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**Subject:** SB 1530: Zybach Testimony Re: Carbon Credits, Rural Unemployment & Wildfire Risk  
**Date:** Wednesday, February 5, 2020 1:32:27 PM  
**Attachments:** [Zybach\\_20200101.pdf](#)

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Senator Dembrow and Fellow Members of the Oregon Senate Committee on Environment and Natural Resources:

I have been scheduled to speak at request of the #timberunity organization during the February 6 Senate Committee on Environment and Natural Resources meeting regarding SB 1530. In conjunction with that opportunity, I would like to submit this email and attachment as my written testimony.

SB 1530 sounds like a costly and draconian solution to a problem that does not yet exist, if at all. My PhD research at OSU focused on the 500-year wildfire history of the Oregon Coast Range. For context, I used what is known of the past 15,000 year climate and vegetation history of the Pacific Northwest. There has been significant changes in the climate during that time, but current weather patterns continue to be well within the “norm” and there is no significant evidence of an Oregon “crisis” or “emergency” at present, nor any indication — other than computerized modeling — that one is likely to occur in the near future.

This perspective seems generally shared by the rural families and communities of Oregon, who seem more concerned with the need for family-wage jobs, crumbling infrastructures, and increasing wildfire risks. The Oregon “climate crisis,” by contrast, seems mostly a political concern of Portland, Salem, Corvallis, Eugene and Ashland I-5 Democrats. A political issue rather than one based on documented reality or scientific experimentation.

There is such a wide divergence of public perception, whether political or scientific, that it would seem in the best interests of Oregon citizens to look at the potential economic and wildfire impacts of this proposal before it is adopted. For the past three years Oregon Websites & Watersheds Project, Inc. (ORWW) has proposed the Elliott State Forest as an ideal opportunity to scientifically test the federal and state regulations that have resulted in the “timber wars” of the past 30 years. This conflict is deeply rooted in the computerized modeling of ESA “critical habitat” and the unproven consequences of “climate change.” To date, none of these projections have proven accurate and most seem to place unnecessary financial burdens and risks on our rural communities.

We continue to support the transparent scientific testing of these differences, but without unfair penalty or risk to our rural families and businesses. The active management of the Elliott State Forest for this purpose would provide significant — and greatly needed — information to directly address this conflict, while creating more than 400 local jobs, providing more than \$400 million to the Common School Fund, and with greatly reduced wildfire risk to our rural lands, wildlife populations, and communities. And with no need for additional tax revenues or government employees.

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This issue's cover photograph is of a Rocky Mountain Bull Elk.

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Oregon Fish&Wildlife Journal

# Elliott Forest Boondoggle vs. The Giesy Plan Alternative

By Dr. Bob Zybach



Elkhorn Ranch, ca. 1886.

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

Gross mismanagement of the Elliott State Forest in Coos and Douglas Counties in recent years has cost Oregon schools hundreds of millions of dollars, cost local families and businesses the loss of hundreds of high-wage blue-collar jobs, and with an ever-increasing risk of catastrophic wildfire to the com-



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

munities of Reedsport, Winchester Bay, Lakeside, Hauser, Glasgow, North Bend, Allegany, and Coos Bay.

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

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

## Background

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

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

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

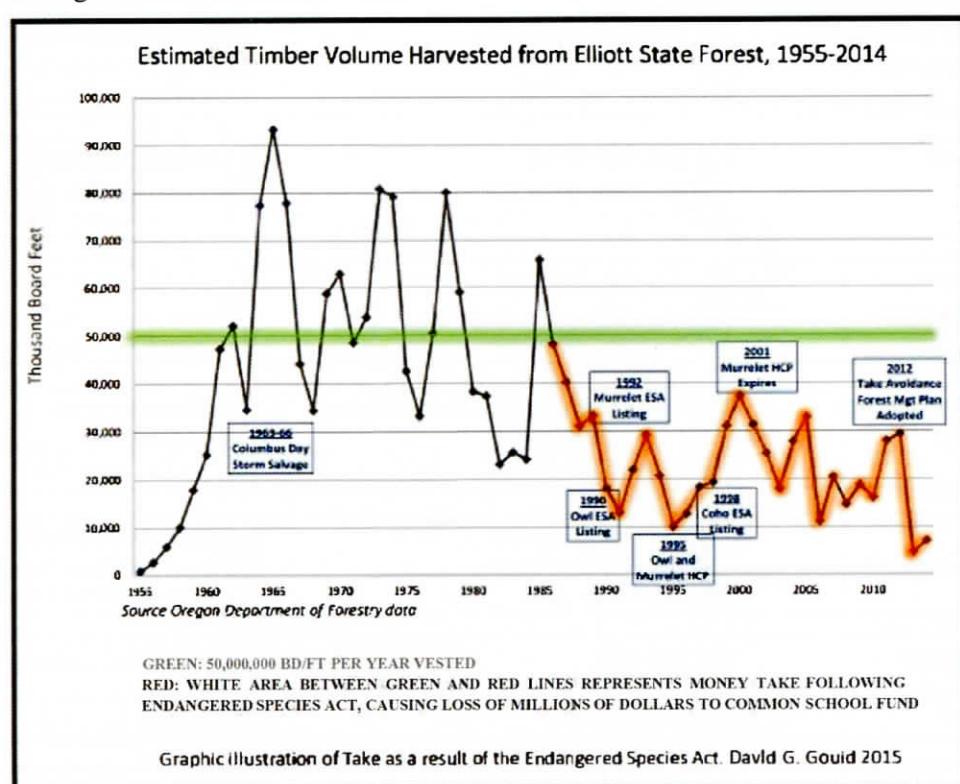
once the trees matured.

By the mid-1950s the saplings had developed into young second-growth trees approaching commercial size. The decision was made to sell the older trees to pay for access roads to and through the Elliott. The purpose of the sale was to make active management of the developing second-growth possible in order to eventually begin making payments to the Common School Fund; most of the remaining older trees were then logged and the proposed access roads built.

## Recent History

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

Jerry Phillips started working on the Elliott in 1956 and retired



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

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

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

as its long-time manager in 1989. He is the Elliott's historian and his 1996, 414-page history, Caulked Boots and Cheese Sandwiches, includes detailed accounts of the 1962 hurricane and the subsequent management challenges and accomplishments.

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

adding greatly to local jobs, government treasures, and the Common School Fund.

When Phillips retired there was a far greater volume of older trees than when he began -- mostly because the Elliott grows 60 to 80 mmbf of new timber a year, whether it is logged or not.

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

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

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

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

The Land Board tried to rid itself of these problems by

hastily appraising the Elliott at a fraction of its former value and attempting to sell it for \$220.8 million -- no more and no less -- to 50 prospective buyers. In the early 1990s the Elliott had been appraised at two or three times that much. Recent estimates -- including the value of its existing roads -- puts the Elliott's potential open market value at a billion or more

dollars; \$220.8 million is a big reduction in value for the Common School Fund.

Somehow there was only a single bidder at this fixed, grossly undervalued, rate and the curious transaction approved with virtually no media attention in February 2017. Under subsequent and immediate political pressure, the Land Board reversed itself three months later and negated the sale on May 9, 2017.

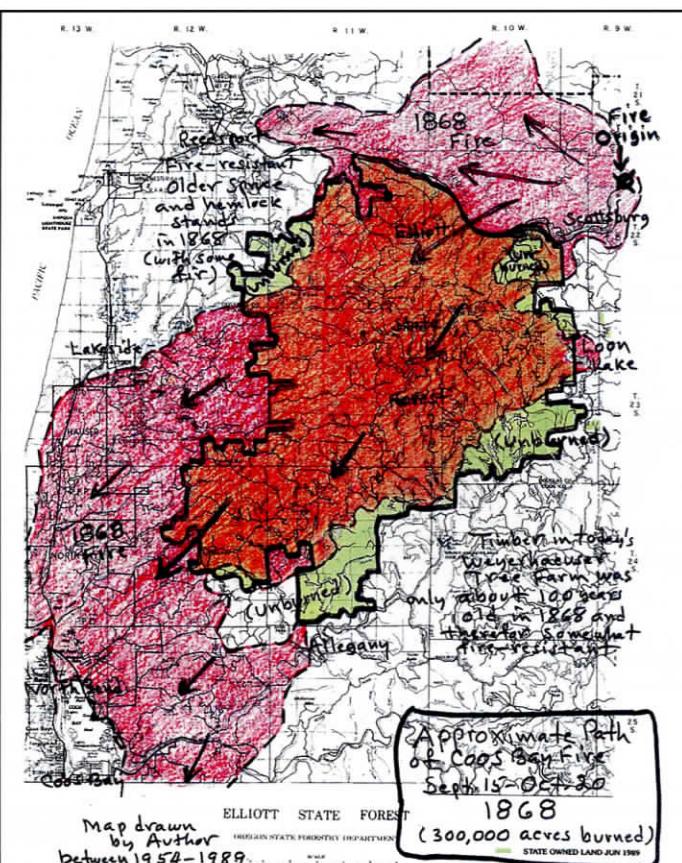
### The Giesy Plan Alternative

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

His proposed solution was simple, eloquent, and commonsensical: by mutual agreement and independent management, divide public forestlands into three zones -- riparian, habitat, and product -- thereby resolving legal disputes without unfairly punishing

rural families and businesses, and while maintaining healthy forests and desired wildlife habitat conditions.

Giesy had been an elected State Representative from Benton County in the 1950s and had remained in politics ever since. He met regularly for private breakfasts and luncheons with influential state and federal legislators -- includ-



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

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

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

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

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

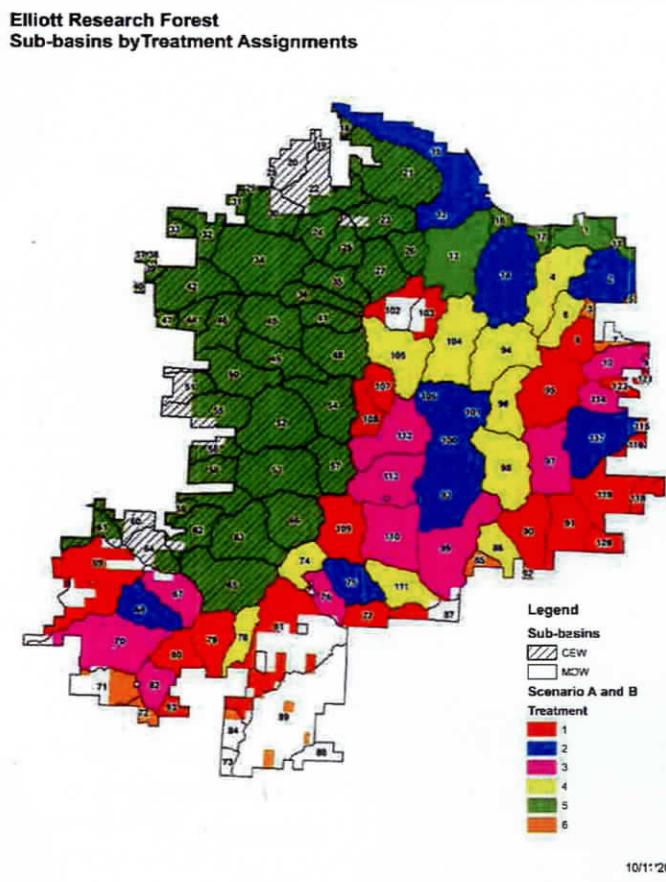
The Giesy Plan for managing the Elliott would use Oregon State University’s (OSU) “paired watershed” research

design, successfully developed on the North Umpqua River, to document long-term land use patterns of key Elliott bird, fish, and mammal species, as well as carbon sequestration variables. In 20 years a new generation of well-informed students, scientists, and taxpayers would have far better information for making a new set of long-term plans for the property – and federal land managers would also become far better informed on these issues.

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

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

This proposal was entered into the public record at three



**OSU Elliott Management Map.** This is the current representation of the most recent OSU Elliott Forest management proposal. Planners have subdivided the Elliott’s Common School Fund lands, designated by 13 subbasins in the 2012 ODF plan and by 25 subbasins in the 2017 ORWW Giesy Alternative, into a total of 105 sub-subbasins. They have then blocked them into six numbered compartments, separately identified by color, and falling into two basic acronyms: “CEW” and “MOW.” To understand what these represent, the plan says to “see CEW and MOW Matrix for relationship of modeling components by scenario.” The large green block along the left of the map shows west-side Elliott lands designated as “critical habitat” for coho, spotted owls, and marbled murrelets, and thereby off-limits to active management, and perhaps even to human access.

Land Board meetings, endorsed by Boost Southern Oregon, discussed on a number of regional radio shows, featured in a

series of articles in this magazine, reviewed by several forestry organizations -- and then somehow buried without comment.

### OSU Elliott Research Forest

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

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

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

Whether the approach has been called “New Forestry,” “structure-based management,” “FORPLAN,” “retention harvest,” or any other term, these OSU forest management plans have consistently resulted in billions of dollars in losses, degraded rural infrastructures and economies, and even catastrophic wildfires – as predicted.

These failures have included the Clinton Plan for



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

Northwest Forests and the OSU Research Forests management plan in the early 1990s; subsequent ODF plan for State Forests; Coquille Indian Forests management plan; BLM O&C Lands management plan; and the recent Linn County-based lawsuit resulting in over a billion dollars in awarded damages. All have their basis in the computerized efforts of the same five or ten individuals working from OSU.

None of these people have any practical forest manage-

ment experience, all of them have been very well-paid by taxpayers for decades, and all of their implemented plans have failed – sometimes dramatically. There is no evidence that any of these plans were financially successful at any time or that they have been responsible for protecting the life of a single bird or fish listed by the federal government, yet they are now being considered – at great cost – as the basis for the future of the Elliott.

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

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

### Conclusions

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

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

The current effort to transfer ownership and management of the Elliott to OSU Forestry in exchange for a small portion of its value has already failed due to a recent legal decision that the State could not sell the Forest. The management plan that was to be completed by December 2019

has now degenerated into a simplistic proposal using odd terms and acronyms that will take at least another year to complete and would certainly fail in its present configuration. In the meantime, the Common School Fund continues bleeding money and needed jobs, work, and repair on the Forest.

The Giesy Plan would be experimental, educational, and economic in scope and would only last 20 years, at which time the results could be carefully analyzed and used as the basis for future management directions and options. In addition, this plan would generate an estimated 440 rural high-wage jobs and more than \$460 million for Oregon schools.



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

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

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

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