in shifting protections that can limit the quality of

the habitat, while creating financial uncertainty for state forests.

The HCP would cover about 640,000 acres, excluding the Elliott State Forest. ODF is currently in Phase 2 of a three phase process: Phase 1 involved a business analysis, and Phase 2 includes public input and strategy development. The results of Phase 2 are expected in October, at which time the Board of Forestry will determine if they want to continue considering the adoption of a HCP.

While this debate about how we manage our state forests between ecology, recreation, and revenue has been ongoing for decades, it appears many people close to the timber industry see these current issues at the administrative level as critical, and the need for change as absolutely necessary. We’ll all need to watch and see if Oregon’s leaders can find solutions with the right balance which meets the needs of all Oregonians.

OPB is expanding their coverage of the timber industry conflict in Oregon with a series of documentary podcasts, “Timber Wars,” and a six week newsletter, which guides you through the history from the 1990s, how they continue to shape our world to this day, and an in-depth look at the people and places involved. Go to www.opb.org and search Timber Wars.

Next issue: a visit to a small, family owned forest.

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