

# **Collaborative Planning on State Trust Lands:**

## **A University of Michigan Study**

*for the State Trust Lands Partnership Project  
of the Sonoran Institute and the Lincoln Institute of Land Policy*





## About the Study:

Collaborative planning on state trust lands was identified for further research at the 2004 State Trust Lands Research and Policy Analysis Roundtable convened by the State Trust Lands partnership project of the Sonoran Institute and the Lincoln Institute of Land Policy. In March 2005, under the guidance of Dr. Steven L. Yaffee, a team of eight graduate students from the University of Michigan School of Natural Resources and Environment began conducting a region-wide survey and analysis of eight case studies in which state trust land agencies collaborated with stakeholders in trust land planning and management. The research team conducted 117 on-site and telephone interviews, each lasting roughly one to three hours. Through these interviews, the team answered a set of research questions concerning the benefits, challenges, costs and outcomes of collaborative planning on state trust lands. The goals of this research were to:

- Capture on-the-ground experiences of collaborative planning on state trust lands
- Analyze the advantages and disadvantages of this trust land management approach
- Distill a set of best management practices
- Provide broader recommendations for overcoming barriers to collaborative planning on state trust lands

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# **ELLIOTT STATE FOREST PLANNING PROCESS: Planning for Threatened Species and Fiduciary Responsibility**



Elliott State Forest, Southwestern Oregon

Photograph by Eirin Krane

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Researched and Edited by Eirin Krane and Drew Vankat**

## INTRODUCTION

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Tucked away in southwest Oregon's Coast Range, the relatively unknown Elliott State Forest, cut by knife-edged ridges and a myriad of streams, contains trees ranging from 100 to 150 years old (Figure 5-1). The forest is a contiguous block of land approximately 18 miles long (north to south), and 16 miles wide (east to west) covering a total of 93,282 acres. The Umpqua River is located due north of the forest and to the west, the Elliott extends within six miles of the Pacific Ocean.<sup>1</sup> More than 90 percent, or 87,934 acres, of the Elliott State Forest is Common School Forest Land. The remaining 9,088 acres are owned by the Board of Forestry (BOF),<sup>1</sup> the governing body of the Oregon Department of Forestry (ODF).<sup>2</sup>

Named for Oregon's first State Forester, Francis Elliott, the forest is prime habitat for the northern spotted owl, marbled murrelet and coho salmon,<sup>2</sup> all federally listed threatened species. The Elliott is the state's largest block of Common School Forest Land<sup>3</sup> and while it is owned by the Oregon State Land Board, the ODF handles its day-to-day management. Oregon's constitutional mandate to produce revenue for the Common School Fund requires that the Elliott be managed as a working, timber-producing forest. However, the Elliott also provides important wildlife habitat, and management policies now recognize this additional responsibility. One such policy was the decision to apply for a Habitat Conservation Plan (HCP) in response to the federal listing of the spotted owl and the marbled murrelet. In 1994 and 1995 as part of the HCP, a 60-year Incidental Take Permit (ITP) was issued for the spotted owl and a six-year ITP was issued for the marbled murrelet.

In 2000 with the marbled murrelet ITP due to expire, the State Land Board, the Department of State Lands (DSL) and the ODF decided to forgo a quick revision of the 1995 HCP and instead created a bi-level committee to spearhead the planning process to draft a multi-species HCP. Both the State Land Board and the BOF felt that a more comprehensive HCP that included species that might become listed in addition to the owl, murrelet and recently-listed coho salmon, was prudent to ensure more management certainty in the long run.

The Elliott State Forest Planning Process is bound by the regulations and requirements of the U.S. Fish and Wildlife Service (USFWS) HCP process and the state trust constitutional mandate. The Planning Process members included staff from the DSL, ODF, Oregon Department of Fish and Wildlife (ODFW), a local elected official and eventually a beneficiary representative. In addition to revising the HCP, the Steering Committee and Core Planning Team also were charged with revising the Forest Management Plan (FMP), the overarching, broad document that will ensure long-term management of the forest using a landscape approach.<sup>3</sup> The goal of the HCP and FMP drafting processes is to find a middle ground between wildlife conservation and revenue generation for the state's education coffers. Pending initial approval from the State Land

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<sup>1</sup> A complete list of acronyms can be found at the end of this case study.

<sup>2</sup> At the time this research was gathered the Coho salmon was listed as threatened. However on January 17, 2006 the USFWS issues a ruling that all naturally spawned populations of Coho salmon in Oregon coastal streams south of the Columbia River and north of Cape Blanco as well as artificial populations were no longer warranted listing as threatened species. The report is written from the perspective that the Coho salmon is still listed as threatened. For more information see: <http://www.nwr.noaa.gov/ESA-Salmon-Listings/Salmon-Populations/Coho/COORC.cfm>.

<sup>3</sup> The term "Common School Forest Land" is the designation for state trust lands in Oregon specific to forests. Other land types are generally referred to as Common School Lands.

Board and the BOF, the HCP will be submitted for approval to the USFWS and NMFS in 2007. The FMP will likely be approved at the time both plans go before the respective boards.

The Elliott State Forest Planning Process highlights the complexities of initiating a collaborating process within the institutional framework of a state and federal process. This process is unique because never before have the agencies traditionally responsible for overseeing the forest been engaged in a process with such a diverse array of agency and beneficiary stakeholders at the table. The Planning Process is best conceptualized as an internal, highly collaborative process that created a well-defined, bi-level structure to best utilize the time and expertise of the participants. In addition, the process highlights the challenges and complexities of interpreting scientific data into policy. Finally, the Planning Process exemplifies that compatible personalities, the inclusion of the beneficiaries on the Steering Committee and relationship building has made it in most estimations successful.

## **CONTEXT FOR COLLABORATION**

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A complete understanding of the elements at play and the intricacies of Common School Forest Land management in Oregon requires a careful examination of the context in which this process has developed. A brief review of the legal and policy framework currently in place, the history of the Elliott State Forest and common school land management and finally the political climate surrounding timber and endangered species in southwest Oregon follows.

### **LEGAL AND POLICY FRAMEWORK FOR OREGON STATE FORESTS**

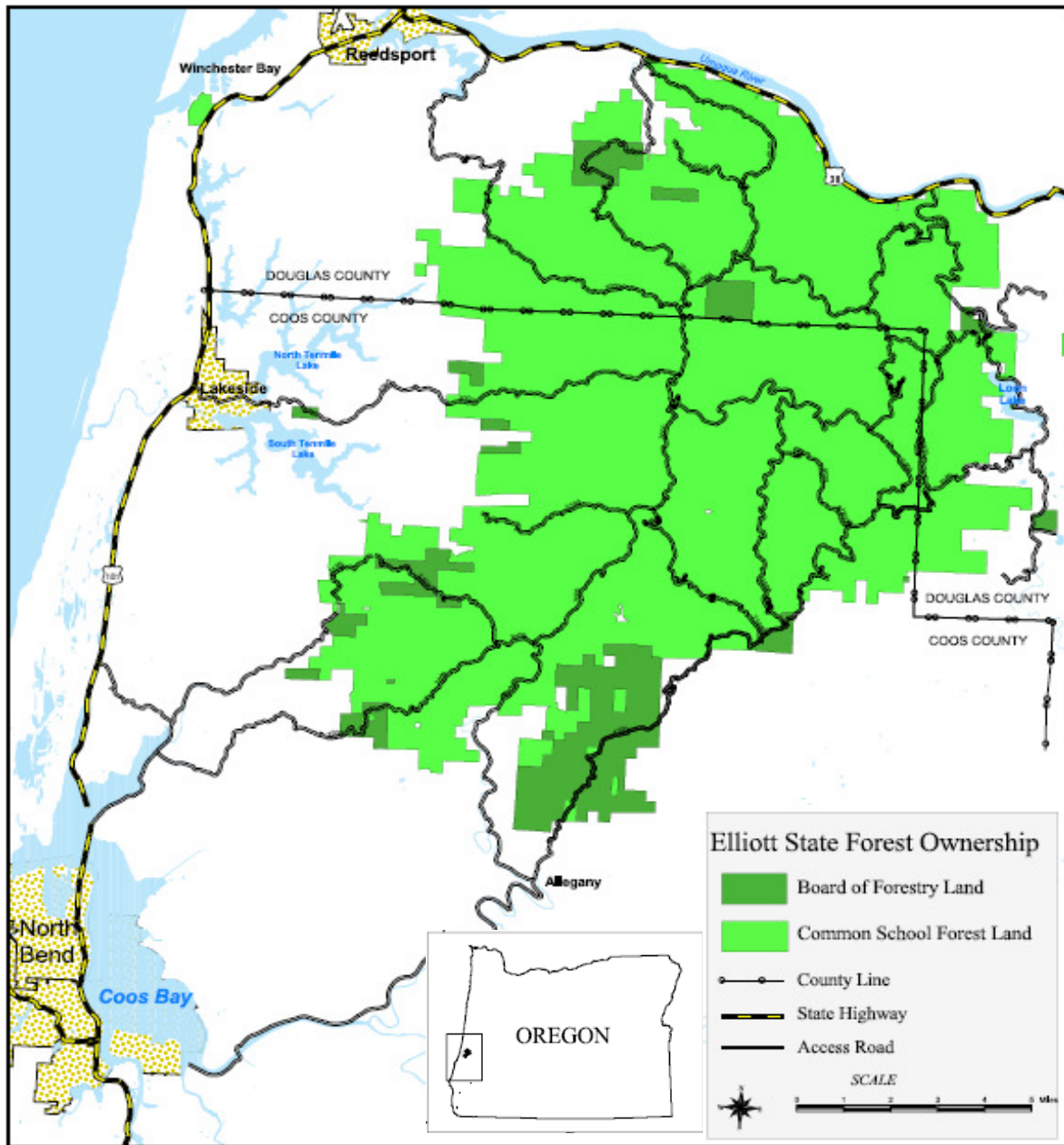
The primary legal framework in which the Elliott State Forest is managed is the land grant mandate set forth in the Oregon Constitution. Article VIII, Section 5 of the Oregon Constitution authorizes the State Land Board to manage the Common School Forest Lands, “with the object of obtaining the greatest benefit for the people of this state, consistent with conservation of this resource under sound techniques of land management.”<sup>4</sup>

The State Forester is authorized to manage the Elliott for the DSL under Oregon Revised Statute 530.500. According to the agreement:

The overriding objective for Common School Forest Lands shall be maximizing revenue to the Common School Fund over the long-term, as determined by the Land Board. In addition, the plans shall also maximize (to the extent consistent with the primary revenue objective) other public values which the Land Board determines will obtain the greatest benefit for the people consistent with conservation of the resource under sound techniques of land management.<sup>5</sup>



Figure 5-1: Map of the Elliott State Forest



Source: Oregon Department of Forestry, <http://egov.oregon.gov/ODF>.

After legal concerns were raised over threatened species protection and meeting the fiduciary responsibility of “obtaining the greatest benefit” outlined in the state Constitution, former State Attorney General Charles S. Crookham issued a formal opinion on July 24, 1992, addressing the lawful uses of the Common School Lands and the effect of federal or state regulations on such uses.<sup>6</sup> Crookham’s opinion was issued in response to these concerns and discussed whether the State Land Board’s compliance with the federal and state Endangered Species Act (ESA) conflicted with their fiduciary responsibility. By this time, both the northern spotted owl and

marbled murrelet had been listed on the federal register of threatened species and the Land Board was trying to determine their legal obligation to obtain HCPs on the Elliott and other Common School Forest Lands.

The former Attorney General also found that the State Land Board was not exempt from complying with the ESA. Crookham stated that neither the Oregon Admission Act nor the Oregon Constitution were cause for exemption.<sup>7</sup> He went on to state that:

The state ESA does not restrict the State Land Board's exercise of its constitutional powers over the disposition and the management of the Admission Acts lands ... the Board must comply with the state ESA unless the ESA "unduly burdens" the Board's constitutional responsibilities to manage the Admission Act lands.<sup>8</sup>

He also stated that it was unlikely that the courts would exempt the Board from the federal law.<sup>9</sup>

Crookham's opinion also lent further interpretation and clarification of Article VIII, Section 5 of the Oregon Constitution. He interpreted the trust mandate to strengthen the term "greatest benefit" into the maximization of revenue. For example, if the DSL sells timber or land, the agency is required to maximize the revenue from the sale. However, the DSL has broad discretion over what lands are sold so long as the agency can foresee an economic return to the Common School Fund either in the short term or in the future.<sup>10</sup>

This opinion had the potential to dramatically change the way in which state forests were managed. According to Crookham, in addition to the Land Board's responsibility to manage these lands in trust for the benefit of the schools, the board has a constitutional obligation that extends to the protection of natural resources.<sup>11</sup> The constitutional obligation implied in Article VIII, Section 5 was further defined by Crookham's opinion, stating that the "greatest benefit" standard requires the Land Board to use the lands for the schools and the production of income for the Common School Fund.<sup>12</sup> Crookham defined "resources" to include other values besides timber. He stated that the term resources "include[s] all of the features of the land that may be of use to the schools ... the Board should consider uses of other resources, such as minerals, water, yew bark<sup>4</sup>, etc., that may offer revenue for the fund."<sup>13</sup> This was the most controversial part of his opinion because it assigned value to non-revenue producing resources such as water and natural chemicals found in plants. Though his opinion has not been challenged in courts or in the media, it does loosen the constitutional mandate to consider other values besides extractive, potentially making it less ironclad insofar as the manner in which the state manages land and revenue in the long-term compared to other states' mandates.

Other than Crookham's opinion and the constitutional mandate of the trust, there are several pieces of legislation that affect the management and the scope of the planning process on the Elliott. The National Environmental Policy Act (NEPA) is one of the regulatory frameworks that affect the Elliott planning process. NEPA establishes environmental policy for the nation, provides an interdisciplinary framework for federal services to prevent environmental damage

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<sup>4</sup> In the early 1990s, scientists discovered a cancer-fighting chemical extracted from the Pacific yew tree found in many northwest forests.

and contains enforcement procedures to ensure that federal agency decision makers take environmental factors into account.<sup>14</sup> The NEPA process includes public scoping, as well as potentially the development of a draft Environmental Impact Statement (EIS).<sup>15</sup> The USFWS or NMFS must comply with NEPA when evaluating potential impacts related to the issuance of an incidental take permit through the Habitat Conservation Plan process.<sup>16</sup>

The federal Endangered Species Act (ESA) was enacted “to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved to provide a program for the conservation of such endangered and threatened species.”<sup>17</sup> The ESA allows the “taking” of a “threatened” or “endangered” species if the purpose is to carry out an otherwise lawful activity, so long as the applicant submits an HCP, which must include measures to minimize and mitigate such impacts.<sup>18</sup> While the primary objective of an HCP is not the recovery of a listed species, it is an important consideration in the HCP’s development.<sup>19</sup> Another crucial aspect of the HCP is the issuance of an ITP. Based on the ecology of the specific species, a certain number are allowed to be taken in accordance with typical uses of the land, so long as measures are taken to mitigate habitat in other areas.

The Board of Forestry (BOF) is the governing body of the ODF, directing all state forest planning and management. The BOF has a legal mandate to manage state forest lands, including an obligation to share income with the counties in which the forest lie and protect and use a variety of natural resources.<sup>20</sup> Because a portion of the lands that lie with the boundaries of the Elliott State Forest are BOF lands, those lands must be managed in accordance with ODF forest policies. The legal mandate for managing BOF lands is similar to the trust mandate in that the BOF lands are to be managed so as “to serve the greatest permanent value of such lands to the state.”<sup>21</sup> The BOF is required to manage with the dual obligation of sharing revenue with local counties and conserving, protecting and using a variety of natural resources.<sup>22</sup> The main difference between BOF lands and Common School Forest Lands, such as the Elliott State Forest, is that the BOF and the State Forester are not required to manage their forestlands to maximize revenues.

The Oregon Forest Practices Act declares it public policy to encourage economically efficient forest practices that assure the “continuous growth and harvesting of forest tree species and the maintenance of forest land for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water, fish and wildlife resources and scenic resources in visually sensitive corridors.”<sup>23</sup> The Act establishes the standards for reforestation, road construction, timber harvesting and application of chemicals and disposal of slash.<sup>24,25</sup> It is a statewide guide that establishes a framework for proper forest management. The standards set forth in the Forest Practices Act govern the management of the Elliott, as well.

## **COUNTY POLITICS, THE TIMBER ECONOMY AND THE SPOTTED OWL**

The nationwide debate on the protection of endangered species and resulting timber industry job losses heavily influenced the political climate in Oregon in the early 1990s and was a likely contributor to Crookham’s opinion. In the 1980s, concern over the habitat of the spotted owl instituted a change in public forest management practices to protect the owl’s habitat.<sup>26</sup> In 1989, the timber industry and timber dependent communities were up in arms about potential court



injunctions imposed on the timber harvest to protect owl habitat. The decision whether or not to list the owl was hugely controversial. If the owl was listed as a federally endangered species, it would become a crime to disturb owl habitat, threatening to bring the logging industry to a standstill.<sup>27</sup> By some estimates, court injunctions would have put 40 percent of forest lands off limits to logging.<sup>28</sup> In Oregon at that time, timber was a \$7 billion-a-year industry employing 150,000 people.<sup>29</sup> But environmentalists saw timber's destruction of old growth forest – with an estimated 15 percent left and rapid disappearance – as unacceptable.<sup>30</sup> Mainstream media published scenes of extreme environmental group members chaining themselves to trees and machinery to disrupt timber harvests.<sup>31</sup> Thus, the spotted owl became the lightning rod for the ideological war between the timber industry and environmental groups in Oregon.

Roseburg, Oregon located just miles from the Elliott State Forest, was ground zero for this divisive debate. Due to the injunctions that halted logging in certain areas, the local economy stood to lose \$13 million a year in timber revenue, not to mention a significant loss of jobs.<sup>32</sup> In Douglas County those supporting the timber industry were often seen wearing t-shirts or hats with such colorful phrases as, “Save a logger – eat an owl” and “I like my spotted owl ... fried.”<sup>33</sup> The sentiment about the owl and the reduced timber cuts was also carried over into losses for local schools that received income from federal and state timber sales. One banner headline in a Roseburg newspaper stated, “Saving spotted owl seen as threat to schools.”<sup>34</sup> The national spotted owl controversy died down when then-President Clinton signed the Northwest Forest Plan into law. Soon after, a slump in domestic timber and an increase in the use of mechanized harvesting made the economic argument for continued logging less compelling.

In the end, Oregon lost fewer jobs than were originally predicted. Early estimates of timber-related job losses were about 67,000 jobs; however, due to the increased logging on private lands and a healthy regional economy, job losses totaled around 13,800.<sup>35</sup> Nevertheless, the timber industry continues to be an important source of income in southwest Oregon. A large percentage of the workforce in southwest Oregon is employed in wood processing, much larger compared to the state as a whole. Both Douglas and Coos Counties have strong timber industry roots. Douglas County, in which Roseburg is located, employs 17 percent of its workers in the lumber and wood products industry. The county processes almost half of the timber harvested from the Elliott State Forest. The Elliott accounts for ten percent of the timber harvested in Coos County.<sup>36</sup>

## **FEDERAL LAND OWNERSHIP IN OREGON**

The Elliott is an island of state forest surrounded by national forests and a small acreage of industrial forest. The federal government owns approximately 50 percent of the land in the State of Oregon. Though it is not unusual in the West for the federal government to own such a significant percentage of land, the State of Oregon owns relatively small amounts of forest land in comparison to other states. Possibly due to the symbolic and economic importance of forests in Oregon, the State Land Board has retained ownership of the Elliott despite pressure to sell.

## **POLITICAL HISTORY OF DEPARTMENT OF STATE LAND**

Established in 1859, the State Land Board is the oldest board in the state of Oregon. Article VIII, Section 5 of the Oregon Constitution created it as, “the Board of Commissioners for the sale of

school, and University lands, and for the investment of the funds arising therefrom.”<sup>37</sup> Since its inception, the State Land Board has been comprised of the governor, secretary of state and state treasurer.

Oregon was granted common school land in its 1859 Admission Act. The act ceded the 16<sup>th</sup> and 36<sup>th</sup> section of every township for public school use and, in cases where these sections fell upon land that was already deeded, the state was allowed to choose other public lands in lieu of the constitutionally-designated lands.<sup>38</sup> The income generated from the sale and management of these properties forms the basis of the Common School Fund. The Common School Fund also was established by the Oregon Admission Act to support and maintain schools.

Between 1859 and 1912, Oregon attempted to liquidate its school lands as quickly as possible. State officials felt that the development of those lands by private citizens would yield more for schools via property taxes and other economic benefits.<sup>39</sup> Thus, many of the Common School Lands were sold to the settlers and entrepreneurs. However, a large portion of the land was fraudulently obtained, given away or sold for next to nothing. In some cases government officials gave away land as repayment for political favors. From the 1850s to the early 1900s, swindlers and land speculators discovered ways to defraud the state of its land.<sup>40</sup> As an example, swamplands thought to have no value were sold at the price of \$1 per acre during that time, while school trust land, much of it highly valuable, was sold for only \$1.25 to \$2.50 an acre.<sup>41</sup> At this time, surveying, land records and security measures were incomplete and corruption was extensive. State investigations were conducted in 1872, 1878 and 1896, and the resulting land fraud trials continued until 1913, concluding with 21 convictions of high-level state and federal officials.<sup>42</sup> By 1912, only about 130,000 acres of Common School forest land was left in the state’s hands with about 70,000 of those acres “locked” within National Forest boundaries.<sup>43</sup> This historical loss of land has colored the current relationship between the DSL and the beneficiaries of the trust.

Despite this land scandal, much of the Land Board’s early history was spent defining its powers and procedures.<sup>44</sup> Until 1864 there was no formal procedure for selling land to settlers. The first formal sale of land occurred in 1871.<sup>45</sup> Subsequently, laws were passed differentiating the sales of various types of land, from university and college land to swamp and tidal lands.

The board’s early leasing programs emphasized the most important factors in Oregon’s economy: mining, timber and agriculture. In the 1960s, many changes in board policy and structure occurred. In 1967, the Legislative Assembly elevated the Office of the Clerk to agency status and renamed it the Division of State Lands. The new law transferred all of the responsibilities and management duties of the board to the Division. The Division took on the day-to-day management of the common school lands as it was becoming increasingly challenging for the Land Board to manage the lands in addition to their other responsibilities. The Board maintained its role in general policy making and review of agency decisions. At the same time, all state forest lands were placed under the administration of the Oregon Department of Forestry (ODF).

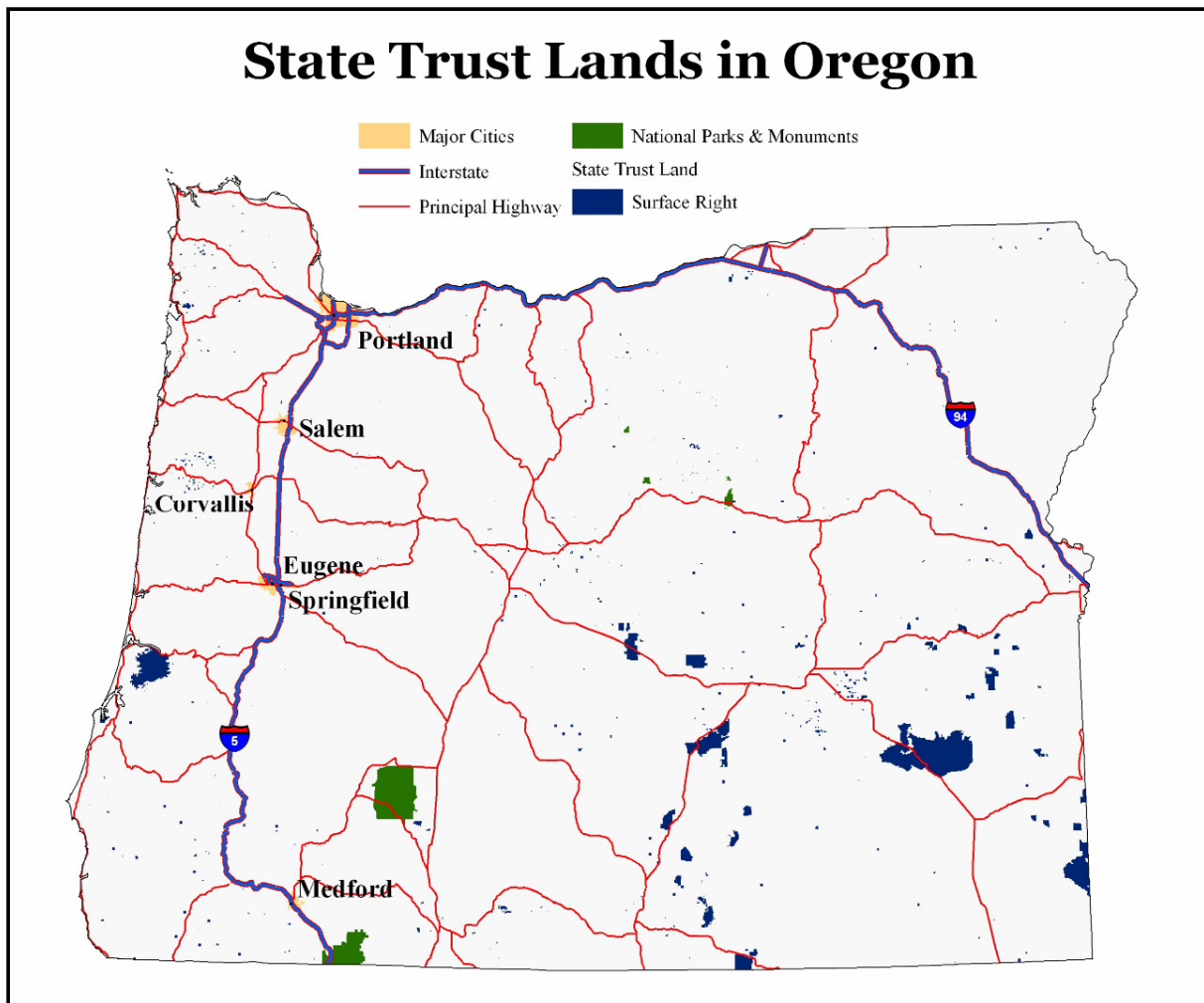
In 1968, due to voter responses, the mission of the Land Board was modified to stress environmental management of lands as long-term investments, rather than selling them for short-

term revenues. The constitution was amended to include long-term resource conservation as a major emphasis of the land board's and the DSL's activities.<sup>46</sup>

In 1995, the DSL produced an Asset Management Plan designed to be a comprehensive tool for land and resource management. It includes a land classification program and strategies for management, conservation, revenue, enhancement, investment and disposal. In the plan, forest lands are to be managed to provide the greatest revenue for the Common School Fund over the long-term.<sup>47</sup>

The 2003 Legislature changed the name of the Division of State Lands to the Department of State Lands (DSL<sup>5</sup>) to be consistent with the names of other state agencies. The DSL serves as the administrative arm of the State Land Board. The DSL operates in accordance with general policies formulated by the board and through the laws prescribing its own duties and powers. The DSL's mission is, "To ensure a legacy for Oregonians and their public schools through sound stewardship of lands, wetlands, waterways, unclaimed property, estates and the Common School Fund."<sup>48</sup> For a current map of state trust lands in Oregon, see Figure 5-2. The trust lands are shown in blue.

Figure 5-2: State Trust Lands in Oregon



Source: "Oregon Trust Lands," Trust Land: A Land Legacy for the American West, The Sonoran Institute & Lincoln Institute of Land Policy, available at <http://www.trustland.org>.



## COMMON SCHOOL FUND

The Common School Fund is a constitutional trust created to manage assets derived from common school land. The state treasurer and the Oregon Investment Council manage and invest the fund. Aside from the revenue gained from land and natural resource management, the original Common School Fund assets included money paid for exemptions from military service, money accrued to the state from escheats and forfeitures, grants, gifts, bequests, 500,000 acres of land that were given to Oregon by an 1841 act of Congress, and five percent of all proceeds from the sale of federal land within the state.<sup>49</sup> Amendments passed in 1968 and 1980 have added other revenue sources (See Article VIII, Section 2). As of February 14, 2006, the fund was worth \$1 billion.<sup>50</sup>

Resources dedicated to the Common School Fund include: nearly 644,000 acres of range land and agricultural lands, beds and banks of all navigable rivers (including half of the Columbia and all of the Willamette) and lakes, tidal and submerged offshore land and more than 133,000 acres of forest land. Interest from the fund is paid biannually to public schools in all 36 counties, on the basis of school-age population.

In the early 1990s, the financial managers of the trust began investing a part of the trust into equities. This was a fortunate move as the stock market took off shortly thereafter. Since then, equities have been the major source of revenue for the Common School Fund, far overshadowing the revenue produced from resource extraction and leasing.<sup>51</sup> Annual distributions to the schools have fluctuated from \$9 million to \$40 million depending on Land Board policies and market conditions.<sup>52</sup>

## DEMOGRAPHICS OF COMMON SCHOOL LAND

The agency's holdings include nearly 644,000 acres of rangeland and agricultural land, located primarily in the eastern side of the state.<sup>53</sup> These lands contribute approximately \$400,000 of annual revenue.<sup>54</sup> Approximately 500 acres are classified for industrial and other purposes.<sup>55</sup> The Land Board owns approximately 131,000 acres of forest land, 85,000 of which are located in the Elliott State Forest. The 6,403-acre Sun Pass State Forest, located in Klamath County, is the next largest parcel of common school forest land. The remaining forest land is found in small tracts scattered throughout the state of Oregon. In the 2004 Fiscal Year, the Common School Fund received \$14,310,341 in revenue from timber sales. In the same year, the DSL had \$4,714,830 in expenditures related to forest lands, representing the cost of contracting the ODF to manage the forestlands.<sup>56</sup>

The Elliott is a large asset and a substantial value for the trust. It produces the highest amount of revenue of all the State Land Board's landholdings.<sup>57</sup> The majority of annual income to the Common School Fund, as stated before is equity investments. While these monies are substantial the Elliott still maintains a very high "book value"; meaning that the revenue the DSL expects to earn from timber sales in the future is considered when analyzing the overall value of the forest. Current harvests on the Elliott average about 25 to 28 million board feet<sup>6</sup> of timber annually,

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<sup>6</sup>A board foot is a unit of cubic measure for lumber, equal to one foot square by one inch thick.

producing average revenues of \$16 million per year.<sup>58</sup> On average, timber sales constitute approximately 26 percent of the revenues earned by the Common School Fund.<sup>59</sup>

## **HISTORY OF THE ELLIOTT STATE FOREST**

The history of the Elliott State Forest has played a significant role in shaping the environment of the planning process. In 1869, the Coos Bay Fire burned approximately 300,000 acres, including close to 90 percent of the present day Elliott State Forest, and killing trees estimated to be 300 years old. After the fire the forest regenerated naturally as a Douglas-fir dominated forest. The area now known as the Elliott State Forest was created via land exchanges of scattered trust land inholdings locked within national forests and lands in Eastern Oregon with the federal government. The Elliott State Forest is the largest contiguous block of forest land owned by the DSL (Figure 5-3).<sup>60</sup>

The state began locating property boundaries and developing roads in the 1930s with intensive forest management beginning in the 1950s. The 1950s and 1960s saw a tremendous housing boom and many of Oregon's forests were logged to meet the demand. The Elliott was less intensively logged during that time compared to other forests in the Coast Range because it was a relatively young forest.<sup>61</sup>

Today, the Elliott contains trees ranging in age from 100 to 150 years old, while the surrounding forests are 45 to 55 years old. Spotted owls and marbled murrelets typically favor older growth trees, thus many of the birds prefer the trees in the Elliott over the younger forest that surrounds it.

The ODF states that the Elliott is currently managed to produce revenue for the Common School Fund and conserve important fish and wildlife habitat. Another goal is to provide opportunities for dispersed recreation, such as hunting, fishing, picnicking and camping in unimproved areas, though the Elliott receives relatively few visitors.

**Figure 5-3: Elliott State Forest, Southwest Oregon**



Source: Photograph by the Sonoran Institute

## **THE STORY: THE ELLIOTT STATE FOREST PLANNING PROCESS**

The Elliott State Forest Planning Process originated in the changing context of forest management in Oregon in the 1980s and 1990s. The national attention on the spotted owl and other threatened species created a political spotlight on forest management in the Northwest. Timber extraction has been the historical mainstay of the Oregon economy, providing revenue for counties primarily in the southwest region of the state. This coupled with the fact that the

Elliott is “rich” in endangered species had made managing it to produce the “greatest revenue” for the Common School Fund challenging. The expiration of the 1994-1995 marbled murrelet HCP initiated a new round of forest planning and a multi-species HCP process spearheaded by the ODF and DSL. A unique factor of this particular process was the inclusion of non-traditional stakeholders, an emphasis on an ecosystem-based management approach and the desire to increase the harvest yields on the forest. Thus the Elliott State Forest Planning Process was created to develop the plans and inform the policies necessary for such an endeavor.

### **1994-1995 HABITAT CONSERVATION PLANS**

The Elliott straddles Coos and Douglas counties, both heavily steeped in the wood products industry and one of the last outposts of the “logging wars” of the 1980s and 1990s. The owl and its seabird counterpart became famous in the early 1990s when they were listed as federally threatened species and became figureheads of the ideological war between the timber industry and environmentalists. The comparatively “older” trees in the Elliott make them prime habitat for the northern spotted owl and marbled murrelet.<sup>62</sup> The Elliott is both “owl and murrelet rich,” which forced the ODF to reduce timber harvest on the forest to provide additional habitat protection in compliance with the Endangered Species Act (ESA). As a result, the timber sold on the Elliott dropped substantially from 50 million board feet a year in the 1980s to 10 to 12 million board feet, and back up to 28 million board feet a year under the 1995 HCP.

In the mid-1990s, in an attempt to mitigate the drastically reduced timber sales, the State Land Board, the Division of State Lands (DSL)<sup>7</sup> and the ODF decided to develop a HCP. Separate HCPs were drafted for both species. In 1994-1995, the U.S. Fish and Wildlife Service (USFWS) approved a 60-year ITP for the spotted owl and 6-year HCP for the marbled murrelet. The HCP was the first ever completed on state forest land.

### **KEY PLANNING DOCUMENTS: THE FOREST MANAGEMENT PLAN AND THE HABITAT CONSERVATION PLAN**

At the core of the Elliott State Forest Planning Process are two separate documents, the Forest Management Plan (FMP) and the Habitat Conservation Plan (HCP). The Environmental Impact Statement (EIS) is completed under the umbrella of the HCP process and Implementation Plan (IP) is the document that outlines how the FMP will be implemented. The FMP is the comprehensive, overarching plan for the management of the forest. It takes a landscape approach to management, using a set of pre-defined strategies for integrating the management of timber, fish, wildlife and forest health.<sup>63</sup> The purpose of going through the HCP process is to obtain an ITP. The ITP would allow harvesting to continue in designated portions of the forest in exchange for creating nesting, roosting and foraging habitat elsewhere in the forest. This is done by leaving certain stands in either reserve status or placing them in hundred year rotations or growing stands that produce habitat. Thus, while both plans are inherently separate they are developed in tandem with the wildlife habitat needs in the HCP informing the broader management approach in the FMP. Another key document in this planning process is an EIS. The USFWS and NMFS must comply with NEPA when issuing and ITP, thus an EIS is necessary. In addition, per ODF policy, an Implementation Plan (IP) will be created for the revised FMP/HCP. The IP is a ten-year plan

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<sup>7</sup> In 2003, the agency was re-named the Department of State Lands



that allows foresters to locate harvests for the first 20 years and “look ahead” to the next decade to make sure planned harvest levels are available.<sup>64</sup> The final piece of the HCP and FMP is the development of an implementing agreement between the State and federal agencies. The Department of Justice will work with the Core Planning Team and federal solicitors to complete the agreement prior to the ITP issuance.<sup>65</sup>

## **PRECURSORS TO THE PLANNING PROCESS**

Under ODF management since 1950, the Elliott State Forest has been managed to produce a sustainable timber supply while providing revenue for the Common School Fund. From 1950 through 1990, management of the forest was based on silvicultural objectives, with the primary focus on timber harvesting and maintaining the sustained yield of timber coming off the Elliott.<sup>66</sup> According to Dan Shults, ODF Southern Oregon Area Director, from 1950 through 1990, “management progressed pretty well based on silvicultural and harvest objectives for the Department of Forestry working through the DSL and the Land Board.”<sup>67</sup>

Forest management in the Pacific Northwest came under scrutiny during the 1980s, at a time when concern was growing about endangered species, such as the northern spotted owl and the marbled murrelet. The northern spotted owl, *Strix occidentalis caurina*, was listed as a federal threatened species in 1990 followed by the listing of the marbled murrelet, *Brachyramphus marmoratus marmoratus*, in 1992.<sup>68</sup> At this time long-range plans for the Elliott were primarily timber-based management plans. After the spotted owl was listed in 1990, ODF surveys found a substantial number of owls in the Elliott, requiring the agency to reduce timber harvest dramatically. The harvest levels in the forest dropped from 50 million board feet to 12 million board feet a year. Shults stated that the modus operandi for the ODF was “a take avoidance policy where we protect the owls to the extent we feel is biologically acceptable for the owl population and will maintain the populations.”<sup>69</sup> The take avoidance policy was developed by ODF using the USFWS rescinded guidelines for spotted owls. According to Shults, the objective was to avoid damage to owl habitat or the owls themselves.<sup>70</sup>

Given the large population of spotted owls and murrelets found in the Elliott, the Land Board and the BOF were faced with two management options. According to Shults:

There’s two ways you can deal with endangered species legally. One is to avoid take – you have policies in place to adequately protect the species. Another is to develop an HCP where you work with the services, in this case [U.S.] Fish and Wildlife, to come up with a method on the ground that will both protect the owls and improve your ability to continue your activities there. A major benefit of this is management certainty.<sup>71</sup>

In order to ensure stable timber harvests and habitat protection for the owl and murrelet, the Land Board and the BOF found it necessary to complete an HCP and revised FMP for the Elliott.<sup>72</sup> Given the high amount of media attention being paid to the threatened and endangered species in Oregon at the time, the decision was likely political as well. The Land Board is composed of the three highest elected officials in the state, the governor, secretary of state and the treasurer. In this situation the decision to move forward with the HCPs was probably the

safest move in balancing their fiduciary responsibility and habitat conservation and balancing the interests of environmentalists and the timber industry.

## **HABITAT CONSERVATION PLAN PROCESS**

The purpose of an HCP is to identify potential impacts to species listed under the ESA and describe the planned measures that will minimize and mitigate those impacts and other to the maximum extent practical those impacts if necessary.<sup>73</sup> The applicant also can request an incidental take permit, which is required by the USFWS whenever non-federal activities result in the “take” of a threatened or endangered wildlife. An HCP must accompany an application for an incidental take permit.<sup>74</sup> “Take,” as defined in the ESA, is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species.”<sup>75</sup> The HCP must also include a description of alternatives to the proposed takings and why those alternatives are not considered feasible.<sup>76</sup> According to the USFWS, an HCP allows a landowner to legally proceed with an activity that would otherwise result in the illegal take of a listed species.<sup>77</sup> As required under NEPA regulations, a 30-day public comment period is required for all completed HCP applications.<sup>78</sup>

In the case of the Elliott, the HCP was used to obtain an Incidental Take Permit (ITP) that allowed timber harvesting to continue conditionally as long as certain measures were taken to protect habitat for the owl and murrelet. The HCP was developed within the context of the broader FMP, which requires the completion of an Environmental Impact Statement (EIS). The EIS was developed in collaboration with a private contractor and the federal services to provide an in-depth analysis of the effects of the proposed HCP.<sup>79</sup> Due to the presence of threatened fish species on the Elliott, the National Marine Fisheries Service (NMFS) also has been consulted in the process.

In 1991, the State Land Board directed the ODF to work with ODFW, DSL and other state agencies to develop a new long-range management plan to address the Elliott forest ecosystem consistent with the management contract between the Land Board and ODF.<sup>80</sup> The ODF and DSL convened a group of ODF staff including foresters and wildlife biologists to complete both plans in tandem.

The endeavor came to fruition in 1995 when the USFWS approved two separate HCPs for the spotted owl and the marbled murrelet. At the time, strategies for protecting the murrelets were seen as short term solutions because little was known about their habitat needs. As a result only a six-year incidental take permit (ITP) was granted. Research on the northern spotted owl was more advanced and thus the ODF was able to get a 60-year incidental take permit for the owl. During the six-year murrelet ITP period, the HCP required the ODF to fund research to gather additional data on murrelet habitat requirements to inform future strategies to support a longer term ITP for the murrelet. Also conditional with both ITPs was the performance of additional monitoring on both murrelet and spotted owl populations.<sup>81</sup>

## MARBLED MURRELET INCIDENTAL TAKE PERMIT DUE TO EXPIRE

In early 2000, in anticipation the expiration of the marbled murrelet ITP on October 3, 2001, the ODF initiated an FMP and HCP revision process.<sup>82</sup> In March of that year, ODF staff met with USFWS and NMFS representatives to determine the best way to go forward with the revision process. NMFS was consulted for the second HCP because the Coho salmon, *Oncorhynchus kisutch*, was listed as threatened in 1997.<sup>83</sup> At this point there were two options under consideration; one was a quick revision of the 1995 murrelet HCP and the second was a longer, more involved HCP process that included the collection and dissemination of information on the forest ecosystems and species habitat requirements. According to Jim Young, ODF Coos District Forester, the USFWS and NMFS felt that a quick revision would not be adequate to ensure final approval of the HCP. They felt that there would be wildlife management certainty in the long run if a more careful re-evaluation of the forest and wildlife was conducted.<sup>84</sup>

Following the meeting with USFWS and NMFS, the ODF met with the Land Board in August 2000 to report the HCP revision options.<sup>85</sup> According to ODF Southern Oregon Area Director Dan Shults:

Clearly the main driver for the HCPs was mitigating the harvest restrictions they placed on the forest. When you have that kind of revenue loss on a key fund that helps fund schools it is a huge impact to the state and gets the governor's and Land Board's attention as well as the DSL.<sup>86</sup>

It also became clear at the time that other species, either now or in the near future would need to be included in the HCP. Rather than go through another planning process in the future if an additional species became listed, the decision was made to create a multi-species HCP.<sup>87</sup> Federal regulation establishes that:

In the event an unlisted species addressed in the approved conservation plan in subsequently listed pursuant to the Act, no further mitigation requirements should be imposed if the conservation plan addressed the conservation of the species and its habitat as if the species were listed pursuant to the Endangered Species Act.<sup>88</sup>

However, this was not a free ticket for any potentially threatened species to become part of the HCP. The Land Board and the BOF determined that, at a minimum, the revised HCP was intended to include the spotted owl, marbled murrelet and coastal Coho salmon. Other species considered at risk for listing known to live in the Elliott also were up for consideration, provided there was suitable scientific knowledge.<sup>89</sup> Based on the advice of the ODF, the federal agencies and the desire to obtain further management certainty, the Land Board and BOF opted to take the longer, albeit safer route to obtain a new HCP and revise the current FMP. According to ODF Coos District Forester Jim Young, the benefits of a multi-species HCP included "management certainty while at the same time meeting the mandates for different types of land ownership and complying with the Endangered Species Act."<sup>90</sup>



Given that the planning process for completing the HCP and FMP would exceed the October 2000 expiration date for the murrelet HCP, the ODF is allowed to continue managing the forest under the provisions of the 1995 ITP.<sup>91</sup>

### **THE STEERING COMMITTEE AND CORE PLANNING TEAM ARE FORMED**

In response to the 2000 decision by the Land Board and the BOF, Ray Craig, then-Assistant State Forester, in consultation with the DSL, created a preliminary Steering Committee made up of ODF field and program staff to oversee and provide direction for the FMP and HCP drafting processes. Jim Young, the Coos District Forester and Dan Shults, ODF Southern Area Director assisted Craig in putting together the Steering Committee. All three men felt that given the gravity of the situation – operating at drastically reduced harvest levels and the potential for further species listings – called for a more inclusive planning process that represented the interests and viewpoints of all who had a stake in the forest. From the beginning, it was recognized that interests outside the realm of the status quo should be included in the Steering Committee, as ten percent of the Elliott is BOF land and Douglas and Coos Counties have a financial interest in how both the BOF and Common School Forest Lands are managed. To facilitate a broader set of interests, a bi-level committee structure was developed, comprised of a Steering Committee and a Core Planning Team. The Steering Committee was designated to deal with the overarching policy issues concerning the Elliott and involve stakeholders, namely the DSL and county officials, at that level.<sup>92</sup> Beneath the Steering Committee was the Core Planning Team. It was characterized as the “technical planning group” and its members were responsible for assembling the science information and drafting both the FMP and HCP.<sup>93</sup>

In early 2000, Craig, Young and Shults brainstormed the interests they felt should be represented on the Steering Committee. According to Shults, “we made an effort to try and stick with those who had a key interest in the financial outcome of what was coming off the Elliott.”<sup>94</sup> A number of the state agencies invited to join the Steering Committee were natural choices and well-prepared to engage in this endeavor. These agencies included the ODF, Oregon Department of Justice (ODOJ) and the Oregon Department of Fish and Wildlife (ODFW). These agencies were sought out to contribute their expertise in forestry, legal matters and wildlife, respectively, to the process.

The inclusion of ODF staff at various levels within the agency was an obvious choice. The ODF characterizes itself as a “can do” agency that is comfortable collaborating with other agencies and the public. It is a standard operating procedure for the ODF to seek public comment on all of its FMPs in state forests. In developing FMPs and HCPs, the ODF is charged with the “nuts and bolts” aspects of the process – coordinating logistics, drawing on agency expertise and authoring the requisite planning documents. The ODF has been the contracted manager of DSL Common School Forest Lands for 70 plus years; thus the agency is comfortable operating within the confines of the trust mandate. ODF staff from the Salem headquarters also was included to provide their perspective on the on the documents produced by the Steering Committee and the Core Planning Team to make sure they were consistent with state wide forest policies. Additionally, as stated by Steve Thomas, Assistant State Forester and member of the Steering Committee, his role as part of the ODF Salem contingent was to “try to provide any assistance I can to the core group and their effort to make sure agency processes are being taken care of as

smooth as possible; to make sure everyone who needs to be informed about the process; to make sure the Board of Forestry can get the approvals [for the HCP and FMP].”<sup>95</sup>

The inclusion of ODF Salem and DSL staff members was also a key element of the process because they had more direct access to the BOF and State Land Board and thus could better facilitate the flow of information to and from the respective Boards. Prior to being submitted to the USFWS and NMFS, both plans must be approved by the BOF and the State Land Board. The ODF and DSL are structured such that all policy decisions, like the approval of both plans, must go through ODF and DSL Executive Staff. The ODF Executive Staff representative on the Steering Committee was the Assistant State Forester for Forest Management Division who acted as a liaison between the Committee and State Forester Marvin Brown – the highest executive at the ODF.<sup>96</sup> Information and policy guidance would then filter up the BOF via the State Forester. The Assistant Director for Policy and Planning at the DSL, John Lilly, acted in a similar role. He provided information to the DSL Director, Ann Hanus, who would then pass that information along to the State Land Board. The majority of the members of the Steering Committee were chosen based on their existing job duties and affiliations with the Elliott State Forest.

Though they had not been included in the 1995 HCP process, ODFW staff was invited to participate on the Steering Committee to provide their expertise. The ODFW is considered the “sister agency” to the ODF and has the necessary experience in managing and knowledge of Oregon fish and wildlife. ODFW oversees the state fish and wildlife programs, including everything from budget and personnel to legislative and programmatic issues.<sup>97</sup> Many of the ODFW biologists also had previous experience with HCPs and the NEPA process.

It was recognized early on that legal issues would likely arise during the Planning Process, thus a representative from the Oregon Department of Justice (ODOJ) was invited to participate on the Steering Committee. Though not as active as the other members, the ODOJ representative was at the table to provide legal counsel and serve primarily in an advisory role.

Once the agency representation at the table had been solidified, the anticipated role of the Steering Committee was fleshed out further to assist in determining what other stakeholders would be offered a seat at the table. The Steering Committee’s role was to provide policy direction to the Core Planning Team as issues arose and to periodically review and provide input on planning issues and guide the planning process.<sup>98</sup> The Steering Committee members would also have to keep other stakeholders, political leaders, and others informed of planning issues and both plans’ progress.<sup>99</sup> In addition, they were responsible for maintaining contacts with opinion leaders and constituents to promote understanding and acceptance of the plan.<sup>100</sup> The early-defined role of the Steering Committee served to inform the scope of stakeholder representation on the Committee.

Other stakeholders were discussed as being potential members of the Steering Committee, including timber and environmental interests and adjacent land owners. However, the decision was made by the preliminary members of the Steering Committee to limit direct involvement on the Committee to those with key interests in the forest’s management. According to Shults, they “tried to include all those who primarily had some fiduciary interest as stakeholders, rather than include hunters, recreators and environmental groups on the Steering Committee itself.”<sup>101</sup> This

sentiment was later echoed by Rick Howell, when questioned about the diversity of representation among the Steering Committee. He iterated:

Everyone that deserves a seat at the steering committee has one. This is not a community project. It's a forest plan ... There's a lot of opportunity for people to comment on the development of the plan. It would be very hard for somebody who is interested in what's happening on the Elliott to say that they didn't have a lot of opportunity for input into it.<sup>102</sup>

While they could not include everyone who had a potential interest in the forest on the committee, the Steering Committee members felt that the public input opportunities would allow representatives of those interests to submit feedback and opinions on both plans.

It also was decided that the Bureau of Land Management (BLM), the U.S. Forest Service (USFS) and Weyerhaeuser, both managing forest land adjacent to the Elliott, would not be Steering Committee members, despite the overlaps in owl and murrelet habitat ranges. This decision was largely attributed to the difference in management mandates. Said Shults:

We consciously did not include the federal land management agencies. The constitutional mandate for the Elliott State Forest is far different from the mission on federal lands in Oregon. We felt that there would be little value added to the process and likely an increase in the time it would take to develop the plan; likewise with adjacent landowners. The private lands approach to compliance with the Endangered Species Act, generally speaking, is different from public lands.<sup>103</sup>

Added Young, "We thought if they were interested, they would chime in during the public process either at the meetings or via the public comment period."<sup>104</sup> Regardless of the decision not to include adjacent landowners on the Steering Committee, information about location of threatened species was shared among the land managers. Because ODF implements the Oregon Forest Practices Act, they are aware of the location of spotted owls, marbled murrelets and salmon habitat on all lands in the area.<sup>105</sup> The Forest Practices Act encourages the economically efficient forest practices consistent with sound management of soil, air, water, fish and wildlife resources.<sup>106</sup> The Forest Practices Research and Monitoring Program conducts surveys and studies on all forests to monitor conditions and expand the base of scientific knowledge.<sup>107</sup> Wildlife surveys and studies are also gathered in the program.

## **THE STEERING COMMITTEE**

The complete Steering Committee, with the exception of the beneficiary representative, was in place by May of 2000. At that time the Steering Committee was composed of managers from the ODF Salem headquarters, Division of State Lands, Oregon Department of Justice, ODFW SW Region, and the Coos County Board of Commissioners. The roles of the Steering Committee members are as follows:

- **Chair:** ODF Southern Area Director Dan Shults was chosen as chair of the Steering Committee because he has overall responsibility for supervising and managing field programs in the ODF region in which the Elliott is located. As chair of the Steering Committee, Shults, was the final arbiter of decisions when consensus could not be reached.
- **Project Leader:** As the on-the-ground manager of the Elliott, Jim Young was selected as project leader and functioned as the link between the Steering Committee and the Core Planning Team.<sup>108</sup> Part of his job was to raise policy issues raised during Core Team meetings to the Steering Committee for resolution.<sup>109</sup>
- **ODF:** As the link to the Executive Staff at the agency, Assistant State Forester Steve Thomas' role on the committee was to ensure that the agency processes are followed and that all relevant ODF officials are informed about the process. He also made sure documents created by the committee aligned and were consistent with state wide forest policy.<sup>110</sup> Other ODF Salem staff were added to the Steering Committee including, Lisa DeBruyckere, State Forests Program Director, and Mike Schnee. Schnee, State Forests Planning and Policy Manager, was also a member of the Core Planning Team, providing a policy perspective to the technical aspects of both plans. He recently retired and has been replaced by Barbara Lee.
- **DSL:** As the Assistant Director for Policy and Planning at the DSL, John Lilly's role on the Steering Committee was to serve as the representative for the Director and the Land Board.<sup>111</sup> He also made sure that both plans were developed within the confines of the school land mandate. Now that John Lilly has transitioned into another area of the DSL, Steve Purchase has taken over his seat at the table.
- **ODFW:** Regional Assistant Supervisor Steve Denney has oversight of all fish and wildlife programs in southwest Oregon. He was selected because the ODFW has more experience with Environmental Impact Statement (EIS) projects and the NEPA process and could provide technical expertise in both wildlife and fish habitat needs.<sup>112</sup>
- **Department of Justice:** Jas Adams served as the representative for the Attorney General's office and provided legal advice to the committee.
- **Local Area County Commissioner:** The desire to involve a local elected official led to a seat being offered to a member of the Coos County Board of Commissioners. John Griffith was elected to the Coos County Board of Commissioners in 2000. When his term began in 2001 he replaced his predecessor on the Steering Committee and subsequently became much more involved in the process.
- **Beneficiary Representative:** Rick Howell, Superintendent of the South Coast Education Service District (SCESD) located in Coos Bay, Oregon, was chosen to represent the beneficiaries on the Steering Committee. He was chosen to provide a locally-based beneficiary perspective. Howell joined the Steering Committee in 2003.

As of 2006, the Steering Committee has been meeting for nearly six years and due to the length of the process, it has experienced minor attrition. Some of the original members are no longer on the committee due to retirement, change in career, promotion and other factors. Typically, each agency's representative(s) are on the Steering Committee based on their job position. Both leadership positions, Chair and Project Leader, have remained with the same individuals since the Steering Committee's inception. The most current roster of the Steering Committee is:

- Chair – Dan Shults, Southern Oregon Area Director, ODF
- Project Leader – Jim Young, Coos District Forester, ODF
- Steve Purchase – Assistant Director, DSL
- John Lilly – Assistant Director for Policy and Planning, DSL (currently in the process of transitioning out of this role to Assistant Director of Wetlands and Waterways)
- Steve Denney – Southwest Region Assistant Supervisor, ODFW
- John Griffith – Coos County Commissioner
- Jas Adams – Attorney General’s Office, ODOJ
- Mike Schnee - State Forests Planning and Policy Manager, ODF
- Steve Thomas – Assistant State Forester for the Forest Management Division, ODF
- Lisa DeBruyckere – State Forests Program Director, ODF
- Barbara Lee – State Forests Planning and Policy Manager, ODF
- Dan Postrel – Public Affairs Director, ODF
- Rick Howell – Superintendent, South Coast Education Service District

For a complete diagram of the Steering Committee and Core Planning Team, see Figure 5-4.

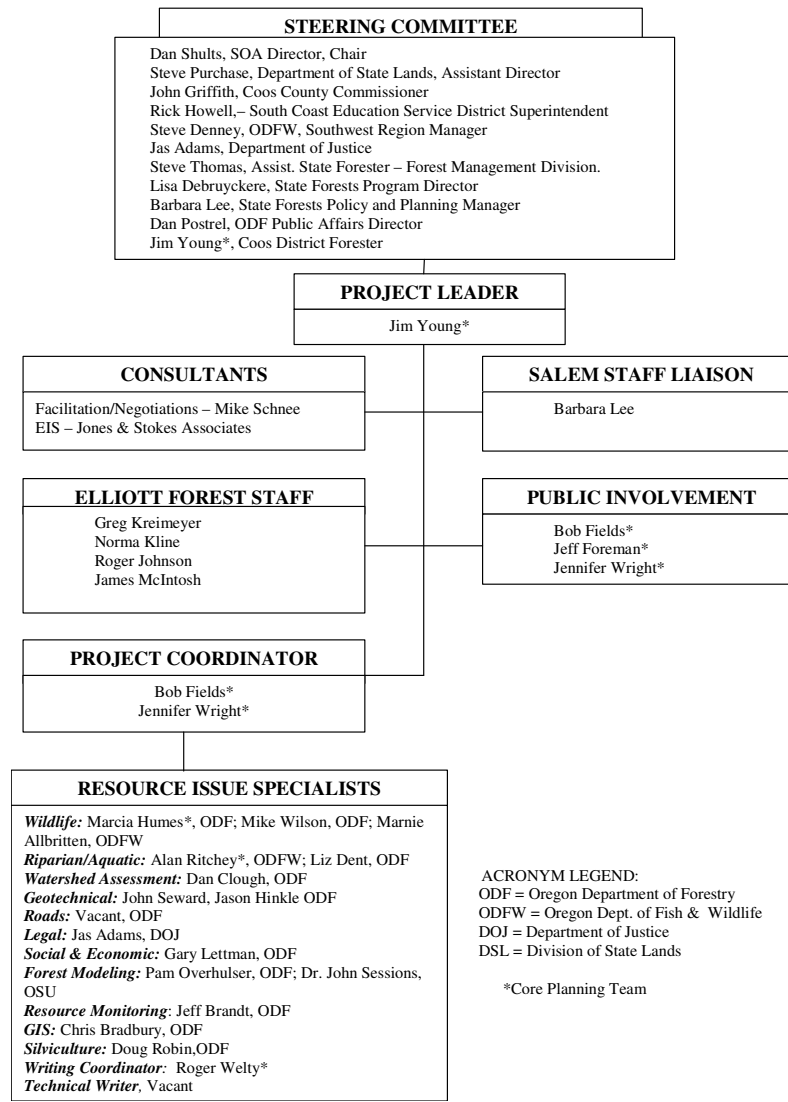
In the initial stages of the planning process, the Steering Committee typically met once a month. Often the meetings would be held in the ODF Western Lane District Office in Veneta, Oregon. Located 15 miles outside Eugene, it is roughly the same amount of traveling time for Steering Committee members coming from Salem, Coquille, Coos Bay and Roseburg; ranging from 1.5 to 2.5 hours by car. Because of the distance traveled to attend the meetings, they typically last for a full day. While at meetings, the Steering Committee members would schedule the next meeting two months ahead of time to ensure that everyone could make it to as many meetings as their other job duties would allow. Now that the process is nearing completion, the Steering Committee meets approximately once every other month.

### **THE CORE PLANNING TEAM**

The Core Planning Team was developed to work on the technical aspects of the process including gathering data and researching and writing both the FMP and HCP. The team members did not start meeting regularly until October 2000. Led by Jim Young, the team was responsible for developing the overall resource management strategies for the forest and synthesizing those elements in both the FMP and HCP. The species’ habitat requirements outlined in the HCP has informed the management approach taken across the entire Elliott State Forest ecosystem.



**Figure 5-4: Elliott State Forest Management and Planning Team**



Source: *Elliott State Forest Management Plan*, Oregon Department of Forestry, available at <http://egov.oregon.gov/ODF/>.

The Team was made up primarily of ODF biologists and foresters and ODFW wildlife biologists. The USFWS and NMFS were approached in late 2000 and invited to join the Core Planning Team. Jim Young recalls the rationale for including USFWS and NMFS, “we wanted to get them involved so they could provide input, have a better sense of it and more knowledge of it when it comes to the HCP negotiation process.”<sup>113</sup> Early on, when the basic strategies for the process were being laid out, the federal agencies were less involved. However, as surveys were conducted and data gathered, USFWS and NMS staff provided their own data for comparison and acted as a sounding board. According to Young, the USFWS and NMFS staff participated in Core Planning Team discussions, but not as actively as the other members: “the team members would ask [the USFWS and NMFS] questions, such as whether or not they were on the right track. They gave feedback and tried to be helpful and make sure we had a successful process.”<sup>114</sup>

Members included:

- Jim Young, Coos District Forester and Project Leader, ODF
- Larry Sprouse, Project Coordinator, ODF
- Marcia Humes, Wildlife Biologist, ODF
- Logan Jones, Planning Coordinator, ODF
- Jeff Brandt, Resource Monitoring Coordinator, ODF
- Jane Hope, Planning Specialist, ODF
- Mike Schnee, State Forests Planning and Policy Manager, ODF
- Jeff Foreman, Public Information Officer, ODF
- Marnie Allbritten, Wildlife Biologist, ODFW
- Howard Crombie, Fisheries Biologist, ODFW
- Greg Kreimeyer, Assistant District Forester, ODFW.<sup>115</sup>

The Core Planning Team met until September 2004, when the committee was dissolved.

### **CREATING THE GUIDING PRINCIPLES**

The September 2000 Steering Committee meeting laid the foundation for the Planning Process (At this point the committee was not completely formed). In an effort to figure out the direction of the process, the committee members brainstormed 12 ground rules they agreed to follow. These rules included, for example, keeping in mind the mandate to produce revenue for the Common School Fund. The ground rules were originally deemed “planning principals.”<sup>116</sup> Jim Young described how the content of the planning principles evolved over time:

Over the next year [the planning principals] were discussed at meetings in which we wordsmithed them and made changes. This was done through an open discussion in which we sought consensus. There was not much disagreement; it was mostly over the use of certain words. Occasionally there were instances where wording was left in even if everyone did not agree.<sup>117</sup>

The Guiding Principals were finalized from the original planning principles in early 2001. They took into consideration the forest vision, management goals and monitoring assumptions and were designed to set the direction for the management plan. The Guiding Principles are referred to in a draft version of the FMP as “the compass that guides our navigation.”<sup>118</sup>

### **GUIDING PRINCIPLES**

- The plan will recognize that the goal for the Common School Forest Lands is the maximization of revenue to the Common School Fund over the long-term. The goal for the BOF lands is to secure the greatest permanent value to the 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.
- The plan will be developed within the context of the Elliott State Forest as a managed forest.

- The plan will recognize that the forest is intended to be an important contributor to timber supply for present and future generations.
- The plan will be a comprehensive, integrated forest management plan taking into account a wide range of forest values.
- Lands will be identified and managed for long-term revenue production while providing for a sustained contribution to biological capability and social values. The plan will recognize that there will be trade-offs between revenue producing activities and non-revenue producing activities.
- The plan will examine opportunities to achieve goals through cooperative efforts with other agencies, user groups or organizations.
- The plan will be developed through a collaborative and cooperative process involving the State Land Board, the BOF, the public, local and tribal governments, and other resource management agencies including the federal services.
- The plan will be goal-driven.
- The plan will view the Elliott State Forest in both a local and regional context.
- The plan will consider the overall biological diversity of state forest lands, including the variety of life and accompanying ecological processes.
- The forest will be managed to meet the state and federal Endangered Species Acts (ESA) while fulfilling the State Land Board's responsibilities under the Oregon Constitution and the BOF's statutory responsibilities.<sup>119</sup>

## **DEVELOPING MANAGEMENT STRATEGIES**

Once the direction of the planning process had been determined, the Core Planning Team began the process of gathering and analyzing the data to inform both plans. During Core Planning Team meetings, there was a lot of discussion about the scientific points of the process, focused primarily on trying to balance wildlife habitat needs with the DSL's constitutional mandate. Finding the appropriate balancing point was often a point of contention among the scientists, as explained by Jim Young, Project Leader of the Core Planning Team: "Overall the team functioned pretty smoothly, although there is always some disagreement. I would make the decisions if there was a stalemate. To make my decision, I usually referred back to the Guiding Principles."<sup>120</sup>

In the initial meetings, the biologists inventoried the data they already possessed on the owl, murrelet, salmon and other potentially-threatened species and determined what information they were lacking. Numerous studies already had been conducted on the owls and murrelets, but little was known about the potentially-threatened species and salmon. One of the decisions that came out of the meetings was the need to conduct a watershed analysis of the forest to acquire more data on the state of the salmon fisheries. The Planning Team decided that they also needed a survey of species for which they had little information (e.g., song birds, bats and amphibians). An independent firm was hired to conduct the bulk of the surveys while the ODFW biologists completed the rest. The biological surveys were underway from January through November 2001 and included:

- Surveys on winter and summer aquatic habitat on streams in the Elliott that had not been previously surveyed conducted by the ODFW

- Amphibian surveys were conducted to determine species presence and abundance to assist in determining how manage actions might affect their habitat
- Songbird, pilated woodpecker, and bats were surveyed to determine presence in the forest
- Pilot radar surveys for marbled murrelets were conducted to determine flyways and high use areas in the forest<sup>121</sup>

In 2001, the planning team organized the array of possible management scenarios under consideration into eight conceptual management plans. These conceptual management approaches were devised to capture the variety of possible management scenarios envisioned by the Steering Committee. The eight models are as follows:

- Model 1: Continue managing in accordance with the 1995 FMP/HCP
- Model 2: No HCP – manage under take avoidance for owls, murrelets, and fish
- Model 3: Continue managing under the 1995 FMP/HCP with revised riparian strategies
- Model 4: Manage forest to create an array of forest structure conditions
- Model 5: 50 percent of forest allocated to conservation areas
- Model 6: HCP for owl only and managed with a take avoidance strategy for murrelets and Coho salmon.
- Model 7: 25 percent of forest allocated to conservation areas
- Model 8: 100 percent conservation<sup>122</sup>

The Core Planning Team then approached Dr. John Sessions, Professor Forestry and Forest Engineering at Oregon State University, to model the eight scenarios. The modeling system was designed to display the impacts and outputs of each strategy on the forest ecosystem throughout 30 consecutive five-year periods.<sup>123</sup> Dr. Sessions also produced a Conceptual Management Approaches Summary as a supplement to the modeling. It explained each model with specific references to the affect of timber production, conservation areas, and riparian strategies on the forest. Three key concepts emerged from the modeling. These were used as a benchmark for narrowing the options for potential management models and included:

1. Reserves for the protection of important habitat.

Figure 5-5: Decision Matrix

Decision Matrix								
Elliott State Forest Management Approaches								
Core Planning Team Analysis								
Rating: Scale 0 to 5      5 = highest score								
Goals and Objectives	Management Approach							
	1	2	3	4	5	6	7	8
<b>Maximize revenues to Common School Fund in the long run.</b>	3	2	3	3	3	1	5	0
Important contributor to timber supply, present and future.	*	*	3	3	3	*	*	*
Sustained yield over long term	*	*	4	4	4	*	*	*
<b>Contribute to survival and recovery of T&amp;E species, and prevent future listings.</b>	3	3	4	3	5	4	1	5
Meet federal and state ESAs.	*	5	5	5	5	5	1	5
Provide recreational opportunities.	*	*	3	3	2	*	*	*
Manage for biological diversity.	*	*	3	4	3	*	*	*
Achieve ecosystem restoration and watershed health.	*	*	3	3	4	*	*	*
Maintain/obtain HCP.	*	*	5	2	3	*	*	*
<b>Political viability (likely approval by SLB and acceptance by public)</b>	5	2	5	2	3	2	1	0

Shaded areas mark the high scores among the three fully rated management approaches.  
 \* Indicates no rating. Core Team determined 1) these management approaches fell outside constitutional mandates, or 2) the ratings would be insufficient to receive final consideration.

Source: *Expectations*, September 2002, Oregon Department of Forestry

2. Revised aquatic/riparian strategies
3. The use of stand structure concepts in defining habitat

The modeling described what would happen to conservation reserves, marbled murrelet habitat areas, owl areas, aquatic habitat, scenic corridors, etc. over a 100-year period. The output from the modeling allowed the Steering Committee to compare the net present value of the forest under each strategy. This information aided them in determining the best course of action for Elliott management. John Lilly, then-Assistant Director for Policy and Planning at the DSL, identified the utility of the modeling in providing output on what each strategy could produce in timber harvests: “What the difference is between one model and another could be the cost of meeting the federal ESA requirements.”<sup>124</sup>

Once the initial modeling was completed, the Core Planning Team devised a preliminary matrix as a means to select the best model or combination of models (Figure 5-5). In 2002, during a Core Planning Team meeting each member individually ranked the eight models on a scale from one to five. The rankings were averaged and presented to the Steering Committee. The Steering Committee directed the Planning Team to incorporate the three key concepts identified from the modeling into the development of the draft landscape strategy. Using the revised decision matrix, the Core Planning Team reexamined each model and rated it on a scale of 0 to 5 (5 being the highest score) as to the political viability of each management scenario, and how it met the three main goals and objectives of the planning process: maximization of revenues to the Common School Fund in the long run, contribution to the survival and recovery of threatened and endangered species, and prevention of future listings.<sup>125</sup>

## **DRAFTING OF KEY PLANNING DOCUMENTS**

While the modeling was underway, the Core Planning Team also began drafting the FMP, HCP and other key planning documents. In September 2001, the ODF, Oregon State University, and economic consultants conducted a socio-economic study to assess the economic and social effects both locally and regionally of the management of the Elliott State Forest.<sup>126</sup> The report provided information on the value of timber harvest sold on the Elliott to the local and regional economies, and on the value and frequency of recreational use on the forest.<sup>127</sup> The key findings of the study were as follows:

- Southwest Oregon has a larger percentage (17 percent) of its workforce in the wood processing industry than the state as a whole.
- Timber industries account for 10% of personal income in Coos County.
- Tourism to the Oregon Coast is significant to Coos County’s economy.
- Hunting is an important recreational activity on the Elliott.
- Every one million board feet of timber harvested from the Elliott State Forest generates between 11 and 13 jobs in southwest Oregon with an average annual wage of approximately \$32,000.
- 37 percent of Elliott harvests are processed in mills in Coos County.<sup>128</sup>



The findings of the socioeconomic study were another element that served to balance the economics and science at play in the planning process. These findings were especially poignant for Coos County Commissioner John Griffith:

A million board feet here and a million there might be what some people would want for owls and murrelets but I am the one that has to face those 11 to 13 guys for every million feet and explain that I blinked or was asleep at the switch and now they don't have a job. I have to let the guys on the Committee know this. I am never going to be able to not see the faces of those men and families who lost their jobs because I didn't hold out for everything I could get.<sup>129</sup>

During 2003, using the three concepts identified by the Steering Committee, the Core Planning Team developed and wrote the first draft of an Integrated Landscape Strategy. The Integrated Landscape Strategy was the foundation from which the HCP and the FMP were built. It was designed to meet the legal mandates for revenue production while providing what the team determined was an adequate level of habitat for threatened species that will comply with the Federal ESA.<sup>130</sup>

The team also continued to work with Dr. Sessions on modeling variations of the draft management scenarios and updating inventory data on the model. Initial model runs of the draft Landscape Strategies were done in early 2004. Since then, other management scenarios ranging from an emphasis on conservation to an emphasis on timber production have been run. The outputs were analyzed and resulted in minor adjustments of the Landscape Strategies until the first half of 2005.<sup>131</sup> A scientific peer review of the draft Strategies and draft FMP was conducted at the end of 2003 and early 2004.<sup>132</sup>

#### **THE BENEFICIARIES JOIN THE STEERING COMMITTEE**

In October 2003, the make-up of the Steering Committee was broadened to include Rick Howell. At that time, the DSL decided the constitutional interest of the beneficiary warranted involvement in the Steering Committee. Chuck Bennett, an education interest group lobbyist and member of the Beneficiary Advisory Council, was consulted on whom should be selected to represent the beneficiary interest in the planning process. He suggested Rick Howell, the Superintendent of the South Coast Education Service District (SCESD) located in Coos Bay, Oregon.<sup>133</sup> Howell was a logical choice because he has close ties with local area schools and education interests and is familiar with the Elliott State Forest. Howell had some reservations about joining the Steering Committee:

One of my concerns going into the process was who am I talking to? I know my attitude going into this was getting the maximum sustainable production ... I didn't know if I was going into a room full of environmentalists, of which in some circumstances I consider myself one, but not to the same extent in this circumstance because my mandate is different.<sup>134</sup>

The beneficiaries of the Common School Fund and the education interest groups are organized into what could be best described as a very loose coalition. In many ways the beneficiary interest group is in its infancy of organizing itself. According to Bennett:

We have had really good access to the DSL and State Land Board. They have taken us into pretty strong consideration but we are still the new kids on the block. Ranchers, retailers and other interest groups have been there for years pushing back on Common School Fund claims. We are really new. We have allowed this thing to go on for 150 years without getting involved so we are trying to be pretty reasonable as we move ahead.<sup>135</sup>

The overarching beneficiary organization is the Confederation of Oregon School Administrators (COSA). Founded in 1974, its primary goal is to give Oregon's educators a voice in public policy, encourage professional development, and play a more active role in shaping the public school system. It represents more than 2,000 school administrators throughout Oregon.<sup>136</sup> Recently, COSA has become a powerful lobbying organization. COSA, in addition to other Oregon education interest groups has become involved with Children's Land Alliance Supporting Schools (CLASS), a westwide beneficiary organization. Director of State Lands Ann Hanus also has been active in getting beneficiaries more involved in DSL activities. She organized a large group of representatives from the Oregon teacher's union, classified employee union, school administrators and Parent Teacher Associations involved in CLASS. SCESD serving Coos, Curry and Western Douglas counties, is a member of COSA. SCESD provides schools high-cost services that would be difficult for them to provide on their own, such as special education teachers, technology services and consultation services.<sup>137</sup>

At the same time, Director Hanus has encouraged the involvement of beneficiary groups like COSA to become part of the advisory and other Steering Committees managing common school land. Hanus was also instrumental in getting members of these groups on the Beneficiary Advisory Council, Asset Management Plan Committee and Rangeland Advisory Committees.<sup>138</sup> This has occurred over the last five to six years. One of the main goals of the beneficiary groups, outside of being more involved in the management of the school land portfolio, is to maximize income and assets to the state.<sup>139</sup> They hope to maximize the income to the Common School Fund is by increasing the harvest yield sold in the Elliott. According to Bennett, the beneficiaries in general "tend to advocate cutting more than environmental groups. More cutting equals more money. 'Stumps on the hill, money in the till' is a longstanding saying here in Oregon."<sup>140</sup>

## **BALANCING REVENUE AND THREATENED SPECIES PROTECTION**

The issue of balancing the increase of timber harvest sales and providing adequate protection for the threatened species in the Elliott State Forest came to a head during a series of Steering Committee meetings in 2003. Commissioner John Griffith has been characterized by the other committee members as pushing the hardest to increase harvest levels. As a former logger, reporter for the *Oregonian* and member of the State Ocean Policy Advisory Council, Commissioner Griffith has been at the center of numerous controversies on resource management. On January 16, 2002, the Coos County Board of Commissioners, led by Commissioner Griffith, voted to sue the USFWS over critical habitat violations for the western

snowy plover.<sup>141</sup> Griffith and the Board felt that the USFWS only considered the biology of birds when designating critical habitat and did not take the economic impact of beach closures into consideration. The snowy plover breeds primarily on coastal beaches from southern Washington to southern Baja California and is vulnerable to disturbance by humans, pets and nest scavengers, such as crows and ravens.<sup>142</sup> Protecting the plover breeding sites necessitated the closure of many beaches and limited access to certain area by off-road vehicles (ORVs). The Oregon Dunes draw many tourists to Coos County and ORVs are a main source of recreation for tourists and locals. The lawsuit was decided in May 2003 in Coos County's favor.<sup>143</sup>

Prior to the lawsuit when Griffith was working as a reporter, he covered the Advisory Council appointed by then-Governor Kitzhaber to implement the Coastal Zone Management Act (CZMA) and other ocean-related policies. The Advisory Council put the state agencies in the position of either adopting their recommendations or vetoing them, but not allowing them to make changes. The change in management of the coastal zone also took away authority from coastal counties. Griffith states that he became, "such a pain in the neck that in 1998 they put me on the council."<sup>144</sup> He was subsequently fired from the council. The media "went nuts" on the story. In 2003, after being approached by the State Legislature, Griffith re-drafted a section of a bill to make it more responsive to the coastal communities. The bill was revised and passed into state law.

Commissioner Griffith's reputation and his somewhat acrimonious feelings towards some state officials and the USFWS have made him somewhat of a maverick on the Steering Committee and averse to taking what others consider the safer route. He also has taken the revenue maximization mandate of the DSL to heart. He laminated Article VIII, Section 5 of the Oregon Constitution – the actual text of the mandate – to the binder he takes to Steering Committee meetings. According to Griffith, "By and large they want to get out as much timber as [the other Steering Committee members] can. The difference is that I think they can get out more and they don't think they can get out as much as I think they can."<sup>145</sup> Steve Thomas, Assistant State Forester, expressed his view of Commissioner Griffith's opinions in relation to the rest of the Steering Committee:

If John had his way, he would want to go closer to the Forest Practices Act and give the [USFWS and NMFS] the old 'one two' and give them only what he absolutely had to give them ... he takes a slightly different view of our negotiations with them. John would lean more towards an industrial [forest management] model. The rest of us are pretty well aligned.<sup>146</sup>

The other Steering Committee members did not want to have the HCP rejected by USFWS and NMFS because it was overzealous in the amount of harvesting allowed and not stringent enough in its provisions for species protection. The underlying goal of revising the HCP was to increase harvest levels while at the same time putting in place the necessary measures to mitigate threatened species habitat loss. Moreover, there was a general understanding that the levels would not return to pre- 1995 HCP conditions.

The discrepancy in viewpoints between Commissioner Griffith and the rest of the committee became heated in one of the meetings. Griffith states:

I thought that we weren't really making headway towards meeting our constitutional obligations. We had one meeting where it was pretty face-to-face. I told them where I thought the shortcomings were and they told me where they thought their constraints were. We got that all aired out and it has been better since.<sup>147</sup>

When it comes to resolving conflicts and making everyday decisions, both the Steering Committee and the Core Planning Team attempted to reach consensus on each decision point. According to Griffith, "usually we work things out and there is no major heartburn about anything ... you just try to get it to where for the most part it is just text changes to a draft."<sup>148</sup> However, when it was clear that consensus could not be reached, the chairman had the authority to make the decision. As chair of the process, Shults saw himself as more of a facilitator to make sure that the committee got through the process. Of his duties, Shults stated, "It's a little bit of a balancing act. I try not to direct the process but facilitate it so we get the right amount of folks inputting and we get all of their thoughts on the table and include them in the process."<sup>149</sup>

Though the issue of balancing the fiduciary responsibility of the DSL with the habitat conservation of the owl, murrelet, salmon and other species was resolved within the Steering Committee, both the Committee and the Core Planning Team have struggled with the issue in drafting both the FMP and HCP. Even though staff from USFWS and NMFS has been involved, there remains uncertainty about whether or not their participation will directly result in an approved HCP. Commissioner Griffith gave his opinion of the situation:

I don't know if those guys have the experience I do or believe as firmly as I do that the federal agencies, particularly NMFS, are of the tendency of saying "Your plan is not good enough," but they do not tell you specifically what they want. They just hang it out there and it is like they have one hand behind their back and you don't know if it's a flower or a gun.<sup>150</sup>

## **DRAFTING OF KEY PLANNING DOCUMENTS CONTINUES**

In April 2004, the peer reviews of the FMP strategies were reconciled and revisions were completed. By May, the first draft of the FMP was available for public comment and work on a draft Implementation Plan began.<sup>151</sup> The Core Planning Team hired Jones & Stokes Associates to write the Environmental Impact Statement (EIS) and to assist them in going through the NEPA process.

In the midst of the process, the beneficiaries and state legislators considered selling the Elliott and investing the money to increase revenue for the trust. They feared that the HCP would not allow enough timber sales making it a resource sink instead of an income-producing forest. A budget note from the Oregon State Legislature allowed the Land Board to hire Mason, Bruce and Girard Associates to conduct a cost-benefit analysis of the forest. The cost-benefit analysis was designed to provide information important in determining a benchmark to meet the Land Board's fiduciary responsibility and to guide the Board's long-term plans for the Elliott State Forest. It estimated the forest's income value under two alternatives: continued state ownership of the Elliott (net present value of Common School Fund income) and sale of the Elliott and investment

of proceeds (Common School Fund income from sale).<sup>152</sup> The conclusion reached by the authors of the report determined that selling the forest, depending on economic conditions at the time, would be more or less equivalent to keeping the forest and continuing its long-term management.<sup>153</sup> Once the results of the analysis were complete, the Land Board issued a statement saying they had no intension of selling the Elliott State Forest because of its importance to the Common School Fund portfolio.

Once it was determined that selling the Elliott State Forest was not a viable option, work on the draft FMP and HCP continued. In February through June of 2005, the draft Implementation Plan was written. By September 2005, the final draft of the FMP for public review was completed and the initial draft of the HCP was developed. The most current iteration of the FMP was published on the ODF website on January 2006.

Though the Planning Process still has a few more hurdles to pass, the Steering Committee is optimistic that the outcome will be positive – meaning HCP approval and an increase in timber sold in the Elliott. According to Shults, “At the end of the process the Steering Committee and the core team will go away and hopefully we’ll get Jim Young and the local managers managing under that plan.”<sup>154</sup>

## **PUBLIC INPUT PROCESS**

From the outset, avenues for public input were built into the FMP/HCP process; some, like the public meetings were held at specific times while others such as comments submitted via the ODF’s webpage were available at all times. The public involvement process consisted of newsletters, public meetings and forest tours, information posted on the ODF website and informal contacts with groups and individuals.<sup>155</sup>

The first public meetings were held in January through February 2001 in Coos Bay, North Bend, Roseburg and Salem. Prior to the meetings, the ODF had purchased newspaper advertisements in the *Coos Bay World*, *Eugene Register-Guard*, *Portland Oregonian*, *Roseburg News-Review* and *Salem Statesman-Journal* to announce the first public meeting and invite public participation. The focus of this meeting was to provide background on the reasons for revising the FMP and HCP, and to seek public input on the management of the forest.<sup>156</sup> The second round of public meetings was held in Salem, Coos Bay and Roseburg during June 2004 to discuss strategies for the FMP. In May 2005, public meetings were held for the EIS scoping process. The last public meeting occurred in September 2005 in Coos Bay and Roseburg to discuss the final draft of the FMP.<sup>157</sup>

Another means by which the Steering Committee kept the public apprised on the status of the Planning Process was via a newsletter, *Expectations: A Newsletter about Elliott State Forest Planning*. The newsletter contained information about Elliott State Forest management and habitat conservation and was published in May 2001, January 2002, September 2002 and May 2004 by the ODF. The newsletter was available online and by post. The first issue states its intended purpose:



The ODF will use this newsletter to communicate with interested persons during the planning process, which is expected to take three years. The newsletter will be published on an as-needed basis to note progress in the planning process and to announce upcoming opportunities for public involvement.<sup>158</sup>

*Expectations* included information on: (1) history of Elliott State Forest, (2) natural resources found in the Elliott, (3) information and updates about the FMP and HCP processes, (4) summaries of comments from public meetings, (5) other sources of information on the Elliott and ODF, (6) an explanation of the different harvest models under consideration, (7) the Guiding Principles, (8) specific questions for the public to address in their comments, (9) actions the ODF and ODFW were undertaking to improve habitat on the Elliott (counting salmon, placing large pieces of wood in the streams for better spawning grounds), (10) species information and (11) information on common school lands mandate. *Expectations* also contained pictures, graphs and maps complementing the written material. In some issues, the project timelines of both the FMP and HCP were included on the back page.

Another venue for public comment was made available through the ODF's website. Through this medium, the public was free to submit comments anytime. Typically people were asked to respond to focused questions regarding the direction of the plan and management techniques, such as the Integrated Resource Management Strategies. Opportunities for these types of comments and comment periods were advertised in *Expectations* and more recently on the ODF website.

When public comments were submitted on-line or via another written format, they were filtered and condensed by ODF staff, specifically dedicated to reading and processing the volumes of comments. The Steering Committee responded only to comments that were relevant to the subject of the comment period; superfluous comments or ones not based in reality were not given responses. Responses are typically a sentence or two and at most a paragraph. Many comments addressed why the Steering Committee had chosen a certain path with their management strategies. The written responses were then posted on the ODF website so the public could view them.

The comments also were condensed into an internal document that was passed along from the Steering Committee members to their supervisors. Comments also are seen by the State Land Board albeit after much censoring and condensing. State Land Board assistants had the opportunity to review them and pass along information at their discretion. It is not clear whether the Governor, Secretary of State and Treasurer actually saw the public comments in their entirety.

The Steering Committee and Core Planning Team also held public meetings to inform the public on the progress of the FMP and HCP and to allow them to provide verbal feedback. *Expectations* described the public meetings as "listening posts" where opinions are sought from participants in a formal setting.<sup>159</sup> Core team members typically ran the meetings. Sometimes the Steering Committee members attend to listen to the comments, but they did not necessarily participate in the discussions. Often, the specialists that worked on the plan were available for discussions at walk-up stations. The ODF staff attempted to answer all of the questions and addressed

comments during the meeting. The meetings have been held in Salem, Coos Bay, North Bend and Roseburg. Since the process began there have been four, all of which have been advertised on the ODF's website and in *Expectations*, when it was still in publication. The attendance of the meetings is usually low with a turnout of approximately 25 to 30 people.<sup>160</sup> Steve Thomas described his feelings of frustration with some of the initial public meetings:

We put the dog and pony show together. We had twelve resource analysts come to Roseburg, Coos Bay and Salem. We set it up so that there would be a brief introduction and have all these resource tables – one about habitat, one about trees, one about water ... all these [staff] are lined up and only ten people showed up. We outnumbered the number of people.<sup>161</sup>

Perhaps unsurprisingly, attendance at meetings closer in proximity to the Elliott was higher than the meetings held in Salem.

In 2005, newspaper inserts were used to reach more of the “general public” and attract a broader audience to public meetings. The inserts were placed in Roseburg and Coos Bay papers and provided an overview of the Elliott process in addition to advertising meeting times and locations. They were published before the most recent public meeting in September 2005. Steve Denney originally suggested the idea because it had worked well for the ODFW's Diamond Lake Restoration Process. According to Jim Young, the Core Planning Team was satisfied with the insert's effectiveness, as different people showed up other than the “usual suspects” – meaning environmentalists and timber interest groups.<sup>162</sup>

However, despite the small success of the newspaper inserts, the Steering Committee struggled in coming up with effective means in which to actively involve the public. Roger Welty, a Planning Specialist at ODF, gave his opinion on the public comment process:

When talking about “the public,” it is a very diverse public. There are some people that are very involved with the Elliott FMP and HCP. We're not sure how many people they represent. Some people read and spend enough time checking the plans, that it makes you wonder how they have time for a job and other responsibilities and interests in their life. The other part of the public is working all day, have family and other responsibilities and find it difficult to get to public meetings. They don't have time to read the whole Forest Management Plan draft or HCP.<sup>163</sup>

In addition to public comment periods, meetings and written publications, ODF planners also met with interested individuals and groups over the course of the planning process. These contacts included informal meetings and tours of the Elliott, telephone conversations, distribution of informational materials and outreach to local media outlets.<sup>164</sup> The ODF also gave presentations to local timber operators including Douglas Timber Operators and Friends of New and Sustainable Industries.

## INTEREST GROUPS OUTSIDE OF THE PROCESS

The perspectives of stakeholders outside of the Elliott State Forest Planning Process, while not affecting the process directly, can further elucidate the context in which the process operated in and offer a more complete picture of the process from an outside vantage point. While it is challenging to categorize the spectrum of the public that participated in some form during the meetings and public comment periods, two distinctive groups were perceived as representing of the “extreme” views on how the Elliott State Forest should be managed – the environmentalists and the timber industry.

Francis Eatherington, Forest Monitor for the Roseburg-based Umpqua Watersheds, Inc (UW), a local environmental non-governmental organization, was one of the more vocal of the environmental groups interested in the Elliott. UW is a 501(c)(3) organization dedicated to the protection and restoration of the watersheds in the Umpqua River Basin. UW does this by monitoring the activities of federal, state and local agencies that manage public land and forests within the watershed. Eatherington expressed her concerns about the way the Elliott is currently managed: “In the [Elliott State] Forest the ODF is selling and logging the biggest and oldest trees in any of Oregon’s state forests. The Elliott has different logging practices than federal agencies. It’s more backward and less progressive. There are bigger clear cuts, more herbicide use and smaller stream buffers. The state uses prison labor paying about \$2 a day.”<sup>165</sup> She went on to describe her perception as to how the Steering Committee has misinterpreted the DSL’s mandate:

The mandate the state has to manage common school fund land doesn’t necessarily mean that they have to liquidate the oldest forests as fast as they can; that is not the mandate. Instead the mandate requires ODF to return revenues of a sustainable logging program into the Common School Fund. They have interpreted this as being we have to make as much money as possible now.<sup>166</sup>

During the process, Eatherington inquired if she could be on the Steering Committee or sit in on the meetings so she could better direct her comments on the FMP and HCP. She was denied both requests.

Bob Ragon, the Executive Director of Douglas Timber Operators (DTO), a regional trade association representing the wood products industry in southwest Oregon, represented the timber industry interests in the Elliott. The members of DTO, ranging from Weyerhaeuser to individuals, are the principal buyers of the timber sales the Elliott produces. Ragon offered his perspective on the Planning Process:

My line of comment has been along the edges of “you have a fiduciary responsibility to schools in the state of Oregon to provide revenue and that ought to be your prime function.” With respect to the other things they get involved in I have questions about how valid they are, so I provide my comments. Much of that revolves around the ESA and the wide reach it has on resource management. I know there are other groups out there that advocate that we shouldn’t be harvesting any trees on the Elliott because it’s a unique ecosystem ... my

comments are totally on the other side of the equation. I believe very strongly in managing forests. There too many examples, particularly on federal lands in the west, where the US Forest Service has walked away from management and now they are burning up. I don't think that benefits anybody.<sup>167</sup>

Ragon added his opinion about the restrictions imposed the Endangered Species Act (ESA) and job loss in Southwest Oregon: "Before taking this job I was the CEO of a local mill and watched thousands of jobs disappear in Oregon because of endangered species. What did succession of harvests in public lands do for endangered species? Nothing. They are no better off today than they were before."<sup>168</sup>

## **THE ANALYSIS: ELLIOTT STATE FOREST PLANNING PROCESS**

The following analysis identifies and discusses benefits, costs, challenges, facilitating factors and lessons learned from the Elliott State Forest Planning Process. This analysis is based on the observations, reflections and perceptions of Steering Committee members, in addition to environmental and timber representatives. The analysis also reflects the researchers' external assessment of the process.

Benefits of the Planning Process include the increased involvement of beneficiary groups, increased stakeholder buy-in and the relationships built as a result of the process.

Facilitating factors that enabled the Steering Committee to persevere and develop what most consider a successful plan were the personalities and relationships of the Steering Committee members, a commitment to the process, the Planning Process structure and, finally, the forest modeling.

In sum, the lessons learned and advice from the Elliott State Forest Planning Process include using technology to capture the values of land, recognizing the challenges of grabbing the attention of the public, ensuring that participants have adequate time to commit to a collaborative effort, using collaboration in situations that warrant its added time and energy and understanding that stacking the representation towards one interest can lead to an uneven process.

### **WAS THE ELLIOTT STATE FOREST PLANNING PROCESS COLLABORATIVE?**

Compared to traditional management processes, the Planning Process used to complete the FMP and HCP for the Elliott State Forest was collaborative. While all state forests including Common School Forestlands are managed via forest management plans, the process used to devise them is not considered collaborative. For example, the 1994-1995 Elliott FMP and HCP was an internal process between DSL and ODF.<sup>169</sup>

However, while many members of the Steering Committee stated that the process was collaborative, there was a general acknowledgement that it was not a traditional collaborative process and that the collaboration varied at different levels of the process. John Lilly, Assistant Director of Policy and Planning for the DSL, explained that, "it's collaborative in the sense that

those sitting around the table feel equally involved but not all have the same stake in the outcome” and that, “[the process is] a collaborative effort but not traditional.”<sup>170</sup> Dan Shults further elucidated the different levels of collaboration, adding that the Core Planning Team is “a very collaborative effort too with ODFW, USFWS, NMFS and a lot of the technical folks from the Elliott State Forest itself. So there are two levels of collaboration there. There is the working group actually forging the plan and the [Steering Committee].”<sup>171</sup> Though many felt that the Steering Committee and Core Planning Team were collaborative, there was a general sentiment that outside of these two structures the process was less collaborative. Steve Thomas agreed that the Steering Committee was “collaborative,” but the public outreach was not collaborative: “I would say that the whole issue of public involvement is not collaborative. It’s more of a give us your input and we respond kind of thing.”<sup>172</sup> Steve Denney of the ODFW iterated a similar thought, stating that the process is “collaborative with the people involved.”<sup>173</sup> Added Commissioner Griffith, “I’d say it’s more collaborative than most.”<sup>174</sup> Rick Howell stated that he thought the Planning Process was “very collaborative.”

The Elliott State Forest Planning Process was collaborative within the sphere of the Steering Committee and Core Planning Team; however, outside of the scope of the planning structure the process was less collaborative. Bob Ragon, Executive Director of Douglas Timber Operators, explained how he felt about the level of collaboration: “They are trying to reach out to all different interest groups, but the decision can’t be a collaborative decision in my view. We don’t all get a seat at the table and we don’t get to vote.”<sup>175</sup> Francis Eatherington, Forest Monitor at Umpqua Watersheds, Inc., cited numerous frustrations with the public meetings, comment process and the lack of response by the ODF and said that she feels as though the decision on how to manage the forest has already been made.<sup>176</sup>

The reflections on the level of collaboration and the experiences of participants in this process can be further examined via three lenses used to measure collaboration in this report: (1) breadth of stakeholders, (2) degree of transparency and (3) degree of influence on decision making.

**Breadth of Stakeholders:** In so far as striving to create a Planning Process with a diverse breadth of stakeholders with an economic interest in the Elliott State Forest, this process was successful. Former Assistant State Forester Ray Craig, Jim Young and Dan Shults orchestrated an inclusive Steering Committee and Core Planning Team to develop an FMP and HCP for Common School Forest Lands in Oregon that met the “economic stake in the management of the forest” criteria set forth in the beginning of the process.

From the beneficiary perspective, involvement in the Steering Committee was demonstrative of the more active role they are taking in all aspects of DSL management and the broader influence of CLASS. John Lilly stated that in the last five years there has been more emphasis on school financing and that:

Organizations like CLASS helped too because there has been an outreach from grassroots people to their interests ... they have a story to tell and it is somebody else telling the story not just the department. When the department talks about trust land and the trust responsibility it sounds a little self-serving, like “you guys are just trying to protect your jobs.”<sup>177</sup>

The involvement of the beneficiaries has served deepened the broader understanding of the trust mandate and fiduciary responsibility for beneficiary and education interest groups in Oregon.

However, if other interests in the Elliott are considered outside of those who stood a chance to experience monetary gains from their interests, the breadth on the Steering Committee and Core Planning Team was shallow. The Steering Committee actively acknowledged that not all stakeholders or interested parties were invited to participate in the Planning Process outside the realm of public comment opportunities. Those not invited to participate included adjacent landowners (BLM, USFS and Weyerhaeuser), timber interest group and environmentalists. Recall, that the reason for not including the adjacent landowners was because of the difference in operational mandates. John Lilly, Assistant Director for Policy and Planning at DSL, went on to further acknowledge the interests lacking representation on the Steering Committee:

There is an environmental interest in the Coos Bay and Roseburg areas that watch over our activities on forest lands that aren't on the Steering Committee. There are people who buy the timber, there are the loggers, and folks who purchase the timber that aren't represented. There are local people who use the forest for all sorts of things, recreation purposes or what have you; those folks aren't on the Steering Committee even though they have an interest in the outcome. They are the ones that might thwart the outcome through legal or political efforts. There are no legislators and there isn't a County Commissioner from Douglas County.<sup>178</sup>

Recall that it was decided early on that the Steering Committee would be made up of those with an economic interest in the forest. While some of the interests listed by Lilly could fall into that category, there was also the feeling that it would be too complicated to determine which individuals would serve as representatives for the timber interests, environmentalists or the public at large. According to Dan Shults:

We manage the land with the permission of the public and the public has to be involved and understand what we're all about. It's always a challenge because you never know whether the person at the table really represents the "public." The "public" consists of a lot of different perspectives.<sup>179</sup>

Interests outside of the Steering Committee had access to the process primarily via public meetings and written comments and were not allowed to attend meetings. Eatherington recalled one such incident when she inquired if she could come to a Steering Committee meeting as an observer: "I was told I could not come, that the meetings were closed. Only those that have an economic interest in the Elliott can be on the committee."<sup>180</sup> She added, "We do talk to timber industry folks and in the past we have collaborated with Roseburg Forest Products. We are used to sitting at the table with them. We can work with the timber industry but not with ODF. There is no table for us to come sit at."<sup>181</sup> Jim Young felt slightly differently than the other committee members, and stated the he felt that, "the environmental perspective may not have been adequately represented on the committee."<sup>182</sup> Young's belief is noteworthy because both outside interest groups interviewed – pro-timber and pro-environment – agreed that their participation on the Steering Committee would not have aided the process.



**Degree of Transparency:** This process was highly transparent within the scope of the Steering Committee and Core Planning Team. However, outside of the process the visibility of the process, rationale for decision making and access to information was less transparent. Francis Eatherington shared her thoughts on the transparency of the process:

I actually don't really have much of an idea how the [Steering] Committee works or what the process is or who comes to meetings other than what I see. From what I understand the [Core] Planning Team hasn't met in 2005. I asked for meeting minutes and they said there aren't any.<sup>183</sup>

Eatherington also cited the poor accessibility of information on the DSL and ODF webpages as an impediment to her participation in the Planning Process. Eatherington explained:

They [ODF] need to have a link on their website for the Elliott under "State Forests." When they post something on the site they should have a list of recipients that are notified that something has been posted, otherwise we never know it's there unless we go to the site on a regular basis.<sup>184</sup>

In contrast, Bob Ragon, Executive Director of Douglas Timber Operators stated that there was, "no concern on my part that I do not have access to enough information."<sup>185</sup> While it appears that the inability or difficulty in accessing information was unintentional, much of this depends on the perspective through which the process is viewed. The Steering Committee clearly felt that they had made numerous efforts to reach out to the public and inform them of the proposed management plans for the Elliott. They published the newsletter, *Expectations*, for four years, put all announcements and draft FMPs and HCPs on the ODF website and held numerous public meetings. Ragon felt comfortable with his access to information; however if one person found it difficult to find the relevant information on the Planning Process then it is likely that others did, as well.

While the degree of transparency associated with information related to the process varied depending on perception, the Steering Committee was arguably less transparent about the manner in which decisions were made. The Steering Committee made a sincere effort to make all of the written products of process available to the public. The drafts of the FMP and HCP were posted to the ODF website, making them accessible to all who wanted to read them. However, the perception in the environmental community in Roseburg was that the decision to increase harvest levels, thus putting the threatened species in further danger, had already been made. Eatherington stated her frustrations with the Steering Committees lack of transparency about the management decisions, "I feel like it's a done deal. I feel like it doesn't matter what we say, that they have already decided what they are going to do."<sup>186</sup>

Arguably, the HCP and FMP process were as transparent to the public as other ODF forest management processes. Collaboration with the public is becoming a part of the culture of the ODF, and more recently, part of the DSL as well. According to Dan Shults, the agency "is using more collaboration in recent years in all elements of the organization. There are a diverse array of stakeholders with different viewpoints and interests and, being a public agency, we value their input."<sup>187</sup> Steve Denney iterated a similar statement, "We could have sat in a smoke-filled room

and done all of this. We chose to make it a more open process. That is the strength of it.”<sup>188</sup> Because collaboration and transparency are amorphous terms that can be interpreted in numerous ways, it is challenging to gauge the differences between internal perspectives of the process and external perceptions. Moreover, since the transparency of the Elliott State Forest Planning Process was determined by a combination of NEPA process requirements and ODF standard operating procedures there is the possibility that this sent mixed messages about the transparency of the process to the public and interest groups.

**Degree of Influence on Decision Making:** The Elliott FMP/HCP Planning Process did not afford Steering Committee and Core Planning Team members a high level of influence in the decision-making process. This was largely due to the bureaucratic environment in which the Planning Process had to occur. Both plans had to be approved by separate Boards representing congruent, but not necessarily identical, interests in forest management. Additionally, once approval was granted from the Land Board and BOF, the USFWS and NMFS had to sign off on HCP as well. While the Steering Committee attempted to work within the confines of what they thought the federal agencies would deem acceptable, each stage of approval further confined their ability to influence the process outside of the committee except on a small scale.

While the public at large had numerous opportunities to submit written or oral feedback on the Elliott FMP, HCP and EIS, their input had a very little influence on the decisions made by the Steering Committee over the course of the process. The lack of power in this capacity can be linked to a few factors. First and foremost, it was time consuming for the ODF staff to collect, sort, process and respond to written comments. The volume of comments received and their pertinence to the process also had to be assessed and condensed before being reviewed by the Steering Committee. Second, based on the comments of the Steering Committee member interviewed, they often looked to the public comments to affirm the course of action they were taking to manage the forest because many of the comments desired uses of the Elliott that were considered against the spirit of the trust mandate. Commissioner Griffith explained:

How do you deal with those general public comments that can't allow the outcome that the commenters desired? You have to go back to the laws and constitutional obligations that are associated with the [Elliott State] Forest. But how do you be firm and compassionate at the same time? How do you tell them this is the purpose for these lands, this is the constitutional mandate for these lands and not have them take the perception, “then why did I comment if you were going to do that anyway?”<sup>189</sup>

Additionally, there was no ground rule or standard operating procedure set forth in the Steering Committee to actively consider public input in the decisions made. The Steering Committee had the choice of incorporating feedback or not; thus the public had a relatively low level of influence on the decision making process.

## **BENEFITS OF THE PROCESS**

Although the Elliott State Forest Planning Process is not yet complete, members of the Steering Committee cited numerous benefits of engaging in a collaborative process. These benefits

include increased involvement of beneficiaries in DSL management, increased stakeholder buy-in and the relationships built among the participants. Though these benefits seem small in number it is likely that more will be realized upon the completion of the process. Many Steering Committee members felt the benefits of the process were contingent on the approval of the HCP and FMP.

### **Increased Involvement of Beneficiaries**

One of the hallmarks of this process, and what sets it apart from traditional management processes, has been the inclusion of the beneficiaries on the Steering Committee and in the management of the DSL's portfolio. As mentioned earlier, beneficiary involvement in DSL management activities has been slowly evolving in the last five to six years. Chuck Bennett, lobbyist and Director of Government Relations for the COSA, explained Director Hanus' motivation for including the beneficiaries in management committees similar to the Steering Committee: "For her it has been an assistance in terms of educating our constituency (the education community), education public interest groups and also the legislature."<sup>190</sup> In Oregon, the education interest is considered a very aggressive advocacy group. At the same time, CLASS has brought beneficiary involvement and trust management accountability much higher on the radar throughout the entire Western U.S. According to Bennett, "they get virtually every western state involved with CLASS and creating awareness regionally."<sup>191</sup> Thus the decision to make sure beneficiary groups are more involved in getting their input in on trust management is both a political and progressive move by Director Hanus.

The more active role of beneficiaries in Oregon was evident in the makeup of the Elliott State Forest Steering Committee. Rick Howell, a later addition to the Committee, was chosen because of his position as Superintendent of the SCESD located in Coos Bay.<sup>192</sup> Bennett's rationale for selecting Rick Howell was that, "the more involved local school districts get in the Common School Fund lands, the better."<sup>193</sup> In this capacity Rick Howell serves as the beneficiaries' "man on the ground" who could share their perspective on the Steering Committee.<sup>194</sup> According to Bennett, the beneficiaries perceive that the Elliott State Forest has evolved in way it is viewed by locals and statewide interest groups and that environmental issues, water quality issues, and recreation, among others, are values that have begun to supersede the true value of the forest – which is to produce revenue for the Common School Fund.<sup>195</sup> Bennett surmised, "We are showing up and saying, 'wait a minute those are the kid's logs.' We are a newcomer but the fundamental reason the Elliott exists."<sup>196</sup> The greater involvement of the beneficiaries via Rick Howell on the Elliott Steering Committee is part of a state-wide movement in which the beneficiaries are becoming increasingly active in common school land management.

### **Increased Stakeholder Buy-In**

An additional benefit of having more stakeholders represented in the Steering Committee and Core Planning Team has been an increased level of buy-in to the process from all stakeholders involved. Dan Shults iterated the benefits of a stakeholder buy-in in collaborative process, "Collaborative processes take an awful lot longer time initially than directed processes. However over the long-term I think you save a lot of time, arguments, and future controversies by having

the right folks involved from the get go.”<sup>197</sup> John Lilly, Assistant Director for Policy and Planning at the DSL had a similar take on the process:

The benefits are that in any team exercise the collaborative efforts of the people around the table are always better than the efforts of just one party alone. Though there isn't always 100 percent agreement on the direction to go, at least there are opposing or different points of view expressed and the final decision at least gets weighed out against those points of view.<sup>198</sup>

In addition to their more active role on the Steering Committee, the beneficiary advocacy groups have seen a direct connection between buy-in and an increase in revenue for the common school fund. According to Chuck Bennett, one of the most effective tools to making his voice heard has been, “literally showing up at the meeting where the discussion is occurring ... we have gotten more money because we have gotten more involved.”<sup>199</sup> Time will tell if this is the case with the Elliott, though at this point in the Planning Process it appears that the harvest level increases outlined in the FMP will cause the Common School Fund to experience greater revenues.

All Steering Committee members interviewed felt that the collaboration within the committee was value added to the process and allowed them to better work within the constraints of the trust mandate, the HCP process, and the need to increase harvest levels. Shults gave his opinion of the value of collaboration:

The value of the collaborative process is that folks are brought along, along the way. They see the stumbling blocks, they see the problems the issues they're aware of, the negotiation issues with the [USFWS and NMFS] to get things accomplished rather than at the end game laying something out for them and saying, “Hey, this is the best we could do. Sign off on it.” They're aware of the challenges along the way and involved in solving them so there is more buy-in to what we are trying to do.<sup>200</sup>

The inclusion of the USFWS and NMFS in the Core Planning Team and, to a lesser extent, on the Steering Committee was strategic move to develop federal buy-in to the process and to mitigate the constraints of the planning process. The federal biologists that participated on the Core Planning Team will not decide whether or not to approve the HCP. They too must report to their superiors who will ultimately make the final decision. The decision whether or not to approve the HCP are often both politically and scientifically based, leaving space for a rather high degree of uncertainty. However the Steering Committee hopes that inviting the federal biologists to participate in the process will give the HCP a better chance of being approved. According to Shults, “As we get closer to the end game, we will be able to go to their on-the-ground folks and supervisors and they will have buy-in. Hopefully they will be able to support what we are proposing together and I think that will help but it's a challenge, too.”<sup>201</sup>

Although according to Jim Young, “it is likely that we would have ended up with a similar plan if it had been the status quo. The only difference would be in the wording and emphasis on particular parts.”<sup>202</sup> Dan Shults iterated a similar thought, “I don't know whether or not the new plan increase in harvest and dollar return is a direct result of their involvement. We aren't to the

end of the process yet.”<sup>203</sup> While substantive differences in the FMP and HCP as a result of a more inclusive Steering Committee are not apparent, Shults commented that “there is more buy-in from stakeholders. This is particularly true, I believe, of Coos County and the SCESD Superintendent ... we have their support in a ‘bottom line’ in our negotiations.”<sup>204</sup> Shults and Young were optimistic that the involvement of the USFWS, NMFS, Commissioner Griffith and Rick Howell will play an important role in the final HCP negotiation with USFWS and NMFS and in future endeavors as well.

## **Relationships Built**

Another benefit of the process cited by Steering Committee members were the relationships built between the participants during the process. Many participants commented that the Steering Committee gives them the opportunity to work with people they would normally not converse with outside of the traditional agency interactions. Steve Denney, ODFW Southwest Regional Assistant Supervisor, summed up what he saw as beneficial about having contact with non-agency participants within the Planning Process: “Participating on the Steering Committee allows me to interact with other players like the SCESD and local County Commissioners. Sometimes we [ODFW] only deal with them in confrontational roles so it’s better to interact in a collaborative process and that’s a benefit to me in the long run.”<sup>205</sup> Added Denney about building relationships with other state agency staff within the process: “[ODFW] come[s] at it from a wildlife perspective. [Other agency staff] understand the issues we deal with and we understand their political process and statutes and that has been really positive. It has set the stage for future efforts, not just on the Elliott.”<sup>206</sup>

## **Measuring the Success of the Process**

According to those interviewed, much of the process’ success is contingent on the outcome, namely getting the approval of the State Land Board, the BOF and the federal agencies on the HCP. However, many members of the Steering Committee have found successful elements of process despite the fact that the process is not yet complete. A clear majority of the Steering Committee also stated that the process itself has been successful in what it has accomplished thus far. Shults gave his opinion on the process as a whole:

It’s taken a lot longer that I ever thought it would at the beginning, but I would characterize it as successful in that we have good collaboration, we have a solid plan, and it looks like we will be able to increase harvest levels – big dollars – and at the same time protect the species as well as, and maybe better than, under the first plan.<sup>207</sup>

When questioned about the success of the process and what elements would deem it successful Steve Denney offered what he considered to be the ideal finale of the process: “I think it’s going to be [successful]. I say the ultimate success is that they [the ODF and DSL] get the incidental take permits and the FMP is approved with minimal protest and no court involvement. It’s a very tricky tightrope we’re walking on now.”<sup>208</sup> Added John Lilly, “I think the goals have been achieved; if the goals are having a voice.”<sup>209</sup>

## **CONSERVATION OUTCOMES**

While it is evident that there are conservation outcomes that have been produced as result of the HCP, since that was its intended purpose, there is some level of uncertainty as to how effective the HCP is in protecting endangered species that reside in the Elliott. The decrease in spotted owl population on the Elliott State Forest begs the question as to whether HCPs are effective at protecting species. A survey was conducted a survey in 1993 to inform the 1994-1995 HCP process that counted 69 owls on or partially on the Elliott. The resulting Incidental Take Permit allowed the ODF to “take” 43 of the owls over a 60-year period. The ODF was also expected to protect 26 owls over a 60-year period.<sup>210</sup> In 1998, five years after the initial survey, another survey was conducted of owls on state lands. The survey found that the owl population had plummeted to 23 owls.<sup>211</sup> Though the decline in number of spotted owls can arguably be attributed to other factors including habitat invasion by bard owls, loss of owls is nonetheless concerning. Additionally for those individuals and groups concerned about the loss of old growth forest in Oregon, the Elliott FMP and HCP will not explicitly conserve those trees; however, to be fair, that was not the goal of either plan.

What can the Elliott State Forest Planning Process tell us about HCPs on Common School Land? There are a number of lessons questions about the effectiveness of HCPs that can be gleaned from the Planning Process. Many of the challenges faced by the Steering Committee and Core Planning Team highlights some of the faults of HCP process including a lack of direction from the USFWS and NMFS on what they would consider an acceptable plan. The decline of the spotted owl population under the 1994-95 HCP raises some concern about the ability of the plan to maintain a viable owl population. In addition, with the likelihood that the new FMP and HCP will raise harvest levels on the forest there is the potential that more losses on the forest could occur. However, while it can be perceived that the Steering Committee tends to prioritize the economic value of the forest more than the environmental value, the Committee is meeting federal ESA requirements. Perhaps a revision of the federal HCP process would reduce the frustrations experienced by applicants and implement more effective wildlife conservation measures. Time will tell if this new HCP will be effective in protecting the spotted owl, marbled murrelet, coho salmon and other species in the Elliott State Forest.

## **COSTS OF THE PROCESS**

The costs associated with the Elliott State Forest Planning Process are best conceptualized when broken in down into monetary, opportunity and time costs.

### **Monetary Costs**

The monetary costs associated with the Elliott State Forest Planning Process included both agency costs and personal costs. The bulk of the expenses associated with Planning Process were shouldered by the DSL. Most of it can be considered part of the cost the agency experiences as a result of contracting the management of the forest out to the ODF. That said, the process bore significant costs largely due to the length of the process. The Elliott State Forest Planning Process has taken more than five years to complete and is still not finished. The DSL spends approximately \$4.7 million annually for forestland management of Common School Forest

Lands. The management of the Elliott makes up a large portion of the annual expenditures. Despite the high cost of managing the forest, the Elliott also produces a significant amount of revenue. Dan Shults provided an estimate on the costs and returns associated with the Planning Process:

In the millions of dollars when you add in all the time it takes for meetings and the district people to develop new strategies, watershed analysis work, and paying contractors for the EIS. But when you look at the revenue that comes off the Elliott annually, it pales by comparison. The timber sells for approximately \$500 per 1,000 board feet and the potential for 40 million board feet a year; that is a lot of money [\$20,000,000].<sup>212</sup>

The Mason Bruce & Girard Cost-Benefit Analysis was a useful tool to determine the best course of action for the Steering Committee when it came to finding the least-cost option. The cost-benefit analysis measured the cost of an outright sale or continued management of the forest. According to the findings of the report, under continued state ownership at its current harvest level, the forest is worth \$282 million to the Common School Fund. At the expected harvest level under the revised FMP and HCPs, the value of the forest would increase to between \$318-381 million.<sup>213</sup> However, if the forest was sold the range of net income from the sale would only be worth between \$245-488 million to the Common School Fund.<sup>214</sup> The Cost-Benefit Analysis made it clear that it was in the best interest of the Land Board to continue managing the Elliott for timber production even with the constraints of an HCP in place. It should also be noted that none of the Steering Committee members interviewed associated collaboration with incurring higher costs to the DSL. Thus the dollar amount the collaborative process has “cost,” or rather taken out of the Common School Fund, can be considered in the realm of the usual management costs.

There were additional monetary costs associated Core Planning Team. To defray the costs of the ODFW staff on the Core Planning Team, the ODF paid some of the participating their salary, allowing the ODFW to become more involved in the process.

Personal expenses borne by the Steering Committee members were also a cost of the process. These expenses included travel for meetings, meals and occasionally overnight stays. Steve Denney described the costs he incurred as a result of being on the Steering Committee, “My expense has been running to meetings and meals. There weren’t too many overnight stays. My personal expenses were pretty minimal.”<sup>215</sup> Commissioner Griffith also had to bear some of the cost of traveling to Committee meetings. Because Coos County Commissioners are not provided county cars or compensation for mileage, Commissioner Griffith has incurred personal costs to be a part of this process. However, some of his mileage is covered via the revenue from the 7,000 acres of BOF land in the Elliott.<sup>216</sup>

### **Time Costs**

Costs in the form of work and personal time vary between members of the Steering Committee. Some of Steering Committee members approximated the percentage of time they dedicate to the process compared with previous job time allocation. As Chair of the Steering Committee and



ODF Southern Area Director, Dan Shults stated that he prior to the Planning Process he spent 20 to 30 percent of his time working on Elliott-related issues. His duties on the Steering Committee have caused him to devote more hours than normal to the Elliott.<sup>217</sup> Similarly, Jim Young said that he spends 50 to 75 percent of his time on Elliott-related work, both related to the Planning Process and his day-to-day management duties. Even if the Planning Process was not going on, he stated that he would still be spending about 50 percent of his time on state forest issues. Steve Denney spends two to three days a month working on Elliott planning process accounting for three to five percent of his work time.<sup>218</sup> Commissioner Griffith added that he devotes five to ten percent of his work time to the Steering Committee in addition to the extensive reading and preparation he does at home.<sup>219</sup>

### **Opportunity Costs**

The participants of the Steering Committee also incurred opportunity costs as a result of their participation in the Planning Process. Many stated that the additional time spent working on the Planning Process took away time typically devoted to their other job responsibilities. Jim Young mentioned that if he were not acting as Project Leader, more of his time would be spent on other responsibilities, such as administering the Forest Practices Act, providing assistance to family forest owners, and participating in the fire protection program.<sup>220</sup> Dan Shults explained in more detail how opportunity costs have impacted the ODF:

[The Planning Process] certainly takes more field time, staff time and involvement of our people. When you engaged in process like this, you're not as able to keep up on the day-to-day stuff. The district people are suddenly thrust into doing a lot of other things in addition to their regular duties. I would say the same is true for a lot of the other [participants] dealing with their normal jobs ... It's expensive and organizationally it has impacted what we've been able to do in our day-to-day work. It takes a lot of my time away from other things.<sup>221</sup>

Opportunity costs were clearly significant when compared to the other costs of the Elliott State Forest Planning Process.

### **CHALLENGES AND RESPONSES**

The Elliott State Forest Planning Process encountered significant challenges during the five plus-year planning process. Many of these challenges were unique to the fact that this process addressed trust land management within the context of a federal HCP process.

#### **Lack of Public Interest and Participation**

Challenges stemming from lack of public interest and involvement have plagued the FMP and HCP processes. One of the main challenges cited by Steering Committee members was getting comments from a diverse array of interests from the local communities. According to Jim Young, ODF Coos District Forester, the reason for limited interest may be that, "It is not controversial how the forest is being managed. Most people feel okay or are not that concerned. It isn't really big on their radar screen; they have other things to worry about."<sup>222</sup> Steve Thomas,

ODF Assistant State Forester, indicated that he felt that the Steering Committee is constantly grappling with the question of what they are trying to achieve via public comment, how to make it meaningful for the public and the agencies, and if they were doing enough to involve them. “We kept getting the feeling that the same people that talk to you at board meetings, show up at public meetings. The mantra doesn’t change. We wonder if there is somebody else out there with additional insight. How do you grab them?”<sup>223</sup> Said Rick Howell, Superintendent of the SCESD, of public interest in management of the Elliott:

Unless it affects them personally they aren’t going to be interested in it. Their interest in the Elliott planning is not going to be because how it affects the Common School Fund it’s going to be in how it affects their ability to go into the Elliott and do what they want to do. Our plan allows that ... Hopefully we’re going to bump it up to about 40 million, in a five billion dollar budget not a huge impact. Even money not going to make them be as aware of or care unless it’s 40 million transferred into their bank account. That doesn’t mean we don’t ask them.<sup>224</sup>

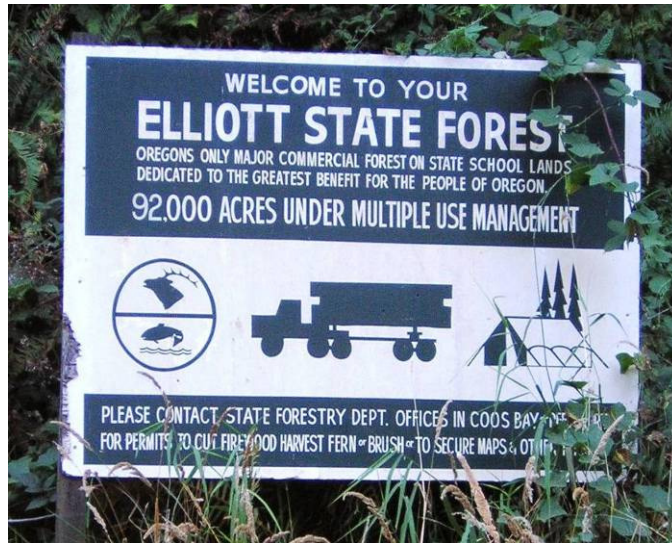
A number of factors could explain the poor turnout at meetings. First and foremost, the Elliott is a long way from Portland. According to Steve Thomas, Assistant State Forester, if there is a meeting for a plan on the nearby Tillamook and Clatsop forests, 100 people show with lots of questions.<sup>225</sup> According to Francis Eatherington, Forest Monitor at Umpqua Watersheds, Inc, there are significant differences between the attentions paid to the Elliott compared to other more well-known forests:

It is very difficult for us in Roseburg because we don’t get the same input as the Salem/Portland folks. They get to go to more meetings and participate in public comment. The Board of Forestry knows who they are. The Elliott doesn’t get the same advocacy as the Tillamook does. The Tillamook is right outside of Portland and there are a lot of people loving it. The Elliott is sort of this lost forest out here that only the murrelets love.<sup>226</sup>

The Tillamook has a significantly higher amount of recreational use compared to the Elliott. The Elliott does not have any hiking trails, only logging roads and a few scattered campsites leaving few opportunities for recreational use. Eatherington added that the sign at the entrance to the Elliott is also misleading in what it purports (Figure 5-6):

I think the spirit of the sign is good but camping, fishing, and hiking? There is none of that there ... there are zero miles of hiking trails on the Elliott. Want to know why? There is no good reason why. [The ODF and DSL] say that it’s illegal to have them on Common School Land but I have yet to come across a CFRI that says that ... they could advertise it as a bicycle trip. You can see the ocean from the ridge road.<sup>227</sup>

**Figure 5-6: Sign at Entrance to the Elliott State Forest**



Source: Photograph by Eirin Krane

Secondly, many of the Steering Committee members interviewed conceded that the times of the public meetings, typically in the evenings when people were at home with their families, made it challenging for local people to attend unless they had a high degree of interest. Stated Bob Ragon of Douglas Timber Operators:

The problem with most of these processes is that the average public tunes out. Who is going to read an [Environmental Impact Statement] that is two inches thick? ... Part of the reason [for the lack of public involvement] is that the issues are so complex and the detail is so great that the average citizen won't bother to read or understand it.<sup>228</sup>

Thirdly, as Ragon mentioned, the complex nature of the FMP and HCP and the huge volume of material to read, it would be nearly impossible for anyone to read two reports, each hundreds of pages long in their spare time. Also, most people are not familiar with the legal requirements and policy frameworks that come into play on Common School Forest Lands, like the Elliott, making it more difficult for them to give substantive comments.

### **Online Comment Process**

While the online comment period proved useful for those who could not attend the public meetings, there were mixed feelings as to the success of this input venue. Bob Ragon, Executive Director of Douglas Timber Operators, a regional trade association representing the woods products industry in southwest Oregon, stated that he feels the process is very open: "[The Steering Committee is] interested in comments. I could send them a letter tomorrow and they would say 'thank you very much.'"<sup>229</sup> Francis Eatherington had different feelings about the comment process:

Last year we kept waiting for an announcement that the Annual Operations Plan was up for comment. There was no email or written announcement. I went to the website and found it was over in a day ... They extended the comment period for me a couple of weeks because I wasn't notified. This year I kept checking. A simple email list or a post on the website would work but they don't do that. The BLM does that. From the BLM we get notifications all the time that the websites has been updated.<sup>230</sup>

Eatherington also mentioned that the ODF website is difficult to navigate, with no direct link to the Elliott State Forest. She goes further to express her frustration at the lack of response to her comments by the ODF:

Traditionally, I do not get any response from the [ODF]. One of my biggest beefs is that they don't write us a letter back. They put the response to everyone's comment on all operations for the state of Oregon in one document on the website. I might have an issue that I wrote in about and I might find a reference to it in one line. Then they put it on their website and don't notify anyone when it goes up.<sup>231</sup>

While the online comment periods had mixed reviews by those who utilized them, the parties that were more critical of the FMP and HCP were clearly frustrated by the lack of response to their concerns.

### **Lack of Public Understanding of Trust Mandate**

Though the Steering Committee actively sought public involvement, its ability to incorporate suggestions into the final plans has been hampered by the regulations of the HCP and the constitutional mandate of the trust. The fiduciary responsibility constrains the Committee from considering the Elliott as a reserve-based forest with no cutting, a common suggestion from the public. According to Steve Thomas, with the substantial owl and marbled murrelet populations, it would be better to move towards a multi-value forest and at the same time gain the needed stability with the HCP to serve the dual purpose of protecting the species and increasing timber harvests.<sup>232</sup> John Lilly stated that the public's misunderstanding concerning the trust mandate has been a challenge: "Getting credibility about it is a challenge, in other words some people might say, 'well that's just a lot of legal mumbo jumbo that you guys are just trying to hide behind to keep you from doing the right thing on the ground.'"<sup>233</sup>

While this appeared to be the perception from inside of the process, the two interest group representatives outside of the process stated that they had knowledge of and understood the trust mandate. In this case it is difficult to draw a conclusion about whether or not knowledge of the trust mandate is widespread in Oregon; however, it is clear from the comments made by the Steering Committee members and the groups outside of the process that perhaps the values associated with Common School Lands are not well understood.

## **Creating an Us-versus-Them Dynamic with Polarized Interests**

When questioned about the public comment process, Steering Committee members noted that comments largely came from environmentalists and the timber industry, two groups with opposing views on management of the Elliott. Though not explicitly stated, many of the comments made by those interviewed indicated that the perceptions and input of these groups, particularly “environmentalists,” were sometimes discounted because they were perceived as extreme and conservation beyond the HCP could not be accommodated given the trust mandate. This could have to do with the fact that the “environmentalists” were being critical of the process while the timber interests tended to be more supportive, with only minor criticisms. As a result, the perception of an “us-versus-them” dynamic arose between the Steering Committee and the environmental groups.

## **Problems Inherent in the HCP Process**

Challenges have also arisen in adapting to the HCP process timeline and its restraints. The HCP document is not as straightforward as the FMP, and control of the cadence of both processes is not up to the state agencies. The HCP must provide extensive data on owl, murrelet, salmon and other potentially-threatened species. The Core Planning had a lot of ground to cover to make sure the science was in place to inform the policies to manage the Elliott. The surveys, watershed analysis and dissemination took years to complete, often putting both the team and the Steering Committee behind in their work plan. John Lilly describes the complexity of the issues inherent in the Planning Process:

The Elliott is a different creature because you are trying to get a federal permit at the same time so you have to sequence all this stuff out. How do you leave decision space for the policymaker - that is the Land Board – in a way that doesn't lock them down before the USFWS has tipped their hand as to what they will accept as an HCP? You've got to leave all that decision space mushy so that you're not taking away your policymaker's prerogatives. We've always said that if the price of the HCP is too high, we won't get one. How do you know if it's too high, until you walk that road with the scoping, the draft EIS, the plan to present on the HCP to find out whether or not it's going to be something that is acceptable to USFWS and NMFS and we can decided to go back to the board and say, “Board, we think this is worth the effort. We think this is going to be okay.”<sup>234</sup>

When the subject of working with the federal services was broached, all of those interviewed felt that this represented one of the largest impediments to the process. Dan Shults summed up his frustrations, “The goalposts seem to move. You think you have a pretty good agreement on a set of principles or set of objectives or management you're going to employ and somewhere down the line, someone higher up in the organization can say, ‘nope, that's not going to work.’”<sup>235</sup> The general consensus was that the federal services were not very forthcoming about what is acceptable. Lilly summed up his impression of the situation: “The federal services want to be outside the process because they have veto authority. They tell you whether or not. They are not negotiating. They are above the process.”<sup>236</sup>

The Steering Committee attempted to overcome this challenge by including staff from the USFWS and NMFS on the Core Planning Team. The Team worked jointly with the federal agencies' staff to conduct wildlife, hydrology and aquatic species surveys on the Elliott. This was strategic according to Dan Shults:

A key value of this collaborative process is including the services along the way and getting them out on the ground and looking at some of the stuff on the ground ... they are part of the process in developing solutions ... as we get closer to the end game we'll be able to go to their supervisors and they will have buy-in. Hopefully they will be able to support what we are proposing together and I think that will help.<sup>237</sup>

The decision on whether or not to approve the HCP is not made by the "on-the-ground" staff, but rather their superiors at USFWS and NMFS. The real determinant as to whether the Steering Committee's efforts at including the federal services has been an aide in overcoming the challenges inherent in the HCP process is yet to be seen because the plan has not been submitted for approval. However, if the Incidental Take Permit (ITP) is issued, the inclusion of USFWS and NMFS staff in the Planning Process will likely be seen as a large part of its success.

### **Technical Uncertainty and Interpreting Scientific Data**

The Steering Committee has also grappled with the issue of science and how to interpret the findings of the studies conducted by the ODF in cooperation with USFWS and NMFS. Throughout the HCP process there have been issues concerning the validity of scientific information collected by the USFWS and NMFS versus the data collected by the state agencies. Said Dan Shults: "You'd think good science is something everyone agrees on, but there's a very fine line between what is scientifically proven and what scientific opinion is."<sup>238</sup> Additionally, many of the threatened species that inhabit the Elliott State Forest have only recently been under observation by scientists. The examination of habitat requirements for the marbled murrelet intensified when the 1995 HCP was approved per one of the contingencies of the ITP. Data on the spotted owl has been produced since the early 1990s and some would argue that their remains to be a complete understanding of the species habitat requirements.

Members of the Steering Committee felt at times that the HCP process was unduly burdensome. Some felt that they were being penalized by being forced to mitigate threatened species habitat in the Elliott when there were other factors affecting the wildlife outside the forest that they had no control over. According to Shults, "Salmon are hugely impacted by ocean conditions that we have no control over. That said, it's also important to have good habitat on the inland side ... but the degree to which you maintain it, what is actually required versus someone's opinion of what is required is arguable."<sup>239</sup> Though no simple solutions could resolve the interpretation of science, the Steering Committee members opted to be conservative in balancing the trust mandate and threatened species protection by increasing the amount of timber harvested in the HCP by a moderate amount. They also included potential, but non-listed species in the HCP to ensure they would not have to go through another HCP process if one or some became listed.

## Dealing with the State Agencies and State Politics

The number of state agencies involved in the Steering Committee and the management of the Elliott was challenging in so far as each agency has its own hierarchical structure that could impede the forward movement of the HCP/FMP process. The DSL is a small agency with many management responsibilities. Thus, the DSL staff had to be strategic about allocating their time and attention to each area of concern. Steve Thomas, ODF Assistant State Forester offered his perspective of this issue: “Another tough area for us resource wise for us [Steering Committee] with the DSL ... it is not a big agency and they have a lot of things going on. The Planning Process has strapped them to be at our meetings.”<sup>240</sup>

The hierarchical structure of the Land Board and the DSL has, at times, impeded the forward movement of the process. Recall that the Land Board is made up of the three highest elected officials in the state; the governor, secretary of state and treasurer. Because the Elliott also contains BOF lands, they must also be consulted on policy decisions within the HCP and FMP processes. Steve Thomas described some of his frustrations with the system:

The Land Board is made of people you just don't get at meetings to talk about things. When at official board meetings if you get an hour, it's like manna from heaven, it's like nirvana. Usually you get 10 minutes. Typically you end up talking to them through their assistants. When you come to the meeting everything is supposed to be taken care of. Whereas with the BOF there are no secondaries to go through there is just the Board. The BOF wants to hear everything; they don't want anything filtered out. The Land Board is not the same case. They don't want everything to come floating out on the table during the meeting because of the political situation.<sup>241</sup>

Added Thomas about a situation where the Secretary of State and the Treasurer requested additional meetings to discuss the Planning Process, “We can't talk to [the Secretary of State and State Treasurer] together because any combination of two of them together is a quorum.”<sup>242</sup>

The state-level politics associated with the Land Board also affected the Planning Process. Because the Land Board is made up of elected officials, they are more vulnerable to endangered species politics and timber interest groups. Conversely, the Steering Committee, with its majority of participants being bureaucrats, is more insulated from state politics. Many of the committee members are also from southern Oregon, an area steeped in the timber industry and ground zero for the logging wars of the 1990s. While it has not created an overt conflict between the Land Board and the Steering Committee, there is recognition of the clash in values between the two within the Steering Committee. According to Commissioner Griffith, “[The Land Board members] are state-wide politicians and the majority of Oregon citizens are in the Portland area. They are not going to do anything to offend too many people whether the schools are closing or not.”<sup>243</sup>



## **FACILITATING FACTORS**

Several facilitating factors were instrumental in creating a positive collaborative process for the members of the Steering Committee within the Elliott State Forest Planning Process. These include personalities and relationships, commitment to the process, the process structure, and forest modeling.

### **Personalities and Relationships**

The personalities and the relationships developed among the Steering Committee members have facilitated the forward momentum of the process. Nearly all interviewees cited the healthy relationships between committee members as having facilitated what they see as by and large a successful process.

One of the most colorful personalities on the committee belonged to Commissioner Griffith. When Commissioner Griffith joined the committee, he replaced his predecessor who had not taken an active role in the process. In his past positions, Commissioner Griffith has been a reporter, logger and member of several collaborative resource management councils. All of these experiences have colored his opinions on the Elliott Planning Process. Commissioner Griffith saw his role as pushing for as much timber extraction as was feasible with the HCP. He described his role in the Steering Committee:

Because they are bureaucrats, permanent employees or as permanent as they can be of the state agency that ultimately have to answer to the Land Board, they're not as situated as I am or of the same sort of view as to how far they can push to meet the constitutional goal. They don't, since they are employed by ODF, want to risk irritating the governor too much, whereas me, I think it's my job to do so when the local economy and school funding are on the line.<sup>244</sup>

According to Steve Thomas, Assistant State Forester, "John caused us to sharpen our pencil a bit."<sup>245</sup>

The relationships between Steering Committee members also served to keep all members up to date on the process. As the only two on the committee that were not employed in a state agency, both Commissioner Griffith and Rick Howell had to become familiar with ODF practices and policies relatively quickly. Howell described how he felt upon joining the Steering Committee and how Jim Young helped him get up to speed on the process:

When I came on the process I was behind by quite a bit and [Jim Young] and an ODF staff member came in and spent a lot of time with me. They had a bunch of maps and charts and gave me some visual aides ... They took me on a trip to see all the different basins [in the Elliott] so I could get a better picture of what they were talking about. I got to see current cuts and how they are managed and where the current sales are. The trip made it more real.<sup>246</sup>

The personalities of the rest of the Steering Committee also have facilitated a more open process. Says Dan Shults, “Everyone knows where other people are coming from and where the push-pull is and we end up with pretty good compromise and resolution on those things.”<sup>247</sup> Steve Thomas, Assistant State Forester, felt similarly: “Getting different people’s perspectives; that is always useful. We are all open-minded but we all have our glasses that we look at the world through.”<sup>248</sup>

### **Commitment to the Process**

The commitment to the Elliott State Forest Planning Process also served as a facilitating factor in the process. Commissioner Griffith took particular interest in researching and understanding all aspects and legislation guiding the Planning Process. He also employed a technique to keep himself and other Steering Committee members on track:

I had this laminated to the front of my Elliott binder in case the guys get a little out of shape – Article 8, Section V<sup>249</sup> of the state constitution. They hate it when I have to do that; they can tell when we are starting to get to an impasse. When I first got on the Steering Committee I had to do quite a bit of work – I thought it would be easier to photocopy it and laminate it to my binder. It brings them back closer to the track.<sup>250</sup>

The Steering Committee members also were very committed to putting in the extra work and personal time to attend meetings and keep abreast of the numerous iterations of the FMP and HCP. This commitment was considerable given the voluminous amounts of reading that accompanied the process. Dan Shults described what he saw as one of the many successful elements of the process: “The Steering Committee folks have been really good about doing their homework ... page by page as a group they have made a lot of fairly significant changes for the betterment of the plan.”<sup>251</sup>

The addition the commitment of the two non-traditional stakeholders, Rick Howell and Commissioner Griffith, also drew praise. According to Steve Thomas, Assistant State Forester, “Putting education folks on there [Steering Committee] was DSL’s call. We had no idea what the relationship was going to be like but Rick has jumped in there like a trooper and has worked out just like everybody else.”<sup>252</sup> Thomas went on to describe in more detail how Howell and Griffith have added to the Planning Process:

I have enjoyed Rick Howell’s participation. He has come into an arena that is completely outside of his normal workings, has asked good questions, gotten involved and stayed up with the material. If I hadn’t known John Griffith through another forum, I would have been amazed at the due diligence he puts into every homework assignment. He reads everything in front of him. He’s a really value-added person to the group because he digs into everything.<sup>253</sup>

Evidently, the involvement of these two non-traditional stakeholders has been a benefit to the process, facilitating positive relationships and constant reinforcement of the committee’s obligation to meet the trust mandate.

## **Planning Process Structure**

The decision to create of a bi-level planning process, with the Steering Committee focused on policy issues and the Core Planning Team on science, has by all accounts been successful. The structure of the process allowed Jim Young and Mike Schnee, State Forests Planning and Policy Manager, to serve as liaisons between the two groups. They facilitated the communication between the scientist and policy advisors. On the Steering Committee, Young and Schnee presented the scientific findings and data to the participants to keep them up to speed on the technical aspects of the plans. On the Core Planning Team, Young and Schnee provided the policy perspective. The well-defined structure of the Steering Committee has also facilitated the success of the process.

The adoption of the Guiding Principles as part of the structure also facilitated a smoother process. The Guiding Principles gave the process direction as well as specific goals and objectives to work towards while developing the FMP and HCP. The regulatory frameworks in which both the FMP and HCP had to fit within were included either explicitly or implicitly in the text of the principles. The early Steering Committee spent a significant amount of time crafting them and often referred back to them over the course of the process. Said Jim Young in regards to the utility of the having the Guiding Principles, “What it did was define the playing field for us essentially. They made sure we were not getting off on a tangent that we didn’t belong on.”<sup>254</sup>

## **Forest Modeling**

Many felt that the ability to display scientific data on ecosystem-wide level was an extremely helpful tool in the Elliott State Forest Planning Process. The forest modeling in particular was initiated to assist the Steering Committee in better understanding what the Elliott would look like under various management regimes. According to the DSL’s John Lilly modeling was the hallmark of the process: “Once you can present to a policy maker a chart that on one page they can see what the harvest levels would be under various management regimes, then you have a very powerful tool to help them make informed decisions.”<sup>255</sup>

However, one of the Steering Committee members felt that modeling was a panacea. This concern was largely derived from the challenges inherent in understanding the complexities and outputs of the modeling program. Steve Denney, Southern Area Director for ODFW, identified some of the elements he found challenging about the modeling:

They hired people to construct very specific timber harvest models. I think they are really difficult for people to understand. The outcomes of models, in my experience with wildlife population models, are only as good as their inputs. You have to build trust that the inputs are good to get people to buy in on the outputs and people will often question whether the information was good to begin with ... With some of the modeling aspects, I get completely lost. If I am lost then lots of others will be too.<sup>256</sup>

The two perspectives on forest modeling demonstrate that while tools such as modeling can be very useful, they are not error-free and can be challenging to comprehend. However, despite these issues, the use of forest modeling was a facilitating factor in developing the FMP and HCP.

## **LESSONS LEARNED AND ADVICE FOR FUTURE PROCESSES**

Several lessons can be taken away from the analysis of the Elliott State Forest Planning Process to further inform collaborative efforts on state trust lands.

### **1. Using technology to capture both the economic and environmental values of land can be beneficial.**

John Lilly saw the technological tools such as modeling an important part of quantifying the values associated with the forest. This not only allowed a more cogent assessment of all the factors involved in the HCP and FMP but in the outcomes as well. He offered this advice:

You've got to find a way on key issues to quantify or qualify them to a point where you describe biological functions, populations, habitats, and the condition of those habitats to the point where people can then talk about how they value the number of critters or the quality of habitat. Say if you want 60 percent of the forest under advanced structure then we know how to silviculturally get you that.<sup>257</sup>

While tools such as modeling can synthesize many complex aspects of a process it is important to remember that the model cannot necessarily capture every element appropriately. Models are only as good as the input data, and while they can be useful tools for informing future outcomes, they cannot include all factors that exist in reality. Therefore, models and other technology-based tools used to capture environmental and economic values should be considered only as tools and not as an accurate depiction of the future.

### **2. Soliciting public input in a top-down collaborative effort can be ineffective if the public is not interested in the issue and serves to frustrate outside interest groups if they perceive that they are not being heard.**

Implementing an effective public input process was one of the more thorny issues of this planning process. Despite the valiant attempts of the Steering Committee to provide numerous ways for the public to give feedback on the process, it was viewed as largely unsuccessful. To quote Jim Young, "The public process hasn't appeared to facilitate greater understanding of what the Elliott is supposed to do and be. It seems like there is not much interest in the forest from the public side and I am not sure how effective the public meetings are."<sup>258</sup> The Steering Committee members often mentioned that they wanted to hear from the "general public" in the comment period but in the same breath they stated that most of the general public does not have the time to attend meetings and read the planning literature. It is clear from the comments mentioned previously by Francis Eatherington that she was interested in the Planning Process and made a significant effort to voice her concerns in public meetings and through written comments. However, her comments also indicate that she felt frustration because her comments and

suggestions were not acknowledged in an appropriate manner. Thus, any endeavor that includes opportunities for public involvement should be prepared to address a lack of public interest in the issue and be sensitive to how those outside of the process perceive it.

**3. Ensure that participants have adequate time committed to the effort and be strategic about how time is used.**

Given that the Elliott State Forest Planning Process has taken place over five years and is still not complete, participants in a similar process must be willing to see it through to the end. This can be challenging when participants have other professional and personal responsibilities they must attend to. One of the ways that the Steering Committee and Core Planning Team were strategic about using their time was to outsource some of the information gathering. Outside contractors were hired to complete species surveys and a watershed analysis was also useful in expediting the process. Had the Core Planning Team tried to conduct the surveys in addition to their other duties, it is likely that the Planning Process would have lagged even further behind its projected work plan. Jim Young offered practical advice for engaging in another collaborative process:

My suggestion for the future is make who ever are working on it their only project or primary project. If people devoted their time solely to this project then it would have gone faster. Also, consider hiring a contractor with relevant experience and that is familiar with these types of plans.<sup>259</sup>

**4. Use collaboration strategically in situations that warrants its added time and energy.**

All of the participants interviewed stated that the Planning Process was value-added. They had a lot of advice to impart to others considering a similar process, largely directed at the amount of time involved. Dan Shults found the process highly beneficial, but also stated that collaborative is not always appropriate in every circumstance:

Make sure the stakeholders are engaged and involved and listen to what they have to say. Be prepared for a process that takes a lot more time that you think initially. It's time well spent because it saves you time on the other end. We probably wouldn't have needed to do a collaborative process but in cases where people have a lot of outside interests that are divergent and in some cases conflicting then you need to look hard at a collaborative process. It's not a cure-all; there's some places where it's what you need to do and others where it's probably not.<sup>260</sup>

One of the key take-away lessons from an analysis of the Elliott State Forest Planning Process is that not all resource management issues on state trust lands can incorporate a high degree of collaboration with the public and interest groups outside of the process. The HCP processes include public comment and review, but the public is not actively part of the decisions being made. The public is only being heard in a general, albeit censored way. With that caveat, however, the Elliott State Forest Planning Process can be considered an effective collaborative process

## **5. Stacking the representation of stakeholders towards one interest can lead to an uneven process.**

The stakeholders represented on the Steering Committee were those who had an economic interest in the management of the Elliott State Forest. From the outside, the representation on the Committee could be viewed as uneven with respect to non-economic interests. The assembly of representatives at the table reflected the complexity of the situation at hand; completing a multi-species HCP with the ultimate goal of raising harvest levels on the forest. Arguably with the challenges inherent in crafting an HCP and the added pressure of a timeline for the process made selecting those with similar interests a logical choice. Despite the fact that many Steering Committee members iterated that they felt the similarities in interests facilitated the process Young indicated that it might have been a beneficial to have a representative from the environmental community on the Steering Committee, though he was the only one interviewed who felt this way. “We didn’t have somebody that represented that necessarily. We did have folks interested in the revenue side of things but we didn’t have an environmental player.”<sup>261</sup> While it can be viewed as inviting more conflict into a situation, including representatives from interest groups that have frequently voiced opposition to a process can be educational for all parties involved and facilitate buy-in from all parties at the table.

## **EPILOGUE**

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In October 2005, the USFWS announced it was considering de-listing marbled murrelets from the threatened species list. It is likely that the announcement came as a response to arguments from the wood products industry that the murrelets found from California to Washington do not represent a distinct population from those found elsewhere. Hundreds of thousands of the marbled murrelets can be found in Canada and Alaska. Jim Young stated that, “the Committee isn’t quite sure what we are going to do, but it is likely that we will continue with the HCP as planned.”<sup>262</sup> This is a prudent decision because when the final decision from USFWS comes down, either way it is highly likely that a long and drawn-out court battle will ensue.

Both the FMP and HCP are getting closer to completion. Once complete, the revised FMP and HCP must be approved by the Board of Forestry, ODF’s governing body, and the State Land Board. The Steering Committee went before the BOF for preliminary approval of the FMP on January 4, 2006. According to Young:

The Board had a list of questions and concerns about the HCP with regard to the murrelet and the Coho [salmon]. We got approval to continue developing the HCP and at the time both plans are ready for approval, we will ask the Land Board and Board of Forestry for approval.<sup>263</sup>

In February, the Steering Committee will go in front of the State Land Board and ask for the same approval.

The revised plan will likely increase harvesting to about 38 to 44 million board feet per year. That gives the forest a net present value of approximately \$370 to 389 million and a rate of

return of barely four percent on asset value. In the cost-benefit study, the consultants felt that under an industrial model, the forest would be worth in the neighborhood of \$600 million.<sup>264</sup> Even though this seems lower in comparison, since the Land Board owns the Elliott outright a rate of return of four percent is acceptable. The Land Board takes a very long-term approach to Elliott's management and according to John Lilly:

At the same time we're going to be able to manage resources to preserve them for the future so that if these critters recover, and the forest can be more intensively managed in the future, then we have that option ... If the state of the biology of these birds changes, if they get de-listed, if somebody discovers that they're more able to cope in more habitats than we think today then that's going to change the complexion of things and we can come back and revisit the plan.<sup>265</sup>

In March 2006, the final draft of the HCP and the final draft of the EIS will be available for public review. The Steering Committee hopes that by November both plans will be finalized. April 2007 has been slated as the approximate date in which the USFWS and NMFS will issue their decision on whether or not they will approve the HCP and subsequently issue the ITPs for all the species listed in the HCP.



## **LIST OF ACRONYMS**

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**BOF** – Board of Forestry

**DSL** – Department of State Lands

**DTO** – Douglas Timber Operators

**EIS** – Environmental Impact Statement

**ESA** – Endangered Species Act

**FMP** – Forest Management Plan

**HCP** – Habitat Conservation Plan

**IP** – Implementation Plan

**ITP** – Incidental take permit

**NMFS** – National Marine Fisheries Service

**NEPA** – National Environmental Protection Act

**ODF** – Oregon Department of Forestry

**ODFW** – Oregon Department of Fish and Wildlife

**SCESD** – South Coast Education Service District

**USFWS** – U.S. Fish and Wildlife Service

**UW** – Umpqua Watersheds, Inc

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## Endnotes

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<sup>2</sup> “Purpose, Planning and History: Executive Summary,” *Draft Elliott State Forest Management Plan*, August 2005, Oregon Department of Forestry, available at <http://www.oregon.gov/ODF/index.shtml>.

<sup>3</sup> *Elliott State Forest Management Plan and Habitat Conservation Plan Revision*, October 7, 2005, Oregon Department of Forestry.

<sup>4</sup> “Legal Context,” *Draft Elliott State Forest Habitat Conservation Plan*, August 2005, Oregon Department of Forestry, available at <http://www.oregon.gov/ODF/index.shtml>; “Constitution of Oregon: 2003 Version,” <http://www.leg.state.or.us/orcons/>.

<sup>5</sup> “Purpose, History and Planning,” *Elliott State Forest Management Plan Final 2006 Version*, Oregon Department of Forestry, [http://egov.oregon.gov/ODF/STATE\\_FORESTS/docs/ESF/Elliott\\_FMP/FMP\\_1.1\\_clean.pdf](http://egov.oregon.gov/ODF/STATE_FORESTS/docs/ESF/Elliott_FMP/FMP_1.1_clean.pdf).

<sup>6</sup> “Appendix J – Legal and Policy Mandates,” *Elliott State Forest Habitat Conservation Plan*, Oregon Department of Forestry, [http://www.oregon.gov/ODF/STATE\\_FORESTS/docs/management/hcp/J\\_legal.pdf](http://www.oregon.gov/ODF/STATE_FORESTS/docs/management/hcp/J_legal.pdf).

<sup>7</sup> 46 Or. Op. Att’y Gen. 468 (1992).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> John Lilly (Asset Manager, DSL) personal communication [email] with Eirin Krane, March 22, 2006; 46 Or. Op. Att’y Gen. 468 (1992).

<sup>11</sup> 46 Or. Op. Att’y Gen. 468 (1992).

<sup>12</sup> “Appendix J – Legal and Policy Mandates,” *Elliott State Forest Habitat Conservation Plan*, Oregon Department of Forestry, [http://www.oregon.gov/ODF/STATE\\_FORESTS/docs/management/hcp/J\\_legal.pdf](http://www.oregon.gov/ODF/STATE_FORESTS/docs/management/hcp/J_legal.pdf).

<sup>13</sup> 46 Or. Op. Att’y Gen. 468 (1992).

<sup>14</sup> “Legal Context,” *Draft Elliott State Forest Habitat Conservation Plan*, August 2005, Oregon Department of Forestry, available at <http://www.oregon.gov/ODF/index.shtml>.

<sup>15</sup> “Background and Summary,” *Elliott State Forest Management Plan and Habitat Conservation Plan Update*, November 21, 2005, Oregon Department of Forestry.

<sup>16</sup> “Legal Context,” *Draft Elliott State Forest Habitat Conservation Plan*, August 2005, Oregon Department of Forestry, available at <http://www.oregon.gov/ODF/index.shtml>.

<sup>17</sup> See Endangered Species Act § 2(a)(5)(b), cited in *Ibid.*

<sup>18</sup> See Endangered Species Act § 10(a)(1)(B), cited in “Legal Context,” *Draft Elliott State Forest Habitat Conservation Plan*, August 2005, Oregon Department of Forestry, available at <http://www.oregon.gov/ODF/index.shtml>.

<sup>19</sup> *Ibid.*

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<sup>20</sup> “Appendix J – Legal and Policy Mandates,” *Elliott State Forest Habitat Conservation Plan*, Oregon Department of Forestry, [http://www.oregon.gov/ODF/STATE\\_FORESTS/docs/management/hcp/J\\_legal.pdf](http://www.oregon.gov/ODF/STATE_FORESTS/docs/management/hcp/J_legal.pdf).

<sup>21</sup> See ORS 530.050, cited in “Appendix D – Legal and Policy Mandates,” *Elliott State Forest Forest Management Plan*, 2006, Oregon Department of Forestry, [http://www.oregon.gov/ODF/STATE\\_FORESTS/docs/ESF/Elliott\\_FMP/FMP\\_D\\_clean.pdf](http://www.oregon.gov/ODF/STATE_FORESTS/docs/ESF/Elliott_FMP/FMP_D_clean.pdf).

<sup>22</sup> Ibid.

<sup>23</sup> See ORS 527.630(1), cited in Ibid.

<sup>24</sup> Branches and other residue left on a forest floor after the cutting of timber.

<sup>25</sup> “Legal Context,” *Draft Elliott State Forest Habitat Conservation Plan*, August 2005, Oregon Department of Forestry, available at <http://www.oregon.gov/ODF/index.shtml>.

<sup>26</sup> Steven L. Yaffee, *The Wisdom of the Spotted Owl* (Washington, D.C.: Island Press, 1994).

<sup>27</sup> “The spotted owl prevails,” *Time*, May 15, 1989, 39.

<sup>28</sup> Ted Gulp, “Owl vs. Man: In the Northwest’s Battle over Logging Jobs are at Stake, but so are Irreplaceable Ancient Forests,” *Time*, June 25, 1990, 56(8).

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Michael Lemonick, “Showdown in the Treetops: Conservation Activists Stage High Altitude Sit-in To Save the Ancient Forests,” *Time*, August 28, 1989, 58(2).

<sup>32</sup> Ted Gulp, “Owl vs. Man: In the Northwest’s Battle over Logging Jobs are at Stake, but so are Irreplaceable Ancient Forests,” *Time*, June 25, 1990, 56(8); “Environment’s Little Big Bird,” *Time*, April 16, 1990, 21.

<sup>33</sup> Ibid.

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<sup>35</sup> Peter Sleeth “How many jobs you say?” *The Oregonian*, May 21, 1995.

<sup>36</sup> “Study Shows Timber Income Important to Southwest Oregon,” *Expectations*, January 2002, Oregon Department of Forestry.

<sup>37</sup> “About the Agency,” Department of State Lands, [www.oregon.gov/DSL/adminoverview.shtml](http://www.oregon.gov/DSL/adminoverview.shtml).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

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- <sup>241</sup> Ibid.
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- <sup>243</sup> John Griffith (Coos County Commissioner, Coos County) interview by Eirin Krane and Drew Vankat, August 26, 2005, Coquille, OR.
- <sup>244</sup> Ibid.

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- <sup>245</sup> Steve Thomas (Assistant State Forester, Oregon Department of Forestry), interview by Eirin Krane and Drew Vankat, August 24, 2005, ODF, Roseburg, OR.
- <sup>246</sup> Rick Howell (Superintendent, South Coast Education Service District), interview by Eirin Krane and Drew Vankat, August 26, 2005, SCESD, Coos Bay, OR.
- <sup>247</sup> Dan Shults (Southern Oregon Area Director, Southern Oregon Area, Oregon Department of Forestry), interview by Eirin Krane and Drew Vankat, August 24, 2005, ODF, Roseburg, OR.
- <sup>248</sup> Steve Thomas (Assistant State Forester, Oregon Department of Forestry), interview by Eirin Krane and Drew Vankat, August 24, 2005, ODF, Roseburg, OR.
- <sup>249</sup> “The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.”
- <sup>250</sup> John Griffith (Coos County Commissioner, Coos County) interview by Eirin Krane and Drew Vankat, August 26, 2005, Coquille, OR.
- <sup>251</sup> Dan Shults (Southern Oregon Area Director, Southern Oregon Area, Oregon Department of Forestry), interview by Eirin Krane and Drew Vankat, August 24, 2005, ODF, Roseburg, OR.
- <sup>252</sup> Steve Thomas (Assistant State Forester, Oregon Department of Forestry), interview by Eirin Krane and Drew Vankat, August 24, 2005, ODF, Roseburg, OR.
- <sup>253</sup> Ibid.
- <sup>254</sup> Jim Young (Coos District Forester, Oregon Department of Forestry), telephone interview by Eirin Krane and Drew Vankat, October 26, 2005.
- <sup>255</sup> John Lilly (Assistant Director for Policy and Planning, Department of State Lands), interview by Eirin Krane and Drew Vankat, August 22, 2005, DSL, Salem, OR.
- <sup>256</sup> Steve Denney (Southwest Region Assistant Supervisor, Oregon Department of Fish and Wildlife), interview by Eirin Krane and Drew Vankat, August 25, 2005, ODFW, Roseburg, OR.
- <sup>257</sup> John Lilly (Assistant Director for Policy and Planning, Department of State Lands), interview by Eirin Krane and Drew Vankat, August 22, 2005, DSL, Salem, OR.
- <sup>258</sup> Jim Young (Coos District Forester, Oregon Department of Forestry), telephone interview by Eirin Krane and Drew Vankat, October 26, 2005.
- <sup>259</sup> Ibid.
- <sup>260</sup> Dan Shults (Southern Oregon Area Director, Southern Oregon Area, Oregon Department of Forestry), interview by Eirin Krane and Drew Vankat, August 24, 2005, ODF, Roseburg, OR.
- <sup>261</sup> Jim Young (Coos District Forester, Oregon Department of Forestry), telephone interview by Eirin Krane and Drew Vankat, October 26, 2005.
- <sup>262</sup> Jim Young (Coos District Forester, Oregon Department of Forestry), personal communication [telephone] with Eirin Krane, January 11, 2006.
- <sup>263</sup> Ibid.
- <sup>264</sup> John Lilly (Assistant Director for Policy and Planning, Department of State Lands), interview by Eirin Krane and Drew Vankat, August 22, 2005, DSL, Salem, OR.

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<sup>265</sup> Ibid.