

# OREGON Fish & Wildlife JOURNAL

## **VICTORY!** *The Elliott State Forest Will Continue To Produce*



Furthering The Concept of Multiple Use of Our Lands For 45 Years!



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## OUR COVER

Our cover shows Wayne Giesy, Jerry Phillips and David Gould at the Elliott State Forest Silver Creek Heritage Grove in July 2017.  
Photo by Bob Zybach

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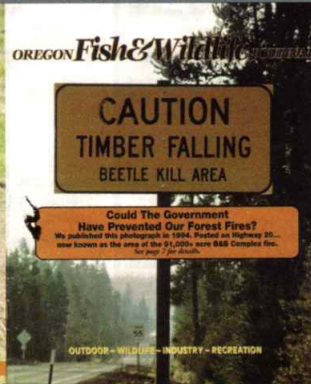
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# My Voice

By Cristy Rein

This issue contains a lot on the status of the Elliott State Forest. I am not a forester or a politician so I try to cut through to the simplest version of the issue.

To start with, the State Land Board was created by the Oregon Constitution to manage state lands for the Common School Fund; “to manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of the state”. In 2022 Senate Bill 1546 passed both Oregon House and Senate to “decouple” the Elliott from its financial obligation to the Common School Fund... since this financial obligation was written in our constitution, how did this even happen without a vote of the people?

Any amendment to the Oregon Constitution proposed by the legislature must be placed on the ballot for voters to approve or reject. The Elliott is owned by the citizens of Oregon who should have the right to refuse the sale of their forest and demand the state honor its constitutional requirements. Political shifting doesn't change facts, the Elliott is not a liability if it's a managed forest.

And, let's talk value.... until the State Land Board would have to come up with the money from the sale of the Elliott to pay to the Common School Fund the forest was valued in the range of 1-1.3 billion dollars and suddenly the State Land Board says the fair market value is only 220 million dollars.

Oregon's land board is made up of our Governor, Secretary of State and the State Treasurer. All the decisions regarding the Elliott were made during Kate Brown's terms in office.

The claims that the Elliott could no longer contribute to the Common School Fund was simply because the State of Oregon, for decades, has been against harvesting timber. In 2012-2013, harvests in the Elliott were projected at 40 million board feet of timber, actual harvests amounted to 4.5 million board feet.

Oregon's government is a democrat lead, liberal body of people who have continually taken up the position of the preservationist groups who fund their elections. They are anti-forest management.

When the state suddenly decides that they can't afford to keep the Elliott because it's losing money it's only because they allow the assets on the land to go unmanaged and wasted. So they decide to make it a research forest managed by Oregon State University.

Now, there's a lawsuit to try to hold the state accountable to our constitution; Advocates For School Trust Lands (a

non-profit) is suing the State of Oregon, State Land Board, Department of State Lands, the Board of Forestry, Rob Wagner as senate president, Dan Rayfield as house speaker, and Calvin Mukumoto as state forester. The lawsuit states;

Despite the guarantees to Oregon's schoolchildren in Article VIII “Education and School Lands” of the Oregon Constitution, Oregon's schools have been and continue to be chronically and constitutionally underfunded. Oregon's Common School Lands, established by section 2 of Article VIII, provide an important and independent source of funds for public education. Oregon politicians and agencies, Defendants herein, have diverted significant value from Common School Lands to non-school purposes and have failed to adhere to their fiduciary duties as trustees of those lands for the benefit of Oregon's schoolchildren.

This lawsuit asks the Court to issue declarations to enforce the accountability envisioned by Article VIII, section 8 by ordering the Oregon Legislature to prepare a report regarding the insufficiency of funding for the 2021-2023 and 2023-2025 bienniums and to uphold Article VIII's guarantees to Oregon's schoolchildren by declaring invalid the sale of the Elliott State Forest (a large portion of the Common School Lands) to a newly established state agency for a small fraction of its actual value.

No truer statement than the one by Bill Lansing, President and CEO, retired, Menasha Forest Products Corporation, “I was involved in the proposed sale of the Elliott State Forest a few years ago and could not believe the low value of the appraisal. ... I suggest the establishment of the low value was politically motivated to allow for a cheaper decoupling of the common school fund's primary responsibility.”

Following this is the letter from the President of Oregon State University who bravely, against popular opinion by most of Oregon's government, has chosen to withdraw from this arrangement as she doesn't believe it meets the best interest of the citizens of Oregon.



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# The Best News For The Elliott State Forest!



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Dear State Land Board,

OSU was invited by the State Land Board over four years ago to explore the possibility of an Elliott State Research Forest. An immense amount of hard work, planning, and progress has been made by many towards bringing the vision to life. It is with great disappointment that I share the unfortunate news that, at this juncture, I am not prepared to make a recommendation to Oregon State University's Board of Trustees that they authorize OSU to participate in the management of the Elliott State Research Forest (ESRF). Regretfully, I find the current trajectory of the planning process is on a course that will fail to deliver the public good anticipated and falls well short of the 'world class research forest' envisioned by the State, OSU, Tribal Nations, and other stakeholders who have been engaged in the planning process.

My conclusion was reached through the consideration of multiple factors, including the recent public opposition to the Habitat Conservation Plan (HCP) and forest management plan (FMP) by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI). Although the CTCLUSI had previously shared support for the OSU ESRF Research Proposal, they recently expressed significant concerns regarding the limitations and constraints placed on the management of the overall forest and the acreage dedicated to reserves in the research design. To my understanding, their perspective is that the proposed management approach does not adequately support the inclusion of Indigenous Knowledge and cultural practices or allow the CTCLUSI to have a meaningful role in forest stewardship. The CTCLUSI have asked OSU to defer any action and enter into further consultation with their representatives and the Department of State Lands (DSL).

Similarly, despite previous sup-

port for the OSU ESRF Proposal, OSU has recently received feedback as part of the public comment period on the FMP draft from community and industry stakeholders calling for the development of a different plan. This recently voiced opposition from multiple stakeholder groups with varying perspectives has forced OSU to step back and consider whether the cumulative effect of compromises, which were reasonable as individual decisions made in collaboration with DSL, have brought us to a plan that does not reflect the key principles of the ESRF vision.

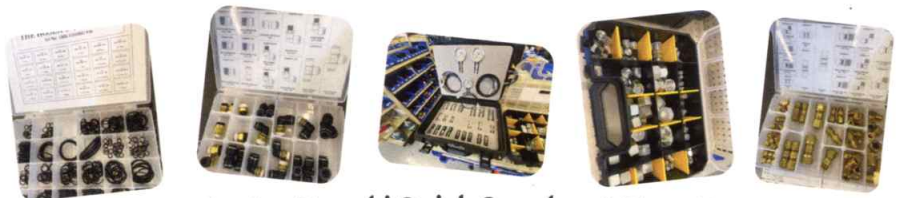
In addition, from an operational perspective, OSU continues to have significant concerns with the State's intent to limit variations in annual harvest volumes in the ESRF, and to move forward with a carbon project on the ESRF. The October 13, 2023, email from the State Land Board Assistants (LBA) to DSL, OSU, and the ESRFA Prospective Board of Directors, made clear that harvests on the ESRF would be subject to a set annual timber volume with minimal year-to-year variation. As OSU has already expressed, the notion

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that the research forest managers could maintain a near static timber volume in annual harvest within the research goals and management commitments of the ESRF fails to (1) support the health and resiliency of the forest, (2) recognize the dynamic nature of both forest ecosystems and adaptive management, and (3) support the integrity of a functional, replicated research design as described in the ESRF Research Proposal. Further, the proposed research forest was predicated on the realization that forest management would be modified over time as knowledge is gained and understanding is built through research, observation, and collaboration.

The LBA and DSL have also made clear that an early carbon project will occur on the ESRF (two examples include the October 13, 2023, email from the LBA, and the discussion at the October 10, 2023, State Land Board Meeting on conditioning approval of the FMP with a carbon sale). OSU has been steadfast in its opposition to monetizing the carbon within the ESRF in the early stages for the clear and simple reason that the sale of the forest's carbon would limit or interfere with the ability of OSU to conduct meaningful research that is critical to addressing important sustainable management questions. These restrictions are specifically related to carbon sequestration, carbon storage maximization, and the development of new models for offsetting carbon through the voluntary market. Such research would not be possible if large tracts of the forest are rendered unavailable because they've been set aside under long-term (40- or 100-year) commitments through carbon markets that are currently the subject of academic and public scrutiny. OSU does believe entering the carbon market as part of the overarching research strategy may be an appropriate source of revenue for the forest in the long-term; however, doing so should follow—not precede—careful consideration and discussion between the ESRFA and OSU. Entering the market prematurely precludes a deliberate, research-informed approach that can inform sustainable management practices in Oregon and beyond.

Finally, while financial self-sufficiency and revenue generation are not the primary concerns leading to my decision, they are essential, and the above factors do impact the ability for the ESRF to support itself. Key among the financial concerns is the need for startup funding for the initial years of opera-

tion when harvest revenue will be minimal. The OSU Research Forest Proposal made clear that startup funds were required to make the implementation of the forest plan a success. With the operational date of ESRF in less than two months, no clear path to fully supporting the startup needs of the forest exists and this fact jeopardizes not only the early phase of establishing the research platform but also fulfilling the monitoring requirements of the HCP.

Again, I am disappointed to have to share this difficult decision with you. While compromise has been an essential element in moving the ESRF so close to existence, it appears the cumulative effect of those compromises has eroded the research viability of the forest and, with it, the ability to serve the public good. Several partners and stakeholders now stand in opposition, and OSU is no longer able to participate as we had hoped.

There remains great potential in the Elliott as envisioned in Senate Bill 1546. Though I am not ready at this time to make a recommendation to the OSU Board of Trustees to authorize participation in the ESRF, OSU remains ready to engage in the work of recalibrating the proposed ESRF plan in a manner that fulfills the vision and supports the ultimate success of OSU research and the ESRF.

Sincerely, Jayathi Y. Murthy  
President, Oregon State University



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# Elliott Forest Boondoggle vs. The Giesy Plan Alternative

By Dr. Bob Zybach



Elkhorn Ranch, ca. 1886. Note the absence of stumps or snags in the foreground (valley floor); the large, widely-spaced old-growth snags on the bench behind the buildings; and the much smaller and more densely-spaced snags on the hillside above the bench that extend to the ridgetop. The burned snags and their relative sizes indicate at least two major fires through this area, near the center of present-day Elliott. The more recent fire took place in 1879 and burned nearly to the ocean, including most of the westside forest at that time.

Gross mismanagement of the Elliott State Forest in Coos and Douglas Counties in recent years has cost Oregon schools hundreds of millions of dollars, cost local families and businesses the loss of hundreds of high-wage blue-collar jobs, and with an ever-increasing risk of catastrophic wildfire to the communities of Reedsport, Winchester Bay, Lakeside, Hauser, Glasgow, North Bend, Allegany, and Coos Bay.



Oelo McClay and her niece, Mildred Gould, on the pack trail from Allegany to Elkhorn Ranch, ca. 1910. This picture was taken along Burnt Ridge in the southwestern part of the Elliott. Note the widely scattered snags and their relatively small diameters throughout most of this landscape.

Somehow this news has mostly been kept quiet and away from public attention.



There is still time to fix these problems, but that time is short and citizens must become aware of how they developed in the first place -- and what can be done now to reverse course before things continue to become worse.

### Background

The Elliott State Forest is Oregon's first State Forest. It was created in 1930 specifically for the purpose of funding Oregon's Common School Fund. Such properties are required by federal law to be managed to the maximum economic benefit of all Oregon schools. Beginning with statehood in 1859, to present, management has been the responsibility of the State Land Board: Governor, State Treasurer, and Secretary of State.

The Elliott was created by combining other Common School Fund properties around the State and trading them for Siuslaw National Forest and BLM lands to form a composite 71,104 acres of immature timberland.

Most of the Elliott had been denuded by a series of catastrophic wildfires from 1840 through to the late 1800s; and before that time in the 1700s. By 1930 the land was mostly covered by young Douglas fir saplings, with only 4,000 acres in mature timber that had escaped the fires. Informed estimates were the new Forest could begin harvesting a sustainable 50 million board feet (mmbf) of timber per year, once the trees matured.

By the mid-1950s the saplings had developed into young

second-growth trees approaching commercial size. The decision was made to sell the older trees to pay for access roads to and through the Elliott. The purpose of the sale was to make active management of the developing second-growth possible

in order to eventually begin making payments to the Common School Fund; most of the remaining older trees were then logged and the proposed access roads built.

### Recent History

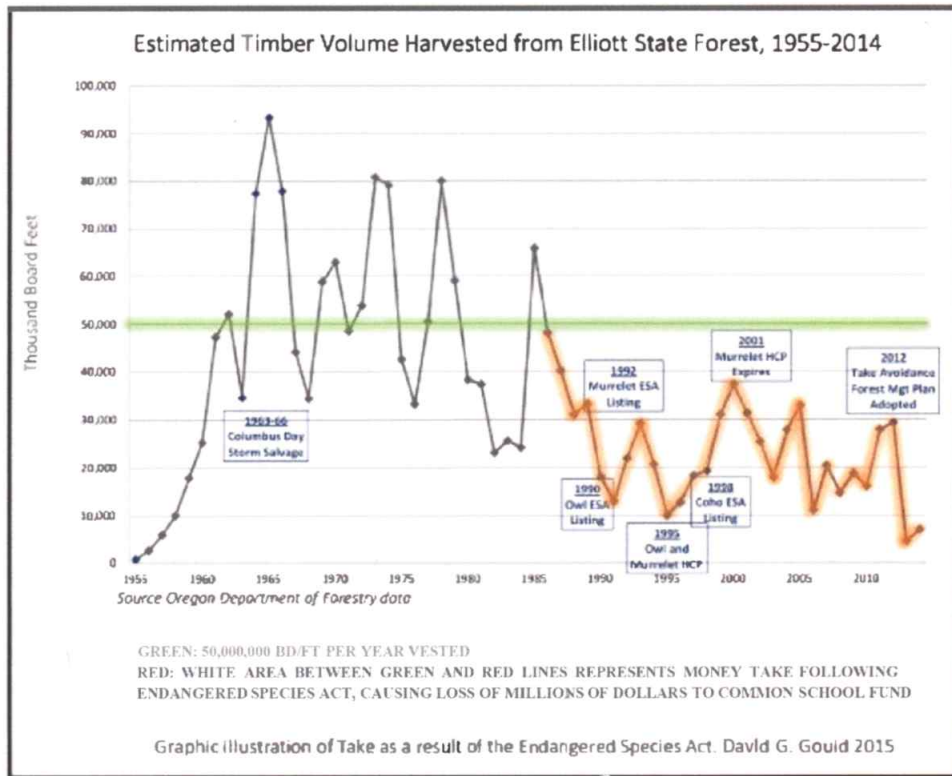
The 1962 Columbus Day Storm blew down 100 mmbf of 70-year-old trees on the Elliott, causing an immediate need to accelerate harvest schedules -- which result finally began providing regular jobs and incomes to local communities and Oregon schools, as originally planned.

Jerry Phillips started working on the Elliott in 1956 and retired as its long-time manager in 1989. He is the Elliott's historian and his 1996, 414-page history, *Caulked Boots and Cheese Sandwiches*, includes detailed accounts of the

1962 hurricane and the subsequent management challenges and accomplishments.

As manager, Phillips added several thousand acres to the Elliott by way of statewide and local land trades and sales. He sold an average 50 mmbf of timber a year the entire time, adding greatly to local jobs, government treasuries, and the Common School Fund.

When Phillips retired there was a far greater volume



**Table 1. Oregon Forestry Related Employment vs. Government, 1990-2016**

Job Description	1990 Jobs	2016 Jobs	Gained	Lost
Logging	11,300	6,000		5,300
Paper Manufacturing	8,900	4,200		4,700
Plywood & Engineered Wood Products	17,900	8,600		9,300
Sawmill & Wood Preservation	12,000	6,400		5,600
<b>Forestry- Related Job Totals</b>	<b>50,100</b>	<b>25,200</b>	<b>0</b>	<b>24,900</b>
<b>Federal Government</b>	<b>34,000</b>	<b>28,300</b>		<b>5,700</b>
<b>State &amp; Local Government</b>	<b>100,600</b>	<b>146,600</b>	<b>46,000</b>	
<b>State &amp; Local Government Education</b>	<b>97,700</b>	<b>132,200</b>	<b>34,500</b>	
<b>Government-Job Totals</b>	<b>232,300</b>	<b>307,100</b>	<b>74,800</b>	<b>0</b>

This table illustrates the great number of forestry jobs lost in Oregon since the listing of spotted owls as an Endangered Species in 1990. It also indicates the great increase in non-federal government jobs during the same period. In 1990 the ratio of private forestry jobs to government jobs was more than 1:5; since then the ratio has decreased to less than 1:12. Few forestry jobs require even a high school education because they are largely based on actual experience; conversely, a large percentage of government jobs require a minimum four-year college degree. This disparity is a strong indicator of the deepening urban/rural economic divide in Oregon with a basis in the 30-year "forest wars." Jobs data provided by Andrea Fogue, Oregon Employment





older trees than when he began -- mostly because the Elliott grows 60 to 80 mmbf of new timber a year, whether it is logged or not.

Almost immediately after Phillips' retirement, harvest levels, employment, and income from the Elliott plummeted dramatically (see Graph). Federal regulations, environmental lawsuits, and political decisions based on "critical habitat" designations for marbled murrelets and spotted owls were stated causes (see Table).

Problems became worse in following years and a new plan was published in November 2011, after nearly ten years of meetings, consultations, mapping, and politics. Oregon Department of Forestry (ODF) divided the Forest into 13 sub-basins and planned an annual timber sale of 40 mmbf, which would provide more than 350 local jobs and several million dollars a year to Oregon schools.

On May 3, 2012, a consortium of Portland Audubon Society, Center for Biological Diversity, and Cascadia Wildlands filed suit against ODF and Department of State Lands (DSL) and against the new Elliott plan on behalf of federally-determined marbled murrelet "critical habitat" needs.

On February 5, 2014, Judge Ann Aiken decided in favor of the consortium and awarded them damages and attorney fees while causing suspension of 28 State timber sales. At this time it isn't clear how much money was awarded to the plaintiffs and their attorneys, but the loss of timber sales resulted in hundreds of rural people losing their jobs, and rural counties and schools losing millions of dollars.

The Land Board tried to rid itself of these problems by hastily appraising the Elliott at a fraction of its former value and attempting to sell it for \$220.8 million -- no more and no less -- to 50 prospective buyers. In the early 1990s the Elliott had been appraised at two or three times that much. Recent estimates -- including the value of its existing roads -- puts the

Elliott's potential open market value at a billion or more dollars; \$220.8 million is a big reduction in value for the Common School Fund.

Somehow there was only a single bidder at this fixed, grossly undervalued, rate and the curious transaction approved with virtually no media attention in February 2017.

Under subsequent and immediate political pressure, the Land Board reversed itself three months later and negated the sale on May 9, 2017.

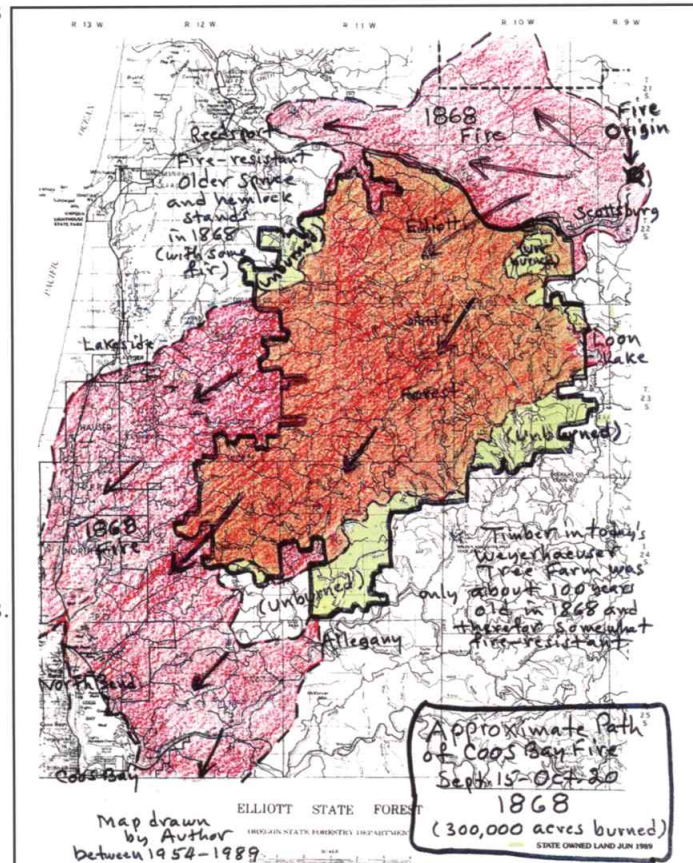
### The Giesy Plan Alternative

The background and 40-year history of Wayne Giesy's "Oregon/Giesy Plan" has been described in some detail in an article I wrote for the Spring 2014 issue of this magazine. Giesy was concerned that the ongoing "timber wars" of the 1980s to the present would result in massive unemployment and great damage to the rural schools, families, businesses, and communities located in counties that contained our national forests, and he was right.

His proposed solution was simple, eloquent, and commonsensical: by mutual agreement and independent management, divide public forestlands into three zones -- riparian, habitat, and product -- thereby resolving legal disputes without unfairly punishing rural families and businesses, and while maintaining healthy forests and desired wildlife habitat conditions.

Giesy had been an elected State Representative from Benton County in the 1950s and had remained in politics ever since. He met regularly for private breakfasts and luncheons

with influential state and federal legislators -- including generations of senators, representatives and governors -- and with deans, university presidents, business owners, foresters, and others with an interest and influence regarding the management of federal resources in western Oregon; and particularly those in Benton County and the Willamette Valley.



**Jerry Phillips' map of the 1868 Coos Fire extent. Note that this catastrophic event included almost all present-day Elliott State Forest, as well as the adjacent communities of Lakeside, Hauser, Glasgow, and Allegany. Compare this with the OSU map showing the entire westside of the Elliott as "critical habitat," despite its having burned clean at least twice in the 1800s and whose subsequent 70-year-old second-growth forest was largely destroyed during the 1962 Columbus Day Storm. In addition to the westside Elliott's documented history of wildfires, hurricanes, and landslides, it is also immediately adjacent to the Tenmile Lakes, with their history of human occupation -- and daily fires, fishing, and hunting -- going back thousands of years. This is one of the most dynamic forested areas in the entire Douglas Fir Region, and the westside "conservation reserve" particularly so.**



In the summer of 2016, during one of his regular monthly breakfasts with Oregon Senator Ted Ferrioli, it was discussed that recent problems with the Elliott State Forest might present an opportunity to test the Giesy Plan on State lands, as a demonstration of what could be replicated in Oregon’s failing federal forestlands.

At that point I became involved in discussions with Ferrioli and Giesy regarding the proposed details and what possible scientific and educational values of such a demonstration might be. From then forward, Giesy and I worked almost daily on this proposal, until a week or so before his death at age 99, in August 2019. More than three years since it began, that work still continues today.

The story of developing the “Giesy Plan Alternative” to selling the Elliott is described in the Spring and Summer 2017 issues of this magazine, and again in the Summer and Fall 2019 issues. This proposal was developed and documented online by Oregon Websites and Watersheds Project, Inc. (ORWW.org) and is designed to last only 20 years. During that time the Elliott would remain in public ownership and be managed specifically on behalf of Oregon’s school-children, the public, and local communities.

The Giesy Plan for managing the Elliott would use Oregon State University’s (OSU) “paired watershed” research design, successfully developed on the North Umpqua River, to document long-term land use patterns of key Elliott bird, fish, and mammal species, as well as carbon sequestration variables. In 20 years a new generation of well-informed students, scientists, and taxpayers would have far better information for making a new set of long-term plans for the

property – and federal land managers would also become far better informed on these issues.

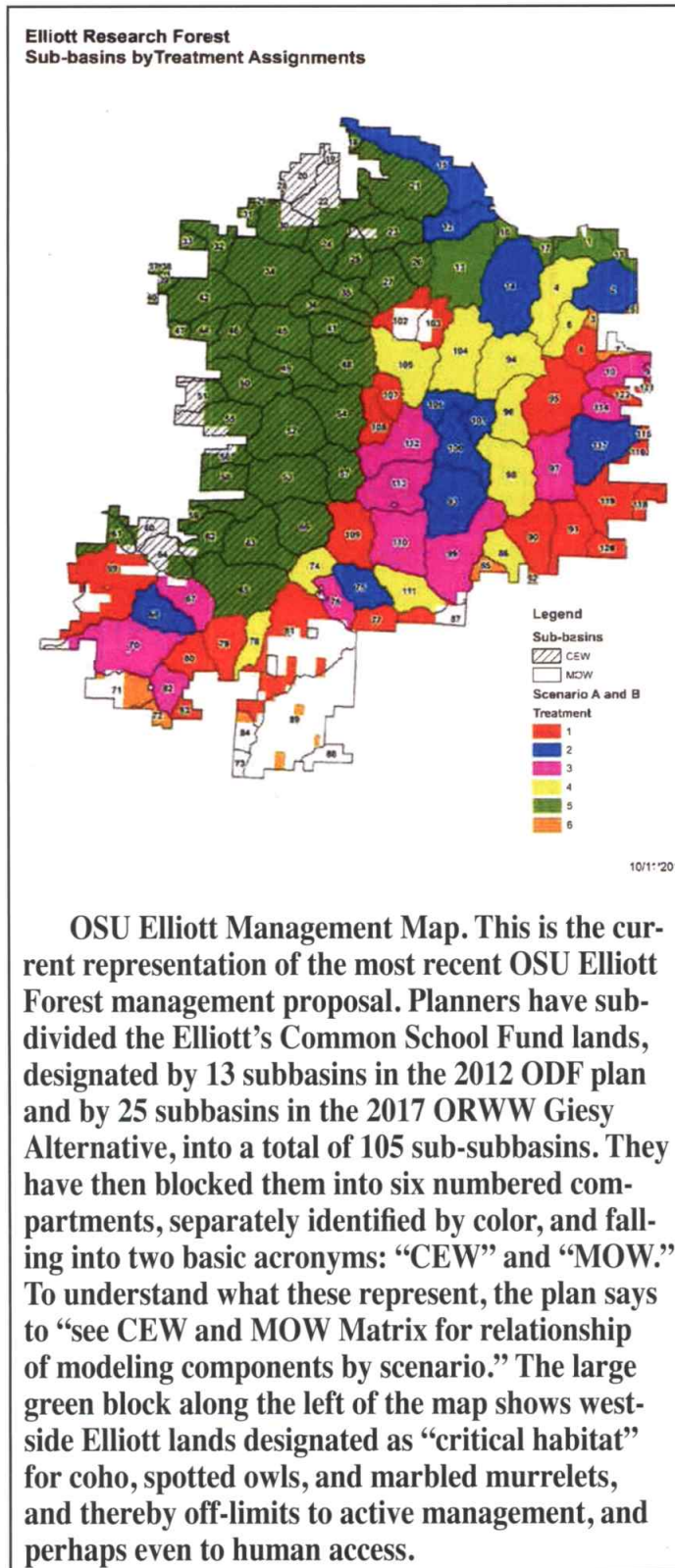
More than 40,000 acres would be set aside for older forest habitat; all 550 miles of existing roads and trails would be actively maintained for purposes of public access, safety, recreation, education, research, historical value, and active resource management; and annual timber sales would average 50 mmbf/year, a proven sustainable number and estimated by an Oregon legislative economist to produce more than \$460 million for Oregon schools and more than 440 local jobs.

Key purposes of this plan are to clearly – and scientifically – compare the outcomes and effects of managing the Forest according to the opposing “forest war” factions of the past 30 years, and at no cost to the Common School Fund; to provide enhanced access and recreational opportunities for the public; and to develop a statewide online educational network of Oregon students and teachers focused on the various economic, forest management, and wildlife lessons learned on their transparently managed “Elliott Forest outdoor classroom.”

This proposal was entered into the public record at three Land Board meetings, endorsed by Boost Southern Oregon, discussed on a number of regional radio shows, featured in a series of articles in this magazine, reviewed by several forestry organizations -- and then somehow buried without comment.

**OSU Elliott Research Forest**  
After the Land Board reversed itself on the sale of the Elliott in May, 2017, newly-

elected State Treasurer Tobias Read began meeting with an environmental lawyer representing OSU Forestry to devise a plan





by which the Forest could become owned and managed by OSU.

No effort was made to discuss – or apparently even mention – the previously requested Giesy proposal, although it was still on the table and easily met all of the ownership, management, public access, needed research, jobs, and Common School Fund legal requirements in play at that time.

Three months later, on August 3, 2017, DSL Director Jim Paul outlined a legislative-approved two-year Elliott budget of \$1.5 million for a “Habitat Conservation Plan” (HCP) to comply with federal regulations regarding management of “critical habitat” for spotted owls, marbled murrelets, and coho populations; \$269,000 for a DSL Project Manager; \$1.6 million for “custodial management”; and \$601,000 for fire protection.

This budget was apparently based -- at least in part -- on Treasurer Read’s proposal to sell the Elliott to OSU; which directly resulted in the Land Board’s December 2018 decision to give OSU a year to develop such a proposal for purchase (for only \$120.8 million) and management of the Elliott in order to create a “world class” Research Forest.

The most recent proposal from OSU is their November 2019 draft plan outline, attributed to US Forest Capital, LLC; Mason, Bruce & Girard; Spatial Informatics Group; and John Sessions. This proposal is characterized by the OSU Elliott Map sidebar in this article and represents the same type of “acronyms and polygons” management approach taken by several high-profile public forest plan failures developed by the same handful of OSU-affiliated individuals during the past 30 years.

Whether the approach has been called “New Forestry,” “structure-based management,” “FORPLAN,” “retention harvest,” or any other term, these OSU forest management plans have consistently resulted in billions of dollars in losses,



**The author, Jerry Phillips, and David Gould by the new DSL sign marking the recently re-named “Jerry Phillips Reserve.” Photo by Sam Schwarz, December 15, 2019. Two corrections: “This 50-acre grove of 250 year-old Douglas-fir & understory hemlock” does not actually typify “the forest that covered nearly all of the Coos River drainage until major harvesting began about 1950”: these trees are now 70 years older and much larger than they were in 1950; many of them blew down during the 1962 Columbus Day Storm and were salvage-logged by their owner, Weyerhaeuser; many of these residual trees were heavily scarred during logging operations at that time; and the spur road and landing built for those operations are now lined with thick patches of hemlock saplings due to the artificially increased light and openings in the canopy. As these latter trees grow in size they will increasingly compete with the Douglas-fir overstory for needed moisture and nutrients and can eventually develop into “ladder fuels” that threaten destruction of the entire reserve via crown fires. The second correction is an error of omission. Jerry Phillips did far more than just “work on the Elliott” during his career. It should be noted that in his position as the Forest’s manager he personally negotiated with Weyerhaeuser to acquire this land and also bargained with the DSL and State Land Board to remove it from all harvesting plans and timber inventories. This reserve would not exist without the vision and effort of Jerry Phillips. That is how he did his work.**

degraded rural infrastructures and economies, and even catastrophic wildfires – as predicted.

These failures have included the Clinton Plan for Northwest Forests and the OSU Research Forests management plan in the early 1990s; subsequent ODF plan for State Forests; Coquille Indian Forests management plan; BLM O&C Lands management plan; and the recent Linn County-based lawsuit resulting in over a billion dollars in awarded damages. All



have their basis in the computerized efforts of the same five or ten individuals working from OSU.

None of these people have any practical forest management experience, all of them have been very well-paid by taxpayers for decades, and all of their implemented plans have failed – sometimes dramatically. There is no evidence that any of these plans were financially successful at any time or that they have been responsible for protecting the life of a single bird or fish listed by the federal government, yet they are now being considered – at great cost – as the basis for the future of the Elliott.

At the December 10, 2019 meeting it was learned that “I.T.F.” would need another year to develop the HCP; OSU would need another year to develop their plan, but would not be liable for the \$120.8 million purchase price; and the new DSL Director thought both enterprises had been “extremely busy” doing “great, way cool, work” to such a degree she was getting “goosebumps” just thinking about it.

Another 2-plus million dollars were then granted toward the Elliott HCP and OSU planning processes and another \$1.6 million was awarded to a private company to maintain the Forest while it idled in disrepair. More goosebumps.

### Conclusions

Actions of the Oregon State Land Board during the past five and more years regarding the management of the Elliott have been unsuccessful and costly. Recent actions appear headed for continued expensive failure as well.

Despite the serious economic and environmental problems taking place due to measurable mismanagement of our public lands, the general public remains almost entirely unaware of current and recent politics surrounding the Elliott in particular, and statewide forest management issues in general.

The current effort to transfer ownership and management of the Elliott to OSU Forestry in exchange for a small portion of its value has already failed due to a recent legal decision

that the State could not sell the Forest. The management plan that was to be completed by December 2019 has now degenerated into a simplistic proposal using odd terms and acronyms that will take at least another year to complete and would certainly fail in its present configuration. In the meantime, the Common School Fund continues bleeding money and needed jobs, work, and repair on the Forest.

The Giesy Plan would be experimental, educational, and economic in scope and would only last 20 years, at which time the results could be carefully analyzed and used as the basis for future management directions and options. In addition, this plan would generate an estimated 440 rural high-



**Wayne Giesy being interviewed by Jim Petersen, Evergreen Magazine, at OSU Research Forests' Peavy Arboretum office on January 25, 2018. Photo by Julia G. Petersen**

wage jobs and more than \$460 million for Oregon schools.

Despite the great cost, there is no scientific evidence that the Elliott provides “critical habitat” for owls, murrelets, or any other birds. The forest has been “clearcut” by wildfires, winds, and landslides for thousands of years and yet these animals have persisted. The scientific evidence that they rely on older forest habitats for their well-being or existence does not exist. Here is an opportunity to change that narrative with facts.

It is long past time the “forest wars” were resolved with sound scientific experimentation, common sense, hard work, and good will. The Giesy Plan Alternative addresses all of these problems; the OSU Plan only exacerbates them.

In recent years the State Land Board has proven itself incapable of reasonably managing our State’s forestlands. Management by local counties, Tribes, and businesses, and transparent accountability to our schools would solve these problems.





# Requiem For A Boondoggle: The Elliott State Research Forest

By Bob Zybach, PhD.



**McKenzie Peters, NW Maps Co., records Jerry Phillips and David Gould for ORWWmedia "distance learning" video at the Elliott State Forest Jerry Phillips Reserve. April 29, 2020 photo by Bob Zybach.**

On November 13, 2023, Oregon State University President Jayathi Y. Murthy shocked both sides of the never-ending Pacific Northwest "Timber Wars" with her public letter removing OSU from the seemingly-never-ending "Oregon State Research Forest" boondoggle.

In short, her letter was addressed to principals and representatives of the State Land Board (SLB) and Department of State Lands (DSL) saying that OSU would not continue with the five-year project as initially agreed, thereby guaranteeing Senate Bill (SB) 1546 would sunset on December 31, 2023.

No one was expecting this decision. Supporters of active forest management, local jobs, and the Common School Fund were thrilled; while environmental activists, birdwatchers, and Endangered Species advocates were dismayed. A totally unexpected and final decision from an entirely unexpected source, and just weeks before everything would have become law.

## 1. SB 1546 History

So what is/was SB 1546, and why did supporters and detractors respond so emotionally to its demise? The controversy surrounding the management of the Elliott State Forest ("the Elliott") began in 1989 and the discovery of

spotted owls within its 90,000 acres of mostly large, second-growth Douglas fir, cedar, spruce, and hemlock trees. This finding was followed by the bird's federal listing in 1990 as an "endangered species."

The listing was then followed by a federally mandated "HCP" (Habitat Conservation Plan), and subsequent similar listings and planning processes for marbled murrelets and coho; thereby legally covering ocean-dwelling seabirds, land-based owls, and an iconic salmon that famously travels through both environments.

The more HCPs and HCP planning, the fewer field forestry and related local jobs -- until the inevitable environmental lawsuit in 2012 completely stopped all commercial harvesting. Oregon's First State Forest, which had provided hundreds of local jobs and hundreds of millions of dollars to Oregon Schools, was now broke, losing money, with no jobs, and growing ever closer to a series of catastrophic wildfires that had occasionally characterized its history since time immemorial.

What to do? The Elliott State Forest, by federal law, is a Common School Land property managed solely for the benefit of Oregon schools and, since 1859, by the State Land Board, which is comprised of the Governor, Secretary



of State (SOS), and the State Treasurer. The SLB, in turn, directs the DSL in the actual management of these lands.

In 2015, Governor John Kitzhaber resigned in some disgrace, SOS Kate Brown ascended to Governorship and appointed future state Democratic Party chair, Jeanne Atkins, as her replacement. Ted Wheeler, future Portland Mayor, was State Treasurer at that time, and the three decided the best strategy for the Elliott, due to its recent losing ways, was to cut-and-run. They would sell the Elliott and give the money to the Common School Fund and not have to deal with it any more.

Through some controversial methods, influenced largely by the lawsuit, the Elliott was appraised at only \$220.8 million: 1/3 to 1/4 of its appraised value in 1995, and far less than its estimated billion+ dollar value on the open market at this time. Oddly, an offer to sell at the announced price went to just 50 organizations with the curious restriction that purchasers could only bid the appraised value -- no more, and no less. The assumption seemed to be that they wanted to sell to an environmental organization, and that was an amount they could likely raise. But not much more.

Even more oddly, there was only a single respondent to the offer, a Roseburg lumber company, so the SLB voted to accept it, then they voted to reject it, and then the courts ruled they couldn't legally sell it anyway. So Kate Brown began to ask people, both privately and publicly, to develop a management plan that retained public ownership.

That story has been well covered in previous articles in this series, but the public SLB meeting in which the environmental groups and other organizations offered their

				
March, 2012	June, 2013	March, 2014	January, 2015	April, 2017
				
April, 2017	June, 2017	March, 2018	September, 2018	June, 2019
				
September, 2019	January, 2020	June, 2020	September, 2020	January, 2021
				
July, 2021	July, 2021	July, 2022	October, 2022	March, 2023

The Elliott, 2012-2023. Selection of articles about the Elliott State Forest, its history, management, and wildlife by Dr. Bob Zybach, from *Oregon Fish & Wildlife Journal*, 2012 -2023; and article by McKenzie Peters ("The Dinosaurs of the Elliott State Forest"), *Evergreen Magazine*, July 25, 2021. [http://nwmapsco.com/ZybachB/Articles/Magazines/Oregon\\_Fish\\_Wildlife\\_Journal](http://nwmapsco.com/ZybachB/Articles/Magazines/Oregon_Fish_Wildlife_Journal)

ideas ended with the new Treasurer, Tobias Read, saying he had been meeting with OSU representatives and developed an option where the university would purchase the Elliott for only 120.8 million and it would be managed by the College of Forestry. OSU President Ed Ray and Forestry Dean Thomas Maness were said to be representing OSU's interests in the negotiations, but Ray was retiring, and Maness was too ill to work and sadly died in 2018 -- the same year that career Democratic politician Vicki Walker was appointed by Brown to be the new DSL Director.

In reality, negotiations were almost entirely

conducted between Treasurer Read and OSU Forestry Chief of Staff Geoff Huntington, with likely input from Portland Audubon environmental lawyer, Bob Sallinger, and representatives from Cascadia Wild and maybe others involved in the 2012 lawsuit.

Huntington was key. Although he was representing OSU Forestry in the negotiations with DSL and SLB, his degree was in environmental law from the University of Oregon. During his senior year at UO he co-founded and was senior staff editor of the first issue of the *Journal of Environmental Law and Litigation*. He had begun lecturing forestry students at OSU on the Endangered Species and Clean Water Acts in 1994 but had worked his way up to Chief of Staff over the years. With the illness of Dean Maness followed by the appointment of an interim Dean, Huntington was able to spend nearly full-time in Salem on his efforts to transform the Elliott.

Shortly after my "Elliott Forest Boondoggle" article was published in January 2020, the planning team for the





Map included in 6-page "Giesy Plan Alternative" presented to State Land Board on February 14, 2017. ORWW Elliott subbasins with 4 principal coho runs in relation to ancestral Indian lands and foot trails.

Elliott changed again: Ray retired, Tom DeLuca was hired to replace Dean Maness, and Huntington transferred from OSU to DSL under curious circumstances and continued to lead planning. Brown and Read stayed in place and continued to support his efforts.

Despite agreeing to a series of one- and two-year timeframes for OSU to finish a management plan and an HCP for the Elliott, they have never been completed. The delays kept costing more millions of dollars, and OSU was getting cold feet at the dawning realization that this project was a money-loser and political battle that the University couldn't afford to adopt.

By 2022, OSU had decided to not accept any financial losses for management of the Elliott, and the planners thought a good alternative strategy would be to form an entirely new State agency to accept responsibility -- one funded by taxpayers rather than timber revenues: the Elliott State Research Forest Authority, or, in government-speak, the ESRFA. This proposal was adopted by the Oregon State Legislature as SB 1546.

SB 1546 was conditional. The ESRFA would become an official State agency responsible for managing the ESRF on January 1, 2024 if six conditions were first met "on or before July 1, 2023": 1) payments to the Common School Fund (CSF) for \$220.8 million were completed; 2) the SLB voted to "decouple" (sell) the Elliott from its trust obligations to the CSF; 3) a final HCP was published; 4) a third-

party was hired to conduct an independent analysis of financial viability; 5) the SLB approved an Elliott forest management plan ("FMP," of course), and 6) the OSU Board of Trustees authorized the university to participate in the ESRF's management.

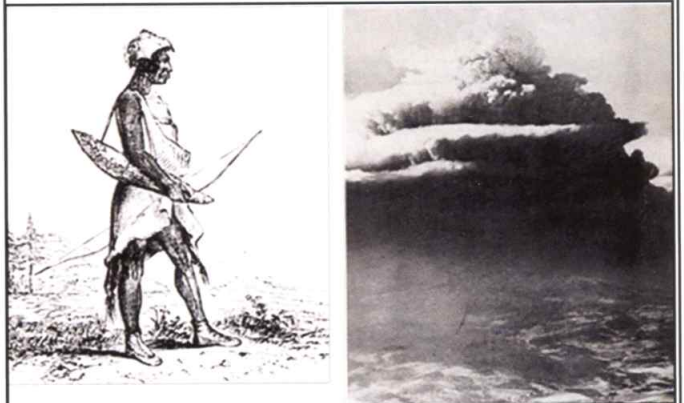
The deadline was extended to December 31, 2023, but an HCP and an FMP have still not been completed after 5+ years, the third-party financial analysis seriously questioned the viability of the proposal, and President Murthy's letter made it clear that the Trustees would not be voting to accept these results.

## 2. OSU Trustees

The OSU Board of Trustees was created by the 2013 Oregon legislature to be responsible for governing the affairs of OSU. Members are appointed by the Governor, confirmed by the Oregon Senate, and include the University President. The 15 members meet several times a year and are charged with overseeing OSU's finances, educational programs, and selecting a new President when circumstances dictate.

The first OSU President hired by the Trustees to replace Ed Ray was F. King Alexander, who resigned in March, 2021 after only nine months on the job. In June, 2022 Jayathi Y. Murthy was hired from her positions at UCLA as a professor and dean of engineering to replace Alexander and began her new job in

# The Great Fires



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SB 1546 and its Sunset Clause was adopted three months later, in December 2022, and subsequently discussed in some detail during the January, 2023 OSU Board of Trustees meeting -- and particularly the requirement for the Trustees to formally authorize OSU participation in the management of the Elliott by July 31. The presentation was informative, and no action taken or proposed.

sis was showing that OSU had over-estimated the Elliott's income by nearly 20%, and public sentiment was rapidly growing critical of the increasingly costly government-imposed HCP management restrictions on other State and private forestlands.

These 11th-hour additional restrictions and carbon credit requirements may have been a "bridge too far," but a November letter of concern from the Confederated Tribes



**West Fork Millicoma ("Bob Jacobson") Fishing Camp. SWOCC spring-term forestry students on Elkhorn Ranch field trip. Jerry Phillips and Instructor Tasha Livingstone Davison on far left and field guides Bob Zybach and David Gould on far right. April 23, 2019 photo by Wade Gould.**

The October 20 Trustees meeting was different. Forestry Dean DeLuca's update on the status of SB 1546 was not at all positive and included some serious concerns about meeting the new December 31 sunset deadline.

The previous week, on Friday the 13th, Geoff Huntington had sent out an email at 4:55 PM to Vicki Walker and Brett Brownscombe at DSL with new demands for OSU and the Elliott. Huntington was now working directly for the new Governor, Tina Kotek, on the project, and Brownscombe was his hand-picked successor at DSL. A few minutes later, after the traditional 5:00 Friday "quitting time," Brownscombe forwarded Huntington's email to OSU and Elliott planning principals, including DeLuca.

The timing was not an accident. The December 31 deadline was fast approaching and now Huntington wanted OSU to agree to a flat 17 mmbf/year harvest schedule for the Elliott -- which grows 70-80 mmbf/year -- and to develop a "carbon credit" program for the Forest as a method to help off-set financial losses associated with the minimal logging sales and multi-million-dollar annual research budget.

Meantime, the HCP was still floundering, the draft management plan had grown to more than 600 pages and was nearly undecipherable, the independent financial analy-

sis of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI) was definitely the final straw. The Elliott was the ancestral home to these Tribes, and they were not at all happy with the current draft plan. They were requesting a pause in the planning process to reconsider their involvement.

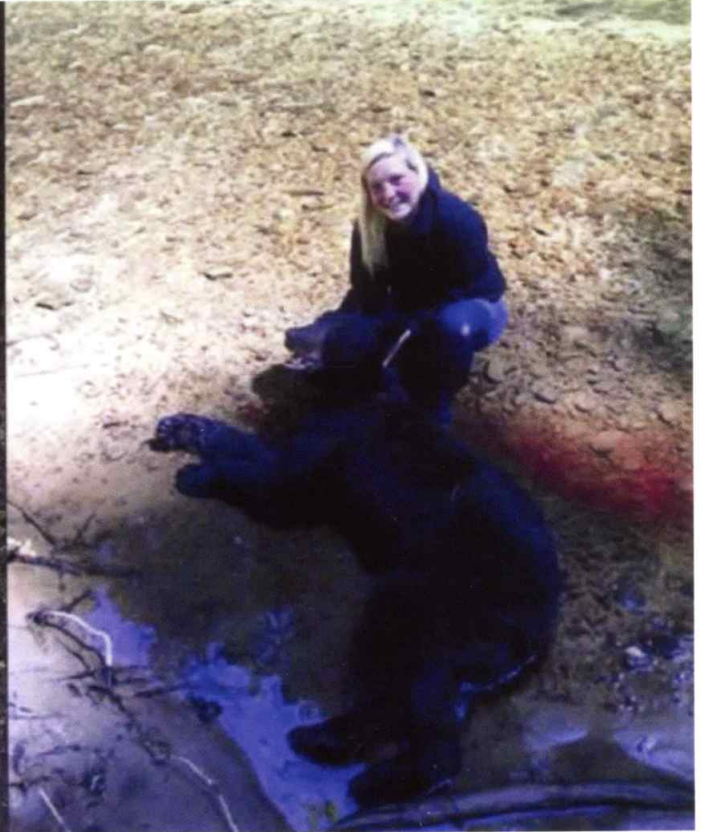
### **3. OSU Murthy Letter**

On Monday, November 13, OSU President Murthy sent an email addressed to Huntington, now representing Governor Kotek, Vicki Walker, DSL, and representatives for Treasurer Read and new Oregon SOS, LaVonne Griffin-Valade -- who had been recently appointed to the position by the new Governor. Two of the three SLB members were now dealing with the Elliott for the first time, but Read and Huntington were still running the show.

Murthy's letter was concise, to the point, and clearly pointed out the reasons for her decision:

"It is with great disappointment that I share the unfortunate news that, at this juncture, I am not prepared to make a recommendation to Oregon State University's Board of Trustees that they authorize OSU to participate in the management of the Elliott State Research Forest (ESRF). Regretfully, I find the current trajectory of the planning process is on a course that will fail to deliver the public good





**Hunting in the Elliott. (L) Jenna Goin and grouse shot near Elkhorn Ranch. September 22, 2018 photo by Amelia Harvey. (R) Amelia and bear shot near Johnson Creek. May 24, 2018 photo by Alex Harvey.**

anticipated and falls well short of the ‘world class research forest’ envisioned by the State, OSU, Tribal Nations, and other stakeholders who have been engaged in the planning process.”

She further stated that this conclusion was reached through “a consideration of multiple factors” and referenced recent public opposition to HCPs and CTCLUSI opposition to the forest management plan.

Response from Walker was swift, and she posted a public “Message” to the DSL Elliott website the following day, on November 14, that included the following comments:

“While deeply disappointed, I appreciate OSU’s transparency in acknowledging they believe they are unable to manage the forest according to their research design, even as they still desire to see the Elliott State Research Forest become a reality . . .”

“Oregonians across the state came together in support of a research forest and collaboratively created the foundations we are continuing to work from: the Elliott as a publicly owned forest that has completed its obligation to funding schools, but will continue to contribute to conservation, recreation, education, indigenous culture, and local economies as a research forest.”

Walker’s message ended with a “commitment to the vision of the Elliott State Research Forest” and a determination “to work collaboratively with the prospective board, Tribes, stakeholders, and partners to map out options and actions needed for the research forest to become a reality.”

The CTCLUSI response was equally swift. On the day

following Walker’s post, and just two days after Murthy’s letter (which they “applauded”), the Tribe produced a Press Release that included the following sentiments:

“OSU’s decision demonstrates that it values its partnerships with the original inhabitants and stewards of these lands. We believe that putting the majority of the Elliott into reserves is misguided,” said Tribal Council Chair Brad Kneaper. “Doing so ignores the fact that these forests have been stewarded by Tribal people since time immemorial. We traditionally used fire, pruning, harvesting, and planting to create a healthy and diverse landscape. As a result of this Tribal stewardship, the forest was not simply a closed-canopy forest. It included open areas such as meadows, and it included young as well as old trees. The forest was healthy, and helped to provide the Tribe with the culturally important species such as deer and elk, salmon and lamprey, berries, and cedar on which our people and our culture thrived.”

“While reserves are promoted by some as a way to protect imperiled species that depend on old forests with large trees, the Tribe questions this approach. “Over time, these no-touch reserves will grow into an uninterrupted expanse of dark closed-canopy forest,” said Chair Kneaper. “These overgrown conditions lack diversity. They provide very little in terms of habitat for threatened species. They’re also prone to catastrophic, unnatural wildfire. These forests depend on human stewardship to maintain more open and diverse forest conditions, which benefits plants and animals as well as people.”



#### 4. SLB Meeting

The critical SLB public meeting to address the Elliott was scheduled for December 12. Rather than ratifying the OSU Elliott Plan as expected, and thereby creating a new State agency for its implementation on January 1st, the SLB elected to only hear an informational update and recommended next steps.

Two of the three SLB members were new and attending their first public meeting on the Elliott, while 5-year veterans Walker and Brownscombe were presenting their thoughts on the OSU decision and what they thought should be done next.

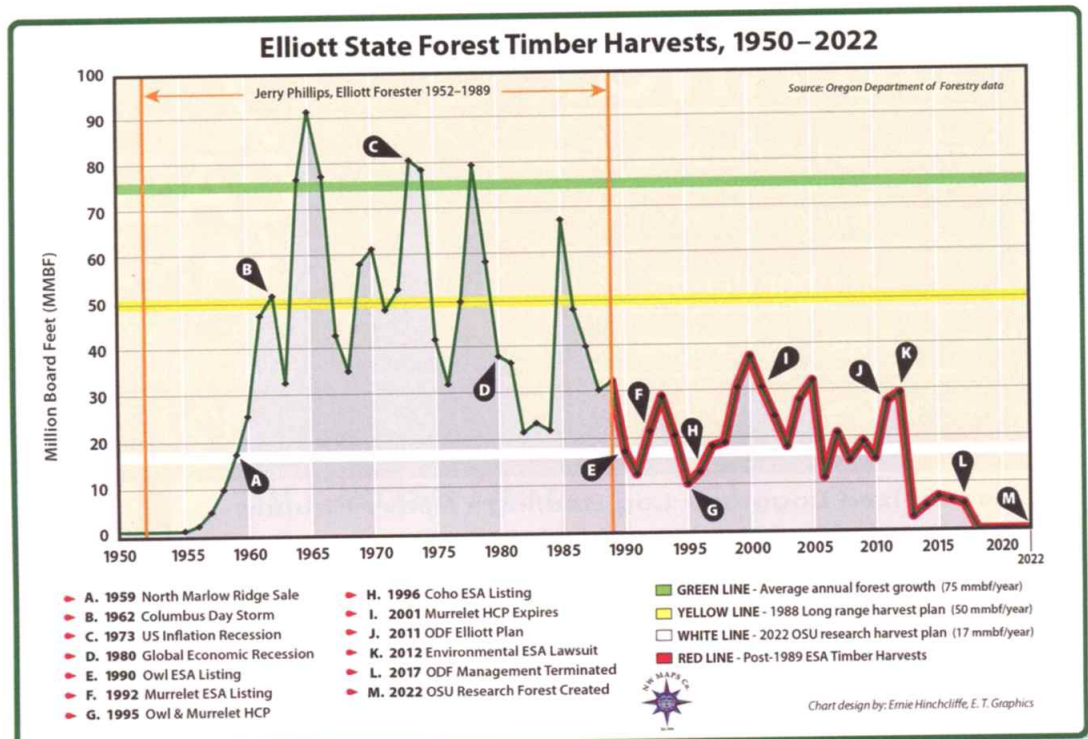
Of the six points required to adopt SB 1546 and thus create a new State agency in the process, only two had been met -- and it was debatable as to whether the “decoupling” of the Elliott from the Common School Fund for pennies on the dollar was even legal; a concern that was being debated in the courts. The HCP, after nearly 30 years, was still not completed; the draft FMP had become irrelevant; the financial plan was short tens of millions of dollars with no fix in sight; and the OSU Board of Trustees didn’t even bother to vote on it.

What next? So far as the HCP, Walker was determined to soldier on, and testified to the following:

“I intend to keep the HCP effort moving, and like I said, I indicated failure is not an option because not completing the HCP raises risks on a number of fronts, significant risks, including increased costs, we have already spent a great deal of money on this HCP, but also reduced certainty for research forest viability and management . . . we haven’t done any significant management for a decade, and we’re -- we’re wasting a forest. So, that’s my plan on the HCP.”

Although the CTCLUSI had expressed a strong interest in continuing to work with OSU in conducting research on the Elliott, the existing “Triad” research design did not seem to serve a useful purpose, and the design itself was debatable. In publicly reviewing this proposal, renowned forest ecologist and “guru of old-growth” Jerry Franklin made the following comments:

“The current proposal, in my view, falls far short . . . First, I find the concept of conducting an experiment that essentially involves the entire property at the outset of OSU’s stewardship to be inappropriate . . . committing it all to an experiment of any kind along with committing all



**The Green Line represents average annual amount of growth of Elliott State Forest trees;**  
**The Yellow Line represents average allowable cut for the Elliott in the 1988 harvest plan;**  
**The White Line represents OSU's planned annual harvest of the Elliott w/ no snag salvage;**  
**The Area between the Green Line and Red Line represents Elliott fuel increases since 1989.**

of the financial resources necessary to sustain it is not – to use a kind word – prudent . . . There are so many important things to be done and this is not one of them . . . I do not think that it does credit to the institution or yourselves; you can do much better than this.”

I am personally in agreement on this point, “we can do better” with both Franklin and CTCLUSI Chair Kneaper, who had written on behalf of his Tribe on December 5th:

“The lands that we now know as the Elliott are part of the Tribe’s Ancestral Territory and have been stewarded by the hanis (Coos) and quiiich (Lower Umpqua) people since time immemorial. The Tribe continues to rely on these lands and its resources to practice and sustain our culture and heritage. The future stewardship of these lands, as well as the Tribe’s role in that stewardship, is of utmost importance to the Tribe. The Elliott can serve as a model for other forests, demonstrating how Western Science and Indigenous Knowledge can be braided together to promote ecological, cultural, community health, and watershed health. As such, we are very interested in seeing the Elliott operated as a research forest.”

During the past dozen years I have written a series of more than 20 opinionated articles for this magazine regarding the Elliott, its wildlife, its management, and the opportunity for meaningful research. Maybe now is a good time to revisit the Giesy Plan Alternative and begin discussions with DSL, OSU, and CTCLUSI to help develop a better research design -- and in such a way as to involve local people and Oregon schools in a management plan that is self-supporting. Other thoughts?

