

# 'Privatizing' Elliott State Forest a consequence of environmental law, litigation: Editorial



Protesters from Earth First! and Cascadia Rising Tide wait for transport the Douglas County Jail in Roseburg after they were arrested in 2009 for blocking access to an 80-acre parcel in Elliott State Forest. (*The Oregonian/Thomas Boyd*)



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The **Elliott State Forest**, covering about 90,000 acres in the Coast Range near Coos Bay, provides a large and dependable stream of cash for the Common School Fund, which in turn sends millions of dollars to the state's public schools every year. Well, that's the theory, anyway. In reality, timber harvests have been **constrained so severely by environmental litigation** and Endangered Species Act restrictions that the Elliott *cost* the Common School Fund about \$3 million in 2013.

That's bad news for schoolchildren, sure. But at least it's good news for the marbled murrelet and the environmentalists who've sued to protect the threatened seabird, right? Only if their definition of good news includes the sale of large chunks of the forest. Two timber companies **bid successfully** last month for about 1,400 acres of the Elliott.

A handful of environmental groups, including Cascadia Wildlands and the Audubon Society of Portland, sued to stop one of the sales, which would transfer 788 acres to the Seneca Jones Timber Co. But last Friday, a Lane County judge denied a request for a preliminary injunction. The sale isn't a done deal yet, says Seneca co-owner Kathy Jones, but if it goes forward the company will manage the former Elliott acreage for harvest, just as it manages the 165,000 acres of forestland it already owns.

Meanwhile, additional pieces of the Elliott are likely to be sold later this year, says Department of State Lands spokeswoman Julie Curtis, continuing what environmentalists like to call the "privatization" of state forestland.

In retrospect, this outcome shouldn't surprise anyone. The primary purpose of the "Common School" land within the Elliot is revenue generation. Reduce the land's money-making capacity severely enough, and unloading acreage begins to make a lot of sense. That's true even though the land may sell for a relative pittance thanks to the presence or likely presence of murrelets. Last month's winning bids for three parcels covering about 1,450 acres amount to only \$4.3 million, but the cash could be enough to delay further losses to the Common School Fund.

"That's something that's not sustainable," says Curtis of the red ink, noting that the **State Land Board** "is concerned about it because they're the trustees" of the Common School Fund. Those who consider selling off state land an extreme response should consider the composition of the State Land Board, which made the call. Gov. John Kitzhaber, state Treasurer Ted Wheeler and Secretary of State Kate Brown are not the Clear-cut Club. They're responding reasonably to an extreme situation brought about by federal policymakers and by litigious environmental groups.

The selling will continue, at least in the short term. The state plans to unload another 1,300 acres or so later this year and, perhaps, even more in the future. "Privatizing" the Elliott in this fashion may continue to encounter resistance, but barring the appearance of a better solution, the state should keep right on selling. If timber companies want to buy the property with the expectation of logging it, that's fine. Their management will sustain jobs and provide tax revenue, and the new owners will be required to follow state and federal laws protecting threatened species.

It's also fine if bits and pieces of the Elliot are snapped up by conservation interests who don't want to touch a twig. This, in fact, is something the Department of State Lands would like. Among the criteria it established for selecting parcels to sell is a requirement that they "be of a size, configuration, and in a location that will solicit the greatest diversity of potential buyers." The state included this requirement "to see if we could attract conservation buyers for some or all of the parcels," says Curtis, who notes that officials hope to find such buyers for the remaining parcels to be sold this year.

In the end, what matters most is that the State Land Board remain focused on the primary purpose of the Elliott, which is to make money for public schools. If the best way to honor that purpose is to sell the forest, piece by piece, then sell it to the highest bidder. Oregon needs teachers far more than it needs underperforming public land.

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