
Elliott State Forest Management Plan Public Comments Reponses:December 2005

Topic *Economic*

Sub-topic

Scope **FMP**

Comment Number *-1E+09*

On page S-9, one of the goals for managing the Board of Forestry Lands is stated as:

"to secure the greatest permanent value tot he citizens of Oregon by providing healthy, productive, and sustainable forest ecosystems, that over time and across the landscape provide a full range of social, economic, and environmental benefits to the people of Oregon."

While this may be a goal for those Board of Forestry lands acquired with Board of Forestry or General Fund dollars, it is not the goal for the County Trust lands managed by the Board of Forestry.

The final management plan must clearly differentiate the management responsibilities for the county trust lands as opposed to any other lands.

Response

Oregon Revised Statutes 530.010 through 530.170 guide the acquisition, management, and development of state forests that are under the jurisdiction of the Board of Forestry. This includes lands deeded by the counties. The Board of Forestry's legal mandates for managing BOF lands include the dual obligations of sharing income with the counties (ORS 530.030) and conserving, protecting, and using a variety of natural resources (ORS 530.050). The administrative rules (OAR 629-035-0000 through 629-035-0110) governing state forest management policy and planning provide direction on how to balance these dual obligations. The rules' primary direction is to manage the lands to achieve the greatest permanent value to the state. The counties in which these forestlands are located have a protected and recognizable interest in receiving revenues from these forestlands; however, the Board and the State Forester are not required to manage these forestlands to maximize revenues, exclude all non-revenue producing uses on these forestlands, or to produce revenue from every acre.

Comment Number *7*

Were obligations to county forest trust lands taken into account when reserve areas were delineated?

Response

Land ownership type was not a consideration in designating conservation areas. Locations were selected based upon actual use by owls and murrelets, location of riparian areas, and the location of steep, visually sensitive or unique areas.

Comment Number *12*

What about taking advantage of the market conditions?

Response

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ODF has a fiduciary responsibility to both the Board of Forestry and the Trust Land Counties on Board of Forestry Lands and to the State Land Board/Department of State Lands on Common School Lands.

On an annual basis ODF strives to offer for sale the amount of timber that it is allowed to sell under it's various forest management plans. On the Elliott , actual work on each sale begins about 2 to 3 years before the sale is sold because proposed sale areas must be surveyed for murrelets for two consecutive years before they can be approved for sale. Once a sale is sold the Purchaser has about a two year period within which to harvest the timber. The murrelet surveys are valid for a period of five years following survey completion. All timber sold is appraised and a minimum bid price is set. The timber is then sold on a sealed bid basis. The bidding process insures that the state receives a fair market value for the timber. It is not the policy of the landowners of the Coos District state lands to time markets when selling their timber. Because of the long time frame involved in selling timber, it would be very difficult to sell timber earlier than scheduled. It would be possible to delay the sale of timber, but if that were done there is no guarantee that the market would improve during the months that the sale was delayed.

Comment Number 13

Will there be a demand for the product in the advanced structure?

Response

ODF believes there will be a future market for large diameter wood, especially large wood in the higher grades. Large diameter Douglas fir of high quality continues to bring a premium price. Large diameter low quality wood is heavily discounted now and will likely continue to be in the future. By growing and selling a mixture of species and size classes, ODF expects to earn a good return on investment for the owners and to reduce biological and financial risk.

Comment Number 46

Longer contracts affect revenue.

Response

ODF agrees that longer contract periods can affect the amount that is bid for a sale. Typically sales on the Elliott provide two operating seasons to complete the contract. The District believes this is a reasonable amount of time.

Comment Number 107

The economic benefits of the Elliott Forest are of vital importance to the local communities and state schools. With 90% of the 97,022 acre Elliott Forest designated as Common School Forest Land, it is important for the future of our public schools that this funding is predictable while balanced for wildlife protection.

As a forester, I help supply logs to one of the sawmills in Coos Bay. Timber related jobs are family wage jobs that have multiplier affects that benefit the local economies. I recommend that the ODF select the maximum harvest levels within the framework of sustainable forest ecosystem management defined in the high integrated landscape strategy. The Elliott Forest can easily sustain a 45-50 MMBF per year harvest and still provide adequate resource needs for wildlife and watersheds.

Response

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ODF agrees that economic benefits are important and fully considered economics in the planning process. Another key consideration in managing the Elliott is to comply with the federal Endangered Species Act. There are considerable numbers of federally listed northern spotted owls and marbled murrelets on the Elliott that have a significant effect on the management of the forest. When the spotted owl was listed in 1990, the Elliott's harvest was reduced from about 50 million board feet (mmbf) per year to less than 10 mmbf in some years in the early 1990s. At the time, it looked as though harvest would remain at that low level unless a new plan was developed. Subsequently, the 1995 Elliott Habitat Conservation Plan allowed the harvest to increase to about 27 mmbf per year. Modeling indicates that the proposed plan can significantly increase harvest levels to perhaps 40mmbf while still complying with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 183

Economic Impacts: The ODF should consider all the economic benefits of state forest lands, including the non-timber values. The economic realities of the affected counties have changed greatly in the last 10 years. Timber is less important and beautiful natural environments attracting new business is more important to local economies. The ODF should consider the recent economic data of Coos and Douglas counties that was put together by the Sonoran Institute for the BLM planning process for western Oregon BLM Plan Revisions. It can be downloaded from this site: www.sonoran.org/ Or a CD can be found at the BLM office in Coos Bay.

Response

ODF's evaluation of socio-economic effects can be found in ODF's 2001 study by Lettman, et al. These effects were considered in the planning process.

Comment Number 1E+09

Conspicuously absent from the management plan is any discussion of the growth and yield on the Elliott State Forest. Not only is this information important to determine if the Board of Forestry is meeting its financial trust obligations, but also important in determining if it is meeting its forest health trust obligations.

As recently demonstrated throughout Oregon, the growth on the various federal and state forests are greatly exceeding harvest levels. The net result is a fuel build up that creates a risk of catastrophic fire and loss of the resource. The Board therefore must look carefully at the growth and yield and develop strategies to address the fuel build up.

Further, the Board should examine any management plan to determine whether it inadvertently impedes the quick harvest and recovery following catastrophic events such as fire or windstorms. The plan must provide mechanisms that mandate quick responses to these events.

Response

The 2005 Cost/Benefit Analysis is a recent source for estimated growth and yield information and is referenced in Chapter 6 of the forest management plan. There is also information on harvest models and outputs used in the planning process in Appendix H of the forest management plan. Greater detail on expected outputs is provided in the 10-year Implementation Plan.

In relation to the comment about quick responses to catastrophic events such as large fire and wind storms, Strategy 4 in Chapter 5 of the forest management plan provides for prompt salvage of such events.

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Sub-topic Do not increase harvest

Scope FMP

Comment Number 6

I am concerned this plan increases harvest not by "new" scientific information, but political pressure. I believe the 1991 harvest is adequate.

Response

The proposed strategies are designed to comply with the federal ESA and provide for a more flexible management approach. Harvest modeling indicates that an increase in harvest can also be achieved that will meet the Constitutional mandate to maximize revenue to the Common School Fund over the long term.

Comment Number 49

Sounds like we are sustaining harvest versus forest.

Response

These are not mutually exclusive. One of the plan's goals is to produce a sustainable even-flow level of harvest over the long-term using sound techniques of land management. This is to meet the constitutional mandate to produce revenue for the Common School Fund. The plan also recognizes that an appropriate balance must be struck in producing the interdependent values of economic, social and environmental benefits.

Comment Number 88

I am informed that it is the intention of your Dept. to approx. double the annual timber harvest in the Elliott Forest over the next 30 yrs. As a former (ret.) logger of many years standing I find this plan to be a disgrace. Such aggressive and reckless accelerated harvest amounts making the Elliott a cornfield and your dept. simply a rubber-stamp adjunct to the wood products industry. Is your view of the public interest (the entire public, not just the sawmills and loggers) so astigmatic and pathetically tilted away from others values such as the well-being of the natural world that you can cheerfully implement a major increase in the organized vandalism that represents this level of clear-cut logging?

I well know that our citizens need wood products, our loggers need jobs and that small-scale, conservative logging is necessary. But this enormous increase can only be done at the expense of our quality of life, air and water. This is a plan worth of Wyco, G/P or Plum Creek (Cut out and Get Out, Inc.) and by proposing and implementing it you betray your responsibilities to all citizens of Oregon and you are pandering to a small group of irresponsible politicians.

Response

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It appears the commentor may not have been well-informed about the plan. In brief, Oregon's constitution mandates that Common School Land (over 90% of the lands managed by the Coos District) must be used to obtain the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. These Common School Lands were given to the state at the time of statehood in trust to benefit schools. The constitutional mandate (greatest benefit) has been interpreted by the Oregon Attorney General to mean that Common School Lands must be used to benefit schools and maximize revenue to the Common School Fund over the long term. To accomplish these goals, the strategies in the draft plan are meant to produce dependable timber volume and revenues over the long term, while also providing resource protection for wildlife, fish, and other forest values. ODF believes all the goals in the plan can be met, including increased harvest revenue for the Common School Fund.

Comment Number 94

If the Oregon Legislature cannot create a sustainable school fund from the tax structure, that funding is not the responsibility of ODF. Twenty one mmbf 21 (mmbf a year) is more than enough volume to fulfill all the constitutional legal mandates of the Elliott's Common School Fund Lands. The ODF should drop their request for a ITP for murrelets in this murrelet-rich habitat, the best habitat left on the central Oregon coast for this very endangered sea-bird.

Response

The State Land Board will decide how well the proposed plan meets their fiduciary responsibility in regard to the Common School Fund. The constitutional mandate for Common School Lands is to maximize revenue to the CSF over the long-term.

Comment Number 95

The Roseburg BLM is targeting 45 mmbf a year off of 425,588 acres. ODF has revised it's plan to increase logging to 45 mmbf per year off of only 93,282 acres. ODF is aiming way too high. Does ODF believe that the citizens of Oregon don't want their public forest within the Elliott to be managed for the future? Because to accomplish this all the existing mature forests (most around 140 years old, 23,518 acres, will have to be clearcut and the currently existing clearcuts of varying age will have to grow up to replace the endangered species habitat. By my calculations, this is impossible.

One of the least fragmented watersheds on the Elliott, the Charlotte - Luder basin, currently with 82% mature forests, will be reduced to 40% mature forests (including the regrown old clearcuts), even though the basin has had very significant murrelet detections, there is a Bald eagle nest site, and Charlotte and Luder Creeks harbor Coho salmon and steelhead trout. The Charlotte-Ludder basin is so special and should not be damaged by logging activities. There is no science that finds regrown clearcuts can harbor endangered species, especially since old clearcuts have few large snags or down wood. No old clearcuts should ever be considered "advanced structure" unless a NSO or MM actually use it for nesting.

Response

The long-term sustainable harvest level for the Elliott State Forest has long been considered to be 50 million board feet (mmbf) annually. The Elliott is currently harvesting a little more than half that amount. Though there may be an increase in harvest under the proposed plan, the Elliott would still be growing significantly more every year than would be harvested. Modeling indicates that an annual harvest of 40 mmbf would result in an increase from the current 2.7 billion board feet of standing timber to about 3.5 billion board feet over the next 50 years.

The landscape design and target for advanced structure in each basin took the location of owls, murrelets, and eagles into account. The aquatic/riparian strategies in the plan are designed to provide for properly functioning aquatic habitats that will provide for fish and other wildlife. When stands are harvested, legacy structures such as large trees, snags and down wood will be left on the landscape to help provide complex habitats as these stands develop over time.

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Comment Number 96

First I must ask why the Oregon dept of forestry continues to manage the Elliot State forest at a harvest level that is well above the level of harvest that is called for in the current management plan.

Over-harvesting these forests will only accumulate a debt of forest revenues that will be repaid at some time in the future with significantly reduced harvest rates and a loss of revenue to the Oregon common school fund. I cannot under stand how forests that are supposed to provide stable funding to Oregon's school fund are being harvested at a level that greatly exceeds sustainability. ODF should immediately reduce the harvest level on the Elliot to the harvest level that is outlined under the habitat conservation plan.

Response

The forest is currently and will in the future be managed to produce a long-term sustainable level of timber harvest. The long-term sustainable harvest level for the Elliott State Forest has long been considered to be 50 million board feet (mmbf) annually. The Elliott is currently harvesting a little more than half that amount. Though there may be an increase in harvest under the proposed plan, the Elliott would still be growing significantly more every year than would be harvested. Modeling indicates that an annual harvest of 40 mmbf would result in an increase from the current 2.7 billion board feet of standing timber to about 3.5 billion board feet over the next 50 years.

Comment Number 115

It is clear that the Elliott is already meeting its legal requirements for revenue generation for Common School Lands. If this is the case, why must logging levels be doubled at the risk of violating other legal mandates required for these forests?

To help illustrate this point, doubling logging levels will cause great harm to species such as northern spotted owl and marbled murrelet which the ESA requires ODF to protect and help recover to healthy populations. Northern spotted owls on the Elliott have declined significantly since the 1995 HCP, when there were 69 owls on, or partially on, the Elliott. The most recent 2003 survey shows there are only 11 pairs and one resident single left (23 owls), and none of them nested in 2003. This steep decline is alarming and strongly suggests that doubling logging, and logging some 23,500 acres of Advanced forest structure on the Elliott will not assist in spotted owl recovery. Further, any marbled murrelet sites discovered after 2004 will not be protected either, even though 60% of the best murrelet habitat on the Elliott is outside of conservation areas and available for clearcutting. Under this plan, one thousand acres of murrelet habitat can be clearcut each decade. Murrelet sites discovered as a result of surveys for 2005, 2006 and 2007 sales apparently can be cut after the new HCP is implemented. This would seem to be outside the mandate of the ESA's recovery standard.

Response

ODF believes the proposed plan will both meet the constitutional mandate to maximize revenue to the Common School Fund and comply with the federal Endangered Species Act. Assuming a 50-year HCP, the plan will develop more advanced structure than exists on the forest today and in a landscape arrangement that will better support areas used by owls and murrelets. Though a portion of current potential murrelet habitat will harvested over time, ODF believes that at least an equal amount will grow to replace that which is harvested, and murrelet habitat in conservation areas will continue to develop a higher level of the structural characteristics used by owls and murrelets.

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Scope **HCP**

Comment Number 211

Consider cumulative effects of increased logging alternatives within the context of the O&C decision, deficiencies in HCPs, and other reductions in federal protections noted in "Report on importance of BLM lands in western Oregon to fish and wildlife conservation" by the Worl Wildlife Fund.

Response

These types of HCP effects will be considered in the EIS process.

Sub-topic Do not sell ESF

Scope **FMP**

Comment Number 36

Reassurance that Elliott will be maintained as public-does not believe forest should be sold for legislature that can not budget.

Response

The State Land Board has publicly stated that it has no intention of selling the Elliott State Forest.

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Sub-topic Emphasize Revenues, Increase Harvest

Scope FMP

Comment Number -2E+09

The draft plan states that the most fundamental of the legal and trust mandates is to "maximize revenue" for the common school fund and "produce revenue" for counties (S-13) .One must question why given the repeated court cases on this issue that the reference to revenues for counties simply states "produce" rather than "maximize." The trustee's obligation to the common school fund and the counties is essentially the same "maximize revenues."

Response

The counties in which these Board of Forestry lands are located have a protected and recognizable interest in receiving revenues from these forestlands; however, the Board and the State Forester are not required to manage these forestlands to maximize revenues, exclude all non-revenue producing uses on these forestlands, or to produce revenue from every acre. Tillamook County v. State, 302 Or 404 (1986) uses the following language: (The State) "actively promoted the benefits of county participation in the program which included assurances that the lands would be used to produce revenue, and that the revenue would be distributed to the counties in a manner then provided by statute, unless the counties agreed to any changes in the distribution formula."

Comment Number -7E+08

We note that the estimated market value of the Elliott State Forest was between \$306 and \$565 million dollars in 2005 (S-19) .As part of its trust responsibilities the Board of Forestry should manage these lands to obtain a rate of return on this investment comparable to financial investments within the Common School Fund.

Response

Though the only way to confirm a property's estimated market value is through actual sale, the 2005 Elliott Cost/Benefit Analysis provides the most recent estimate on what the Elliott's value may be. The values on page S-19 of \$306-\$565 million were derived from this analysis. The 2005 Elliott State Forest Cost/Benefit Analysis and its estimated forest value will help inform the State Land Board and the Board of Forestry when they determine how well the proposed plan meets their fiduciary responsibilities.

Comment Number 9

Not harvesting to maximize revenue as number one mandate for school trust. Structure development management does not coincide with this goal.

Response

The mandate for Common School Lands is to maximize revenue to the Common School Fund over the long term, consistent with sound techniques of land management and is a key goal for the plan. The plan identifies a range of different structure types to be maintained on the landscape over time that encompasses the historical range of stand types in the Oregon Coast Range. The strategies in the plan are designed to also allow development of a Habitat Conservation Plan a way to comply with the federal ESA. A multi-species HCP for the Elliott is expected to provide the greatest long-term benefit for the citizens of Oregon. The State Land Board will make a business decision on how well the FMP/HCP strategies meet their fiduciary responsibilities.

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Comment Number 14

Should be harvesting twice what we are now.

Response

A key consideration in managing the Elliott is to comply with the federal Endangered Species Act. There are considerable numbers of federally listed northern spotted owls and marbled murrelets on the Elliott that have a significant effect on the management of the forest. When the spotted owl was listed in 1990, the Elliott's harvest was reduced from about 50 million board feet (mmbf) per year to less than 10 mmbf in some years in the early 1990s. At the time, it looked as though harvest would remain at that low level unless a new plan was developed. Subsequently, the 1995 Elliott Habitat Conservation Plan allowed the harvest to increase to about 27 mmbf per year. Modeling indicates that the proposed plan can significantly increase harvest levels to perhaps 40mmbf while still complying with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 15

Foregoing revenue to schools with decrease in cut over "sustainable file" alternative.

Response

Could not understand the comment.

Comment Number 20

Should represent the pure biological potential of the forest (tree farm).

Response

The FMP provides information on harvest modeling in Appendix H. One of the management scenarios that was modeled demonstrates an emphasis on volume production. Another source for information on a management scenario that may be applied on private industrial lands is the 2005 Cost/Benefit Analysis of the Elliott State Forest.

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Comment Number 25

While I appreciate that the plan is intended to balance the forest's economic, social and environmental values, I remain unconvinced after reading the draft plan with the May 2005 publishing date that the harvest level recommendation at 40 mmbf represents achievement of the land's intent to maximize the use of its resources for the benefit of Oregon's school children.

My concern is that I suspect that along with the three values we must attempt to balance, we're also addressing someone's political issues too. That should not be the case.

I believe we can do more and would like to see those harvest levels raised to the maximum extent possible without jeopardizing the balance that is intended by the plan. As I have suggested, the harvest level MAY be maximized at 40 mmbf/yr, but I have seen nothing in the plan that assures me that the planned cut "maximizes" the harvest levels to provide as much school revenue as possible. That is the expressed purpose of the land. If other interests can be accomodated without reducing the maximum efficient use of the resource, then we certainly want to accomodate such interests.

If there is some "headroom" between the planned harvest level and the maximum (sustainable) harvest level, we should strive to achieve a higher level of timber harvest to benefit our school children. After all, they are seeing their "environments" erode too. Perhaps along with timber sale appeals, the courts should require the complainant to provide a "classroom impact statement" under the "endangered teacher act" to ensure that we don't have a ratio of students to teachers that causes children to fail to thrive.

Response

A key consideration in managing the Elliott is to comply with the federal Endangered Species Act. There are considerable numbers of federally listed northern spotted owls and marbled murrelets on the Elliott that have a significant effect on the management of the forest. When the spotted owl was listed in 1990, the Elliott's harvest was reduced from about 50 million board feet (mmbf) per year to less than 10 mmbf in some years in the early 1990s. At the time, it looked as though harvest would remain at that low level unless a new plan was developed. Subsequently, the 1995 Elliott Habitat Conservation Plan allowed the harvest to increase to about 27 mmbf per year. Modeling indicates that the proposed plan can significantly increase harvest levels to perhaps 40 mmbf annually while still complying with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 30

Harvest on Elliott has the largest impact on funds going to school trust. It is important to maintain a high level of harvest to fund K-12. Secondly, jobs are created by the harvesting and replanting of trees and manufacturing of forest products. Tax revenue generated from these payrolls also fund education and other state services.

Response

Revenue production for the Common School Fund was a key consideration in developing the revised management plan. Complying with the federal ESA was also a key consideration. Modeling indicates that the proposed plan can significantly increase harvest levels while still complying with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

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Comment Number 70

Not attaining the maximum revenue because increased protection of northern spotted owl-more than required for private ownership.

Response

It is possible, with the region wide downward trending northern spotted owl population, that managing the Elliott without a habitat conservation plan for the spotted owl would increase net revenues to the landowners. A primary purpose of the entire planning process is to select the management alternative that best achieves the landowners objectives while being in compliance with state policies and state and federal laws. Glk 2005.11.23

Comment Number 74

If maximizing revenue is the number one goal, why are we not generating more revenue (i.e. increase harvest, less restrictions and more like FPA requirements)?

Response

A key consideration in managing the Elliott is to comply with the federal Endangered Species Act. There are considerable numbers of federally listed northern spotted owls and marbled murrelets on the Elliott that have a significant effect on the management of the forest. When the spotted owl was listed in 1990, the Elliott's harvest was reduced from about 50 million board feet (mmbf) per year to less than 10 mmbf in some years in the early 1990s. At the time, it looked as though harvest would remain at that low level unless a new plan was developed. Subsequently, the 1995 Elliott Habitat Conservation Plan allowed the harvest to increase to about 27 mmbf per year. Modeling indicates that the proposed plan can significantly increase harvest levels, possibly to about 40 mmbf, while still complying with the federal ESA.

The plan is designed to be implemented along with a Habitat Conservation Plan (HCP). An HCP is one way to comply with the federal Endangered Species Act (ESA). ODF believes that a multi-species HCP will provide the greatest long-term benefit for the people of Oregon through management certainty. The strategies in the plan are designed to meet the constitutional mandate to maximize revenue to the Common School Fund, and to obtain an approved HCP to comply with the federal ESA,

Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 75

Make sure formation of the forest (CSL) is recognized. It is a principle of management objectives and identified in the constitution.

Response

This is included in the plan and was a key consideration in developing the plan. See Chapter 1 for the Elliott's history and guiding principle #1 in Chapter 3 of the plan.

Comment Number 83

As far as economic considerations, the Mason, Bruce and Girard study to evaluate the return on the investments of managing versus selling the Elliott remains a very good yardstick to evaluate future options. The proposed tentative harvest level of 40MM/yr. still represents a low rate of return just slightly above 4.0%. We believe our schools deserve better.

Response

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ODF agrees that the MBG Cost-Benefit Analysis provides a good yardstick for evaluating management options. The proposed management plan falls in the middle of a range of outputs that the Cost-Benefit study analyzed. ODF believes this is a good balance given the many values - economic, social, environmental - that the public expects from its state forests.

A key consideration in managing the Elliott is to comply with the federal Endangered Species Act. There are considerable numbers of federally listed northern spotted owls and marbled murrelets on the Elliott that have a significant effect on the management of the forest. When the spotted owl was listed in 1990, the Elliott's harvest was reduced from about 50 million board feet (mmbf) per year to less than 10 mmbf in some years in the early 1990s. At the time, it looked as though harvest would remain at that low level unless a new plan was developed. Subsequently, the 1995 Elliott Habitat Conservation Plan allowed the harvest to increase to about 27 mmbf per year. Modeling indicates that the proposed plan can significantly increase harvest levels to perhaps 40 mmbf annually, while still complying with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 84

We remain convinced that since the State is not charged with the recovery of a threatened species but rather an avoidance of take, the proper baseline for evaluating any management alternative should be against the standard applied to private lands which is the Oregon Forest Practices Act. Any restrictive management schemes or standards for the Elliott over and above the OFPA need to be considered an elective tradeoff that needs to be quantified for all to see, especially the members of the State Land Board. We are disappointed that the ODF ignored our request of including in the modeled alternatives one based on managing the Elliott under the OFPA. Without the benefit of Dr. Sessions model it is difficult to accurately predict the financial hit the revenue stream takes by applying more restrictive management options but we feel it is in the range of 30 to 40% which could raise the rate of return from 4.5% to 6.5% a much more fiduciary responsible level.

Response

Oregon Department of Forestry's responsibility in regard to listed species, as it is for other forest landowners, is to manage the forest in compliance with the federal Endangered Species Act. Under the federal ESA, this can be accomplished by avoiding take, or through an approved HCP that allows incidental take in exchange for minimizing and mitigating for this incidental take. The Land Board has directed the Department of Forestry to develop a multi-species HCP to comply with the federal ESA. A multi-species HCP for the Elliott is expected to provide the greatest long-term benefit to citizens of Oregon by facilitating a sustainable even-flow harvest of timber, and by providing management certainty.

ODF believes that the Wood Emphasis Model (Model 12) represents management of the forest by applying the Forest Practices Act. The assumptions and the outputs from this model are in Appendix H of the August 2005 Draft FMP. These outputs and assumptions are similar to those used in the 2005 Cost-Benefit Analysis by Mason, Bruce and Girard. Both the Wood Emphasis model and the Cost-Benefit Analysis provide analysis of applying the Forest Practices Act to the Elliott landscape in a manner that a prudent private landowner may use. The Land Board and Board of Forestry have been briefed on these analyses and will take this and a wide range of other information into account when they make their decision on plan approval.

Comment Number 90

The growth capability of the Elliott State Forest point to a harvest level around 55 to 56 million bdft annually. The people and schools in this state should come first. ODF should grab the bull by the horns and get this plan going.

Response

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It is the responsibility of ODF, through the current planning process, to create a forest management plan that produces the maximum revenue over the long term, while complying with all state and federal threatened and endangered species laws, and with ODF murrelet policy. ODF plans to have the proposed forest management plan approved by the Board of Forestry and State Land Board in early 2006.

The planning process has taken a long time due to the complexity of the issues and the desire to acquire a habitat conservation plan and incidental take permits. The reason that the HCP and Incidental Take Permit for spotted owls and murrelets is desired is to reduce the disruption caused by shifting owl circles and to eliminate the need to survey planned timber sale areas for murrelets. On average 25% of the planned sale areas we survey are occupied by murrelets. When a stand is found to be occupied by murrelets, ODF policy requires that a marbled murrelet management area be established. These areas, anywhere from about 50 to 80 acres in size, can't be clearcut and reduce the production base of land in the Elliott.

Comment Number 109

The Elliott should be managed to maximize long term revenues for the Common School Fund, and it is unfortunate that we spend valuable staff time, consulting fees, and our time on this debate every 5 to 10 years. Harvest revenues spent on biologists and planners are not available to the state to invest in our children and their schools.

Information provided by your department indicates that harvest levels have fluctuated dramatically over the last 25 years in response to fish and wildlife issues, court actions, and political decisions. This is unacceptable! We agree with your goals for a forest management plan which provides a sustainable, even-flow harvest of timber that maximizes revenues for the Common School Fund and we hope that both the Board of Forestry and the State Land Board, including our Governor, support your efforts.

- Do not lose sight of how and why this state forest was established. This forest exists for the primary purpose of providing revenues for our schools. Common School Fund lands were originally scattered as isolated parcels throughout the state, but consolidated through land exchanges and purchases in 1930.*
- Do not forget or ignore your management obligations to Coos and Douglas Counties for County Forest Trust Lands located within the Elliott. Your draft plan lists the acres deeded to the state by Coos County, but we could not find a reference to acres deeded by Douglas County.*
- The Elliott is a state forest, and it is not clear to us why it is managed with a higher level of harvesting restrictions than is required by Oregon's Forest Practices Act.*
- Maximizing harvest levels on the Elliott will provide positive economic benefits to surrounding communities who benefit from harvest and milling related jobs. These are, for the most part, family wage jobs within these communities.*
- Your management plan, and ultimately the harvest levels set for the Elliott, should be calculated and adopted without regard for the possibility that the currently nonexistent harvest levels on nearby federal lands will be increased.*

We continue to believe that the Elliott State Forest, with 93,000 acres of highly productive forestland, can provide significant revenues for Oregon's schools, a significant number of timber related jobs in southwest Oregon, and still function as an important environmental asset.

Response

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ODF agrees with these comments and believe they are consistent with the strategies in the plan. The specific points mentioned are key to managing these lands and were taken into account in the planning process.

We agree that forest planning on public lands is a complicated and time consuming process. However, there are many interests involved in the process including the State Land Board, Board of Forestry, several state and federal agencies, the public and other stakeholders. To make sure that all input is heard and incorporated takes a considerable amount of time and effort.

We will add a reference about Douglas County Trust Lands in Chapter 1.

Different landowners have different goals for their lands. One of the reasons the proposed plan uses some strategies that exceed the Forest Practices Act is to obtain a Habitat Conservation Plan. Oregon Department of Forestry's responsibility in regard to listed species, as it is for other forest landowners, is to manage the forest in compliance with the federal Endangered Species Act. Under the federal ESA, this can be accomplished by avoiding take, or through an approved HCP that allows incidental take in exchange for minimizing and mitigating for this incidental take. The Land Board has directed the Department of Forestry to develop a multi-species HCP to comply with the federal ESA. A multi-species HCP for the Elliott is expected to provide the greatest long-term benefit to citizens of Oregon by facilitating a sustainable even-flow harvest of timber, and by providing management certainty.

Comment Number 131

The number one goal for the 93,000 acre Elliott State Forest is to generate revenue for the Common School Fund, on a sustainable basis. Habitat conservation should be shifted to U.S.F.W.S. and BLM land that just sits idle. This would be the same system as wet land Bank.

The 55 million B/F annually is the right alternative

Response

The constitutional mandate for Common School Lands is to maximize revenue to the Common School Fund over the long-term, using sound techniques of land management. Another key consideration in managing the Elliott is to comply with the federal Endangered Species Act. There are considerable numbers of federally listed northern spotted owls and marbled murrelets on the Elliott that have a significant effect on the management of the forest. When the spotted owl was listed in 1990, the Elliott's harvest was reduced from about 50 million board feet (mmbf) per year to less than 10 mmbf in some years in the early 1990s. At the time, it looked as though harvest would remain at that low level unless a new plan was developed. Subsequently, the 1995 Elliott Habitat Conservation Plan allowed the harvest to increase to about 27 mmbf per year. Modeling indicates that the proposed plan can significantly increase harvest levels to perhaps 40 mmbf annually, while still complying with the federal ESA. Before the proposed HCP is approved, the State Land Board and Board of Forestry will make a business decision on how well the new plan meets their fiduciary responsibilities.

Comment Number 132

It appears the rate of return for our public schools could be greatly increased through the increase cutting of trees for timber for our mills. If the current timber inventory is 2.7 billion bd ft., and the current growth exceeds harvest by 260%, this is a prescription for disastrous fires in the future. The money for our schools will go up in smoke. Jobs by harvesting trees will also be lost. This would provide additional jobs and money for the local economy. You need to consider these elements in your plan.

Response

We agree. Continued fire prevention and protection is addressed in the plan as is prompt salvage in the unfortunate event of a major disturbance event such as fire.

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Comment Number 136

The management for the Elliott was designed to create funds by harvesting for the Schools in Oregon. Yet you know develop your plan to meet the structure for the wildlife first, rather than creating a growing forest first and then develop plans for the wildlife - these two philosophies create two different forests from a production and health basis. You need to demonstrate this by plotting the true growth potential of the forest without all the constraints you put on it with the HCP. This will demonstrate the true potential of the forest.

Response

Maximizing revenue to the Common School Fund was a key consideration in developing the proposed plan. The state also has an obligation to comply with the federal ESA. This can be accomplished by take avoidance or through an approved HCP. ODF believes that a multi-species HCP will provide the greatest long-term benefit for the citizens of Oregon by providing dependable and sustainable harvests and management certainty. Modeling indicates that harvest can be increased significantly over the current 27 million board feet (mmbf) per year to close to 40 mmbf, while still complying with the federal ESA. Appendix H of the FMP provides harvest model outputs from several different management scenarios. The Wood Emphasis model (model 12) approximates the outputs of significantly reducing the amount of owl and murrelet protection on the forest and not using an HCP. This management scenario presents a considerably different legal risk than the proposed plan, given the amount of public information about endangered species on the forest. The 2005 Cost/Benefit Analysis also presents information about this type of approach.

Comment Number 201

Disagree with the premise that rates of return from private assets should be viewed differently than publicly owned assets. A 4% return indicated in the MB&G analysis (at a 40 MMBF/year harvest rate) still represents an unacceptably low rate of return. Financial assets managed by the State Land Board on behalf of the common school fund undoubtedly earn far more than 4% ----why would the forestland asset base be expected to return less?

Response

Common School Forest Lands are part of the portfolio of investments that the Land Board must consider. The Land Board will evaluate how well the proposed plan meets their fiduciary responsibilities given the constraint posed by the level of federally-listed species on the Elliott.

Comment Number 203

Urge the State Land Board and Forestry Board to adopt the "Wood Emphasis" alternative.

Response

A summary and full comments will be provided to the State Land Board and the Board of Forestry for their consideration.

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Comment Number 204

Urge ODF to consider strategies that assure accomplishment of the following three goals:

- 1) Achieve at least 40-60 MMBF annual timber sale volume(recommend 56 MMBF)*
- 2) Increasing trend for future timber sale volume*
- 3) Address catastrophic event procedures, which facilitate timely response to future disturbances.*

Response

- 1) Modeling indicates that about 40 mmbf can be produced under the proposed FMP.
- 2) The Department of State Lands policy in their Asset Management Plan calls for a sustainable even flow harvest of timber from Common School Forest Lands.
- 3) Catastrophic events are addressed in the plan.

Comment Number 1E+09

In finalizing the management plan, the Board of Forestry must be ever vigilant in fulfilling its trust responsibility to the county and common school fund. Any alternative selected must have this as its primary driving force.

Response

In finalizing the forest management plan, the State Land Board and the Board of Forestry will decide how well the proposed forest management plan and habitat conservation plan fulfills their fiduciary responsibilities under the law.

Comment Number 2E+09

Those lands within the Elliott State Forest that derived from the original Common School Fund lands are subject to a constitutional trust (and Federal statutes as set forth in the Oregon Admissions Act) wherein the lands are to be managed solely for the benefit of the common school fund. In other words these lands are to be managed in a manner that produces revenue to support the common schools. To manage for other purposes would violate this trust responsibility.

Response

A 1992 Attorney General opinion addresses the lawful uses of Admission Act lands (Common School Lands) and the effect of federal or state regulations on such uses. The opinion found that the State Land Board may incur present expenses or take management actions that reduce present income if these actions are intended to maximize income over the long term. Lands may be temporarily set aside for the purpose of "banking" an asset while its economic value appreciates if the Land Board has a rational, non-speculative basis for concluding that such action will maximize economic return to the Common School Fund over the long term. In the opinion of the Attorney General, neither the Oregon Admission Act, nor the Oregon Constitution exempts the State Land Board from complying with the federal Endangered Species Act, or the state Endangered Species Act. However, the state ESA may not unduly restrict the constitutional powers of the Land Board.

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Sub-topic Sell the ESF

Scope FMP

Comment Number 138

Maximum revenues for the CSF would be achieved by selling the CSF trust land portion of the Elliott State Forest.

As the Department is aware, Oregon has a Constitutional duty to maximize revenue for the common school lands on roughly 91% of the acreage within the Elliott, those lands designated as CSF trust lands. It does not appear that the revenue maximization mandate can be met by retaining those parcels in public ownership. We suggest that the state sell the CSF trust lands and place the revenues into other investments such as stocks and bonds, which are likely to generate more revenue for the CSF over the long term.

Response

The 1992 Crookham opinion offers excellent guidance as to the Land Board's trust responsibilities. See below:

These management responsibilities require the board to obtain full market value from the sale, rental or use of the Admission Act lands, while conserving the corpus of the trust.

"Maximum return over the long run necessarily requires a policy of sustained yield from a forest resource, because the trustee's duty to conserve the trust property requires the board to conserve the resources committed to its management. In other words, the board may incur present expenses or take management actions that reduce present income if these actions are intended to maximize income over the long term.

The board may set lands aside temporarily for the purpose of 'banking' an asset while its economic value appreciates, if the board has a rational, non-speculative basis for concluding that such action will maximize economic return to the Common School Fund over the long term."

While it's a well-understood principle that permanent dispositions of trust assets require that they be liquidated at market value; no similar principle appears to exist requiring that assets be liquidated. In fact a trustee may retain an asset so long as the trustee has a reasonable expectation of realizing a return in the future and the value of the asset is protected. Similarly, a prudent trustee may seek to forego a 'gain' in the short term in order to realize a gain later.