Oregon
Kate Brown, Governor

Public Wi-Fi logon: LandsDSL

Department of State Lands
775 Summer Street NE, Suite 100
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State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

STATE LAND BOARD

December 10, 2019
10:00 am – 12:00 pm
Oregon Department of State Lands
Land Board Room
775 Summer St NE
Salem, Oregon

AGENDA

Consent Items

1. Request for approval of the minutes from the October 22, 2019, State Land Board Meeting.

Action Items

2. Elliott State Research Forest Update

3. Request for approval to sell the area of the Stevens Road Tract within the Urban Growth Boundary in a brokered transaction.

4. Request for adoption of changes to the administrative rules governing the recreational use on state-owned land (Oregon Administrative Rules (OAR) 141-088-0210 and 141-088-0220).

Informational Items

5. Other

Continued on next page

Livestream available at: https://www.youtube.com/channel/UCQA7FHTWwl-gjJkQeYPJ1IA

This meeting will be held in a facility that is accessible for persons with disabilities. If you need assistance to participate in this meeting due to a disability, please notify Arin Smith at (503) 986-5224 or arin.n.smith@state.or.us at least two working days prior to the meeting.

Visitors are NOT permitted to bring backpacks, bags, or large purses into the DSL building prior to, during, or immediately following Land Board meetings.

Purses, medical bags, and diaper bags are permitted, but may be subject to inspection by OSP.

Public Testimony - The State Land Board places great value on information received from the public. The Board accepts both oral and written comments on ***consent and action agenda items only***.

When providing testimony, please:

- Provide written summaries of lengthy, detailed information
- Recognize that substance, not length, determines the value of testimony or written information
- Endorse rather than repeat the testimony of others

Written comments may be submitted before or during the meeting for consideration by the Board. To speak at the meeting, you must sign in on the sheet provided at the information table located near the meeting room's entrance. The standard time limit is three minutes for each individual. The Board cannot accept testimony on a topic for which a public hearing has been held and the comment period has closed.

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The State Land Board (Land Board or Board) met in regular session on October 22, 2019, in the Land Board Room at the Department of State Lands (DSL or Department), 775 Summer Street NE, Salem, Oregon.

Present were:

Kate Brown	Governor
Bev Clarno	Secretary of State
Tobias Read	State Treasurer

Land Board Assistants

Jason Miner	Governor's Office
Richard Vial	Secretary of State's Office
Dmitri Palmateer	State Treasurer's Office

Department Staff

Vicki Walker	Bill Ryan	Jean Straight	Mary French	Ken Armstrong
Arin Smith	Anne Friend	Lee Hullinger	Eric Metz	Meliah Masiba

Department of Justice
Matt DeVore

Governor Brown called the meeting to order at 10:05 a.m. The topics discussed and the results of those discussions are listed below. To view the Land Board (Board) meeting in its entirety, please visit our YouTube page: https://www.youtube.com/watch?v=Tj7MikcpRFw&t=9s

Consent Items

1. **Minutes**

   Treasurer Read made a motion to approve the minutes for the August 13, 2019, Land Board meeting.
   Secretary Clarno seconded that motion.
   The consent item was approved at 10:07 a.m.

   *There was an unexpected interruption to the meeting and Governor Brown called a short recess at 10:07 a.m. and resumed at 10:16 a.m.

2. **Request for approval to initiate due diligence for the partition and exchange of 57.30 acres managed by the South Slough National Estuarine Research Reserve with lands owned by Coos County Forest Department and possible conservation easement along Winchester Creek in the South Slough Watershed.**

DRAFT

The Department recommends that the Land Board authorize the South Slough National Estuarine Research Reserve through the Department of State Lands' Real Property staff to complete due diligence reports in support of this land exchange.
Treasurer Read made a motion to approve agenda item 2.
Secretary Clarno seconded that motion.
The action item was approved at 10:20 a.m.

3. **Request for a perpetual easement to maintain the bridge and pedestrian walkway crossing the Sandy River in Multnomah County.**

   The Department of State Lands recommends that the State Land Board approve the permanent easement to the Oregon Department of Transportation for a bridge and pedestrian crossing on, over, under or across the Sandy River.

   Treasurer Read made a motion to approve agenda item 3.
   Secretary Clarno seconded that motion.
   The action item was approved at 10:25 a.m.

Action Items

4. **Appointment of four voting members to the Oregon Ocean Science Trust (OOST)**

   Director Walker invited Laura Anderson, Interim Executive Director of the OOST to address the Board. Laura gave a brief update and overview of the goals of the OOST.

   The Department recommends that the State Land Board appoint the following individuals to the OOST as voting members:

- **Laura Anderson** – recommendation of reappointment for a 4-year term ending December 31, 2023.
- **Krystyna Wolniakowski** – recommendation of reappointment for a 4-year term ending December 31, 2023.
- **Steve Marx** – recommendation of appointment for a 3-year term ending December 31, 2022.
- **Shelby Walker**– recommendation of appointment for a 4-year term ending December 31, 2023.

   Governor Brown made a motion to appoint all four to serve as voting members to the OOST.
   Treasurer Read seconded that motion.
   The action item was approved at 10:33 a.m.

5. **Request for approval to update and finalize due diligence documents and to sell the remaining portions of the South Redmond Tract in Deschutes County.**

   The Department recommends the State Land Board approve the completion of the review and determination (due diligence) documents and the use of a broker or direct sale to

DRAFT

dispose of the remaining 780 acres of South Redmond Tract Large Lot Industrial lands to benefit the Common School Fund.

Comments and questions were taken from Secretary Clarno and Treasurer Read.

Secretary Clarno made motion to approve agenda item 5.
Treasurer Read seconded that motion.
The action item was approved at 10:52 a.m.

6. **Approval to initiate permanent rulemaking to impose restrictions on the public's recreational use of the state-owned banks of the Columbia River from river mile 102 to 106 and river mile 120 to 121; and the Oregon Slough from river mile 0 to 2.5.**

In an effort to preserve public trust values for all Oregonians, the Department recommends the State Land Board authorize the Department to initiate permanent rulemaking to impose restrictions in Multnomah County, Oregon, on the public recreational use of the state-owned banks of the Columbia River from river mile 102 to 106 (including the north side of Hayden Island) and from river mile 120 to 121 (Sandy River Delta). Also, to initiate permanent rulemaking to impose restrictions on the public recreational use of the state-owned banks of the Oregon Slough (including the south side of Hayden Island) from river mile 0 to 2.5.

Director Walker invited Department staff Meliah Masiba and Patricia Fox to the table to give an overview of the abandoned and derelict vessel and illegal camping issues along the state-owned banks of the river.

Comments were taken from Governor Brown and she expressed her appreciation for the efforts being made toward a solution.

Treasurer Read made a motion to approve agenda item 6.
Secretary Clarno seconded that motion.
The action item was approved at 11:13 a.m.

Informational Items

7. **Rulemaking status update**

Director Walker introduced Anne Friend, the Department's Rules Coordinator. Anne gave an overview of the current rulemaking efforts and rulemaking that will be done or begin soon.

8. **Aquatic Resource Management (ARM) Annual Report**
11:18 a.m.

Deputy Director Ryan went over the highlights of the annual report which provides summary information regarding the management of state-owned waterways for the 2019 Fiscal Year and fulfills the annual report requirements in the state's removal-fill law ORS 196-885.

Questions were taken from Governor Brown and Treasurer Read.

DRAFT

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Regular Meeting
December 10, 2019
Agenda Item 2

SUBJECT

The Elliott State Research Forest exploratory process.

ISSUE

Whether exploration of the Elliott State Research Forest concept should continue.

AUTHORITY

Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing Common School Fund lands.

ORS 273.041 to 273.071 authorizing the Department of State Lands to exercise the administrative functions of the State Land Board relating to the general powers and duties of Department and Board.

BACKGROUND

In May 2017, the State Land Board voted to keep the Elliott State Forest in public ownership. Under this direction, the Department of State Lands (DSL) began to explore public ownership options that would include development of a successful Habitat Conservation Plan as well as full decoupling of the forest from the Common School Fund.

Potential public owners were asked to come before the Land Board in December 2018 to express their interest in the forest. Following those presentations, the State Land Board directed the Department to work collaboratively with Oregon State University (OSU) to develop a plan for transforming the Elliott State Forest into a research forest.

DSL and OSU in February 2019 entered into a memorandum of understanding (Appendix A) to provide a framework for collaboration in exploring the feasibility of an Elliott State Research Forest. The exploratory process has been guided by the Land Board vision for the forest, as well as Board direction regarding engagement and continued Habitat Conservation Plan (HCP) development.

THE EXPLORATORY PROCESS

Over the past 11 months, DSL and OSU have worked together to explore key elements of a potential Elliott State Research Forest, including:

Working toward the Land Board vision. A successful plan is expected to be consistent with the Land Board vision for the forest, which includes keeping the forest publicly owned with public access; decoupling the forest from the Common School Fund and compensating the fund for the forest; continuing habitat conservation planning to protect species and allow for harvest; and providing for multiple forest benefits, including recreation, education and working forest research.

Meeting expectations for engagement. The Board indicated that engagement with Tribes, local governments, state agencies, key stakeholders and the public is essential to exploration of the research forest concept. In March 2019, the Department convened an Advisory Committee to provide input and insight as a potential research forest concept was explored. The committee, which represents a variety of perspectives on the forest, met ten times in 2019. A committee roster is included as Appendix B, and an outline of the committee work is included as Appendix C.

Tribal governments have been extended the invitation for government-to-government consultation regarding the Elliott State Research Forest Concept, and additionally invited to participate in the Advisory Committee.

Keeping the public informed about the process was a goal throughout. DSL hosted a series of public events to provide information and established a website as a resource for process updates and Advisory Committee materials. OSU has also gathered information regarding a potential research forest through a series of listening sessions and stakeholder conversations. An engagement summary is included as Appendix D.

Drafting a timeline for completion of a Habitat Conservation Plan.

Exploratory Process Outcomes

Through the exploratory work to date:

> **OSU has drafted a research charter.** The research charter structure is included as Appendix E.
>
> **OSU, with the input of the Advisory Committee, has developed a set of guiding principles related to forest benefits of recreation, education, local economy, conservation and governance** (Appendix F). Each principle provides an overarching statement of guidance for managing the Elliott as a research forest.
>
> **The potential research forest concept has been incorporated into ongoing habitat conservation planning.** DSL is overseeing development of an HCP that will be consistent with research forest use, and has contracted with ICF, Inc. to develop the HCP. OSU is engaging in and supporting development of the HCP, including contributing technical expertise.
>
> **Advisory Committee members have indicated their joint support for continued exploration of the research forest concept.**

Much has been accomplished in the past months. But additional work remains, including development of a framework for decoupling and continuation of the habitat conservation planning process. Ongoing engagement with Tribes and stakeholders, as well as the Advisory Committee, continues to be important, as is broader public engagement. Many individuals and groups have expressed interest in a potential research forest plan. Correspondence received is included as Appendix G. Increased public engagement is anticipated in 2020, as part of the research forest exploratory process as well as during the formal habitat conservation planning process.

GUIDANCE FROM THE LAND BOARD ON NEXT STEPS

The Department is now looking to the Land Board to indicate whether the work done thus far reflects the direction provided by the Board, and warrants DSL continuing to work with OSU as their research forest proposal is developed.

APPENDICES

A. Memorandum of Understanding
B. Advisory Committee Roster

C. Outline of Advisory Committee Work
D. Engagement Summary
E. OSU Research Charter Structure
F. OSU Guiding Principles
G. Correspondence Received
H. Land Board Correspondence to Advisory Committee (appendix added 12.10.19)

MEMORANDUM OF UNDERSTANDING

Between
Oregon Department of State Lands
and
Oregon State University

This MOU is between the State of Oregon acting by and through its Oregon Department of State Lands ("Department") and Oregon State University ("University"), each a "Party" and, together, the "Parties", and is effective the date of last signature (the "Effective Date").

I. PURPOSE

The purpose of this MOU is to provide the framework for collaboration between the Parties in investigating and developing a plan outlining the feasibility of converting Elliott State Forest into a research forest (the "Elliott State Research Forest") managed by the University's College of Forestry. It is the shared goal of the University and Department to undertake the work contemplated by this MOU and present the results in the form of a plan to the State Land Board (the "Board") in December 2019.

II. BACKGROUND AND AGREEMENTS

In May 2017, the Board voted to keep Elliott State Forest in public ownership and directed the Department to move forward with a public ownership project for Elliott State Forest. In December 2018, the Board unanimously directed the Department to work with the University to develop a plan for transforming Elliott State Forest into a research forest. Board members also noted the importance of continuing to involve tribes, local governments, other state agencies, and other key stakeholders in development of a plan.

In December 2018, the Board approved a declaration to implement the statute enacted by the Oregon Legislature in 2017 that provides $100 million in bonding to decouple Elliott State Forest from the Common School Fund or compensate the fund for preservation of noneconomic benefits.

The Parties understand that the University is neither capable of nor interested in assuming debt service obligations for $120.8 million (the remainder of the appraised value of Elliott State Forest of $220.8 million after the deduction of the $100 million in bonding). This MOU establishes no obligation to purchase, and by undertaking the work outlined in this MOU the University is not committing to continued participation in Department or Board processes related to Elliott State Forest beyond 2019.

III. ELLIOTT STATE RESEARCH FOREST

The University will exercise good faith efforts to develop a plan in collaboration with the Department for establishing Elliott State Research Forest. The plan will be developed with engagement with the tribes, local governments, other state agencies, and other key stakeholders and be consistent with the direction of the Board to:

- Keep Elliott State Forest publicly owned with public access;
- Decouple Elliott State Forest from the Common School Fund, compensating the school fund for Elliott State Forest and releasing Elliott State Forest from its obligation to generate revenue for schools;
- Continue habitat conservation planning to protect species and allow for harvest; and
- Maintain a working forest that provides local and community benefits (collectively, "Board Vision")

The Parties will examine different mechanisms for structuring ownership and management consistent with the Board Vision. Revenue sources and funding mechanisms will be examined to determine options for accomplishing the necessary decoupling and payment of approximately $120.8 million to the Common School Fund.

The Parties agree that generating timber harvest revenue, sufficient to support the forest and contribute to local economies, will be an important component of the plan. Assessment of timber harvest scenarios in relation to Habitat Conservation Plan (HCP) options and other public values will be accomplished as part of preparing the plan. Additional community partnerships will be investigated through extensive engagement of diverse groups and entities interested in the future of Elliott State Forest.

The plan will:

- Include a timeline for submitting an HCP, a process to continue engaging stakeholders on the range of public benefits the forest provides, including recreation access, conservation, working forest research, and a proposed governance structure for continued representation of public values after decoupling.
- Identify key conservation values collectively using a number of different mechanisms including but not limited to the HCP, a carbon sequestration program, a forest management plan with specified harvest practices that incorporate ecological forestry principles, and potential establishment of funded conservation easements.
- Establish a vision as to how the Elliott State Research Forest can be part of a University research program that can provide critical information to address emerging threats to the management and conservation of forests, and at-risk species in Oregon and beyond. The research program must allow for research at a spatial and temporal scale in order to assess and address emerging threats to forests from changing climate, and on the relationship between active forest stand management and conservation of at-risk species.

IV. PARTNER COMMITMENTS

The Parties will provide support to the efforts described above through the following listed activities. In addition, the Parties will coordinate work efforts, and share plans and updates on progress.

A. Duties of Department

1. Continue to provide custodial management of Elliott State Forest through the Term of this MOU, consistent with potential future use as a research forest.

2. Lead the work with federal listing agencies to frame and complete an HCP for Elliott State Forest pursuant to the federal Endangered Species Act, and consistent with a research forest use.
3. Sponsor and organize a robust process designed to provide transparency for the planning process, and opportunities for stakeholders to provide meaningful input on multiple issues of importance to the process, including the HCP and decoupling of Elliot State Forest from the Common School Fund.
4. Execute an Inter-Governmental Agreement with the University to support reasonable costs associated with University participation in undertaking and completing work under this MOU.

B. Duties of University

1. Provide a draft Elliott State Research Forest Charter characterizing key attributes for a research program that will recognize the importance of healthy, working forests to Oregon's culture, ecosystems, and economy while taking into account the Board Vision.
2. Investigate and identify potential financial and other contributions needed for self-sustaining and sustainable management of the forest consistent with research objectives and the Board Vision.
3. Undertake select outreach to the community and to other stakeholders regarding key management and operational objectives for a research forest, and report back relevant results of that outreach to the Department's stakeholder process.
4. Actively seek, with the support of the Department, tribal engagement to investigate how a research forest might be structured or managed to incorporate and accomplish a vision(s) for the Elliott State Forest held by tribal governments. To the extent feasible, the University will suggest to the Department opportunities for incorporating such a vision in the Elliot State Research Forest Charter.
5. Actively engage in and support the development of the HCP, including contributing technical expertise to reduce conflicts between HCP protocols, potential forest operations/management and using the forest as a research forest.
6. Share draft agreements, including scope of work, for any contracts the University plans to execute in relation to plan development. Provide Department the opportunity to review and comment on draft deliverables produced by consultants related to the plan.

C. Shared Duties of the Department and University

1. The Parties will coordinate and share responsibility for transparent and open communications with the media and public on matters associated with development of the plan. Each will provide the other with notice of any media inquiries or public records requests related to development of the plan. Both will provide the other with a draft of any press release intended for release at least 24 hours prior to release and will consider any comments on the draft press release before issuance.
2. The Parties will coordinate and share all information, data, modeling results, and expertise related to evaluating and developing the financial aspects of the plan.
3. Outreach to shape tribal engagement in planning discussions for the plan is a responsibility shared by both Parties, with the University primarily focused as described above.

4. The Parties will coordinate their investigation of potential legal mechanisms to accomplish decoupling from the Common School Fund including but not limited to potential for land trust transfer. Said coordination, however, is not intended to imply or require waiver of attorney-client privilege available to either the Department or University.

V. ADMINISTRATION

A. Changes to the scope of this MOU shall be made by mutual consent of the Parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

B. This MOU is valid through December 31, 2019 (the "Term"). Extensions of the MOU require the signed agreement of each Party.

C. Either Party may immediately terminate the MOU by providing the other Party with written notice at any time before the expiration of the Term.

D. This MOU is not a funds obligation document. Any endeavor to transfer anything of value involving reimbursement or contribution of funds between the parties will be handled through a separate agreement in accordance with applicable laws, regulations, and procedures.

E. Each Party is responsible, to the extent required by law (including the Oregon Tort Claims Act, ORS 30.260-30.300) only for the acts, omissions, or negligence of its own officers, employees or agents.

VI. LIST OF CONTACTS/NOTICES

A. Oregon Department of State Lands
Vicki L. Walker, Director
775 Summer St. NE
Salem, OR 97310
503-986-5200

B. Oregon State University College of Forestry
Geoff Huntington, Director of Strategic Initiatives
109 C Richardson Hall
Corvallis, OR 97331
541-737-9103

VII. SIGNATURES

IN WITNESS WHEREOF, the parties have executed this MOU as of the last date written below.

Sign: Vicki L Walker
Print Name: Vicki L Walker
Title: Director
Department Name: Dept of State Lands
DATE: 2/5/19

Sign:
Name: Michael J. Green
Title: Vice President for Finance and Administration and Chief Financial Officer
University Name: Oregon State University

Elliott State Research Forest Advisory Committee Members

- **Asha Aiello**
  Oregon Outdoor Council
- **Steve Andringa**
  Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
- **Paul Beck**
  Douglas Timber Operators
- **Chris Boice**
  Douglas County
- **Jen Clark**
  Reedsport School District
- **Melissa Cribbins**
  Coos County
- **Eric Farm**
  Barnes & Associates
- **Geoff Huntington**
  Oregon State University
- **Michael Kennedy**
  Confederated Tribes of Siletz Indians
- **Michael Langley**
  Confederated Tribes of Grand Ronde
- **Ken McCall**
  Oregon Hunter's Association
- **Mary Paulson**
  Oregon School Boards Association
- **Bob Sallinger**
  The Audubon Society of Portland
- **Mark Stern**
  The Nature Conservancy
- **Keith Tymchuk**
  Other
- **Bob Van Dyk**
  Wild Salmon Center
- **Vicki Walker**
  Department of State Lands

The Department of State Lands (DSL) convened the Advisory Committee, which represents a variety of perspectives on the forest. The committee process is being managed by Oregon Consensus. Please note: In addition to invited participation in the Advisory Committee process, tribal governments are also invited to engage through government-to-government consultation.

Updated: 11-21-2019

APPENDIX C

Elliott State Research Forest Advisory Committee
Meeting Sequence

Meeting 1 – April 10, Salem

- Welcome and introductions
- Group purpose, charge, and operating principles
- Introduction to the Elliott State Forest
- Research forest
- HCP intro

Meeting 2 – May 1, Salem

- Public Access & Recreation
- Education opportunities in the forest
- Conservation Values
- Tribal and Cultural Values

Meeting 3 – May 30, Salem

- Timber and Forest Management values
- Local economy and community values
- Revenue and Job Options
    - Timber Harvest and broader Forest Management
    - Non-timber options, including carbon sequestration
    - Common School Fund responsibilities

Meeting 4 – June 25, Reedsport

- HCP refresher and update, including broad overview of aquatic approach
- Broad overview of 2018 rough harvest analysis conducted by OSU using 2008 data
- Emphasis areas and management
- OSU research vision and framework

Meeting 5 – July 30, Roseburg

- Update on draft research charter and vision followed by small group discussion of potential research topics
- Brief presentation on recreation guiding principles
- Preliminary discussion of carbon approach and analysis of market options
- Relationship between the HCP and research activities and overview of terrestrial mapping work

Meeting 6 – August 22, Corvallis

- Tribal Presentations on cultural values and historic connections to the Elliott
- HCP – Discussion of relationship between HCP draft conservation measures in relation to draft OSU Research Charter.
- Modeling scenarios update

Meeting 7 – September 26, Portland

- Overview of draft foundational principles for local economies, recreation, and education
- Draft carbon feasibility report
- Update on modeling scenarios
- Governance considerations and options discussion

Meeting 8- October 24 & 25, Coos Bay

- OSU research design and relationship to proposed HCP
- OSU scenario modeling overview and preliminary results
- Ownership and governance options discussion
- Local economies and conservation guiding principles review
- ESRF tour and site visit to discuss research concepts

Meeting 9 – November 8, Salem

- Review and discussion of guiding principles
- Review and discuss governance considerations
- OSU modeling and research design updates
- Review Financial scenarios and revenue options
- Discuss advisory Committee role going forward

Meeting 10 – November 21st, Corvallis

- Land Board Presentation options
- OSU reflections and message to the Land Board
- Overview and brief discussion of guiding principles, including governance

December 10 - Land Board Presentation

2020 Planning Meeting – January, Salem

- Outcome of Land Board Meeting
- Next steps

Elliott State Research Forest Exploratory process 2019
Public Engagement Events

Public events were held throughout the year for Oregonians to learn more about the exploratory process and to provide input. To date, public informational meetings have been held in the following locations:

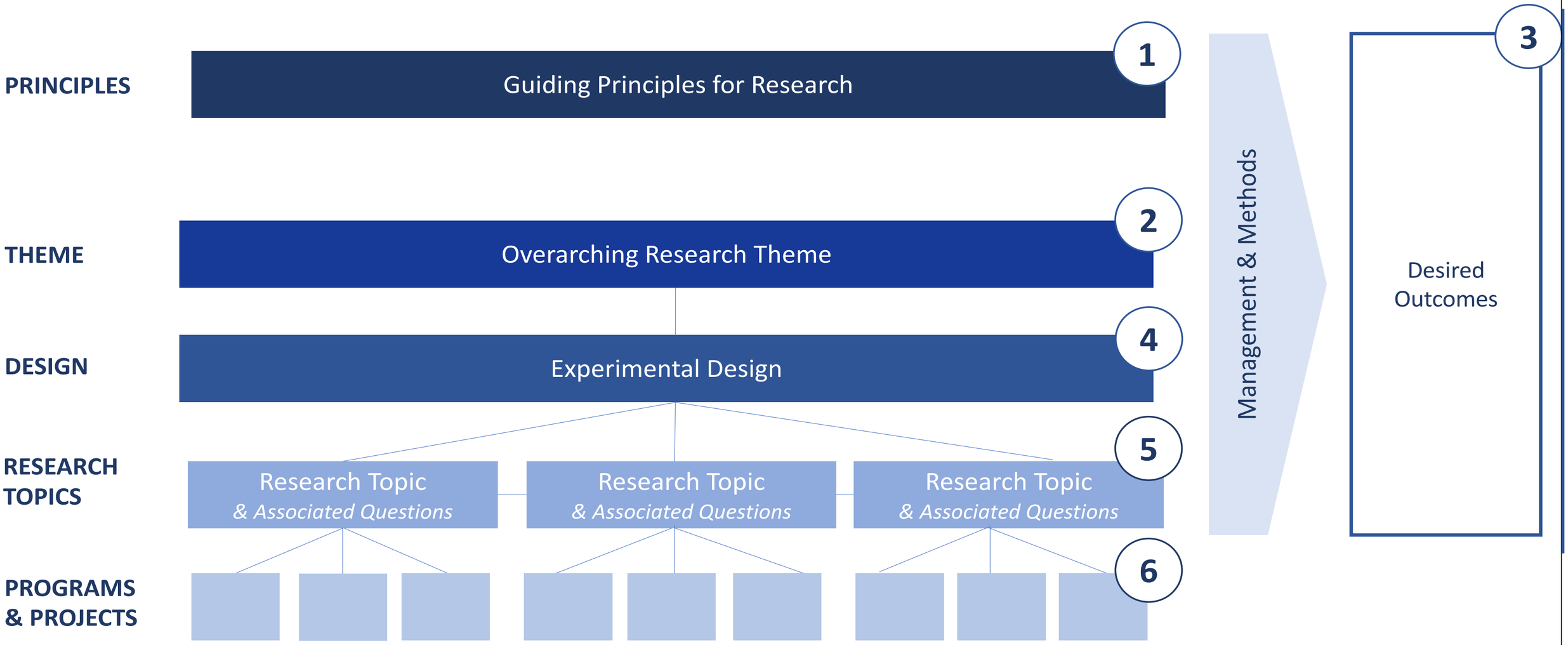
Salem public meeting - May 7
Roseburg public meeting - July 30
Portland public meeting - Sept. 24
Coos Bay public meeting - Oct. 23

Additionally, as a part of the Oregon State University-led exploratory phase to assess the feasibility of transforming the Elliott State Forest into a research forest, the College of Forestry conducted three public listening sessions in the surrounding local communities of North Bend, Reedsport and Roseburg to gather input, ask questions and identify opportunities relating to OSU's process.

North Bend Listening Session- June 4
Reedsport Listening Session- June 5
Roseburg Listening Session- June 6

DSL maintains an Elliott State Forest website at:
https://www.oregon.gov/dsl/Land/Pages/Elliott.aspx

RESEARCH CHARTER DIAGRAM



Oregon State University
College of Forestry

Elliott State Research Forest - Compiled Guiding Principles Working Draft

Each principle is a reflection of stakeholder input synthesized and reconciled to provide overarching statements of suggested direction for management of the Elliott State Research Forest in the context of the primary research mission.

RECREATION

- **Ensure Public Access Into the Future**. The Elliott State Research Forest ("forest") will remain accessible to the public for a variety of uses from multiple established entry points, by both motorized and non-motorized transportation, but not all places at all times.

- **Promote Recreational Access and Use that is Compatible with Research and Ecological Integrity:** Public use of the forest will be supported and managed for different recreational opportunities consistent with a management plan reflecting stakeholder interests and historical activities in concert with public safety, ongoing research, harvest, and conservation of at-risk and historically present species.

- **Support and Promote Diverse Recreational Experiences:** The Elliott State Research Forest recreational program will leverage partnerships within the local community and others to accommodate multiple and diverse recreational uses to provide a range of user experiences within the context of a working forest landscape. Recreational planning will not favor any one recreational type over another but will seek to ensure high-quality experiences on the forest by managing to minimize the potential for conflict between users while safeguarding research and management objectives, and conservation values.

- **Partner with Stakeholders and Manage Locally:** Elliott State Research Forest recreation programs will be managed by local staff who live in the community and work with stakeholders to enhance and protect the identified values of Elliott recreationists.

- **Conduct Research on Sustainable Recreation Practices.** An Elliott State Research Forest recreation program will support relevant research on recreation and eco-based tourism, with the goal to advance scientific knowledge and inform the general public on the opportunities and impacts of balancing multiple interests within forested landscapes.

- **Cultivate Multi-Generational Respect for the Forest.** Utilizing a collaborative approach to partner with schools, organizations, and volunteer groups recreation planning and management will seek to create more opportunities for engagement and a more widely informed forest-user community that is vested in the future of the Elliott State Research Forest.

Each principle is a reflection of stakeholder input synthesized and reconciled to provide overarching statements of suggested direction for management of the Elliott State Research Forest in the context of the primary research mission.

EDUCATIONAL PARTNERSHIPS

- **Seek and Incorporate New Educational Partnerships.** An Elliott State Research Forest will offer opportunities to leverage and integrate existing local and state educational programs and institutions that support and generate forest-based research and knowledge.

- **Expand Accessibility to Forestry Education.** An Elliott State Research Forest will provide and promote a diversity of values, and in doing so will leverage efforts by OSU's College of Forestry to engage students with diverse social, economic, ethnic, and cultural backgrounds in forestry education programs.

- **Serve Students at All Levels of Education Through Programs on the Forest.** OSU will seek to foster and establish a programmatic link with K-12, community colleges, informal collaborative educational initiatives, and educational programs at other universities so that the forest becomes a resource for students at all educational levels.

- **Integrate and Demonstrate Elements of Traditional Knowledge in Educational Programs on the Forest.** Through active partnerships with local Tribal Governments, the Elliott State Research Forest will seek to provide demonstration areas that use traditional forest management practices and focus on Traditional Ecological Knowledge outcomes for use in educational programs.

- **Foster Public Awareness and Understanding of Sustainable Forest Management.** Management and research actions on the Elliott State Research Forest will seek to promote broader understanding and awareness of the role of healthy working forest landscapes to local economies, resilient ecosystems, innovative competitive products, and healthy communities.

- **Develop an Educational Partnerships Plan.** The Elliott State Research Forest will work with stakeholders to develop a plan to foster and implement educational partnerships consistent with the foregoing principles and will implement it pending available resources.

Each principle is a reflection of stakeholder input synthesized and reconciled to provide overarching statements of suggested direction for management of the Elliott State Research Forest in the context of the primary research mission.

LOCAL AND REGIONAL ECONOMIES

- **Operate as a Working Forest While Managing for Research.** The Elliott State Research Forest will be owned and managed as a working forest that produces wood supply as a by-product of research, consistent with the mission of the Institute for Working Forests Landscapes at Oregon State University College of Forestry.

- **Be Financially Self-Sustaining.** The financial model of the forest should incorporate traditional and innovative options for generating revenue to support forest management, and research programs without requiring continued funding support from outside sources.

- **Generate Consistent and High-Quality Timber Harvest**. A sustainable supply of wood volume will be produced over time as a by-product of the research program on the Elliott State Research Forest. Quality should be prioritized over the quantity of harvest.

- **Support Employment Opportunities for Local Communities.** The Elliott State Research Forest should not be managed from a remote location. Management and operation of the forest should be located in proximity to the forest and promote local partnerships that provide opportunities to local businesses and residents of Coos and Douglas counties.

- **Study and report on the Relationship between the Research Forest and Local Economies.** The connections between OSU, the Elliott State Research Forest, and local economies should be documented and reported with transparency over time.

Each principle is a reflection of stakeholder input synthesized and reconciled to provide overarching statements of suggested direction for management of the Elliott State Research Forest in the context of the primary research mission.

CONSERVATION

- **Improve Conservation Status of At-Risk Species.** The Elliott State Research Forest will undertake studies, research, and associated forest management activities that seek to improve the conservation status of at-risk species and the ecosystems upon which they depend.

- **Implement Science-Based Conservation Efforts to Enhance the Productivity and Conservation Values of the Research Forest**. In adhering to the academic mission of Oregon State University, and to ensure the sustainability of any management or activity that occurs on the landscape, all conservation decisions or proposed projects on the Elliott State Research Forest will be rooted in the best available scientific data.

- **Manage for Multiple Conservation Values to Maintain and Enhance Essential Elements of a Forest Ecosystem.** With a holistic, ecological approach, management of the Elliott State Research Forest will support the protection and enhancement of at-risk species and preservation of biodiversity, along with promoting improved natural hydrologic function and opportunities of carbon sequestration.

- **Preserve and Proactively Steward a Diversity of Forest Structures**. Management of the Elliott State Research Forest will emphasize key ecological areas ranging from early seral to late-successional forest structure in the context of the greater landscape. The future growth of the forest should encompass diverse objectives of biological quality and resilience for future adaptability.

- **Collaborate with Local Partners for Monitoring and Restoration of Habitat.** Management planning for the Elliott State Research Forest will partner with local conservation stakeholders to maintain transparency and mutual trust that protection of sensitive natural values will be prioritized.

- **Management Decisions Will Not Be Driven by Potential Financial Returns.** The integrity of the research objectives and conservation values on the Elliott State Research Forest will not be compromised by the presence of active management and economic influences on the forest.

- **Conduct Innovative Research on the Intersection of Forest Ecosystems Functions and Climate Change.** The Elliott State Research Forest will provide a unique opportunity to conduct innovative research on the role that native, mature, and managed forests can play in ameliorating the impacts of climate change for sensitive species, water quality/retention, and carbon sequestration.

Each principle is a reflection of stakeholder input synthesized and reconciled to provide overarching statements of suggested direction for management of the Elliott State Research Forest in the context of the primary research mission.

FOREST OPERATIONS GOVERNANCE

- **Accountability.** The history and unique public nature of the Elliott Forest requires placing a premium on establishing a governance structure that will provide clear lines of accountability for forest management decisions that support research programs and articulated public values into the future. This structure should include formal and informal mechanisms that ensure commitments and principles are honored in the context of fiscal and operational management of the forest over time.

- **Transparency.** Management of the Elliott Forest requires a commitment to transparent operations and decision making that will maintain and enhance public support for the research forest over time. This includes clear and defined processes for governance and oversight, clearly defined pathways for public inquiry and input, and accessible information related to forest operations.

- **Representation.** An Elliott State Research Forest governance structure should engage and incorporate multiple interests and partnerships that reflect key public values the forest will represent over time. Representation of these values in governance of the forest should be balanced, accountable, and transparent with regard to fiscal and operational management of the forest to support research programs over time.

- **Decision Making.** Regardless of governance structure, decision-making processes directing the fiscal and operational management of the Elliott State Research Forest must be accountable, transparent, and open to input while also empowered to operate the forest efficiently and effectively to meet identified objectives.

Elliott State Forest Correspondence

Throughout the exploratory process, many individuals and organizations corresponded with the Department of State Lands regarding a potential Elliott State Research Forest. The Elliott State Research Forest Advisory Committee also received correspondence.

Correspondence received by the Department and the Committee is included in this appendix.

Email Correspondence

The Department received 300 emails containing the following statements:

Dear Rules Coordinator, Dear members of the Oregon State Land Board,

I am writing today to express my concern regarding transferring the Elliott State Forest--Oregon's only old-growth state forest--to Oregon State University (OSU) to be managed as a "research forest". OSU's recent scandal over the clearcutting of old-growth, including trees over 400 years old, on the McDonald-Dunn Research Forest calls into question how the Land Board and the public can trust the institution to protect the Elliott.

OSU has a long and troubling relationship with logging corporations. OSU leaders have sought to censor research by graduate students when it contradicted logging industry positions, have promoted clearcutting and the use of toxic herbicides and pesticides, and have ignored their own conservation plans for OSU-managed lands in approving and carrying out clearcut logging projects.

Given OSU's recent actions in clear-cutting old-growth on the McDonald-Dunn in violation of their own conservation plan, I urge the Land Board to:

1) Suspend any consideration of giving the Elliott to OSU as a "research forest" until OSU adopts permanent protections for old-growth on lands it already manages.

2) Require that any future management plan for the Elliott prioritize carbon storage, including the possible sale of carbon credits, over logging.

3) If OSU is given further consideration as a manager for the Elliott State Forest, they must be required to have a firewall between the university's budget and revenue from logging. OSU administrators shouldn't be allowed to use money from Elliott logging as a slush fund for budget overruns and pet projects.

4) The Elliott is public land, and the Land Board should consider a range of options for protecting this forest, including maintaining it as a state forest or state park--not simply giving it to OSU to be "research-logged" like the old-growth in the McDonald-Dunn.

Members of the Land Board, Oregonians are counting on you to protect our public lands in the Elliott State Forest. We want our old-growth, wild salmon, and wildlife preserved as a legacy for future generations, and the carbon-capturing trees allowed to live on and aid us in the fight against climate change. You should be just as troubled by OSU's clearcutting of 400-year-old trees on "research forest" as I am, and you should stop the rush to give away the Elliott.

Multiple people added additional information to the above statement, including:

- I disagree with transferring the Elliott State Forest to Oregon State University (OSU) to be managed as a "research forest". OSU's recent scandal over the clearcutting of old-growth, including trees over 400 years old, on the McDonald-Dunn Research Forest calls into question how the Land Board and the public can trust the institution to protect the Elliott.

- I am so angry about this as a citizen. Do what's right for the environment for a change.
- I am disappointed in both the state and in Oregon State University in their support of the timber industry over other interest groups including conservation, especially on our public lands. Oregon is the only Western state to have such lax restrictions on logging clear cuts, and pesticide and herbicide use which puts our public and private lands at risk and which poisons our clean air, clean water, and imperils the fishing and outdoor recreation industries. State leaders on both sides of the aisle take more money from timber companies than in any other state. OSU, I'm certain, has the same ethical issue.
- There is no need to cut old growth. There is no need to cut Elliot. Cut your tree plantations.
- I am writing to urge you to take a skeptical view of the proposal to transfer the Elliott State Forest (Oregon's only old-growth state forest) to Oregon State University to be managed as a "research forest".
- I agree with the following statements and urge the oregon state land board to fully protect osu's research forests from being used as piggy banks.these forests need to be protected for their critical habitat and old growth trees and research which is their intended purpose.allowing osu to flaunt this agreement ,which seems to be a pattern to bring in revenue,is troubling.
- OSU has a huge credibility issue in regard to managing Elliot Forest. We need the strongest legal safeguards to meet the goals of maintaining this forest's mature trees and wildlife, with clear consequences for failure to follow the law. OSU seems to define "management" as the guidelines around commercial forestry. Surely "research" should encompass more than how to maximize revenue. They need to define what the research goals and strategies are and how this will enhance understanding and preservation of unlogged, natural, and diverse forests and the wildlife and other vegetation therein. (Surely they already know plenty about what happens after the trees are cut!)

In this day of worldwide climate protest it is essential that old growth forests be preserved. Especially given the fact that logging produces so little income for the state, and so few jobs. Every mill town, past and present, is perpetually mired in poverty. Cutting the Elliott won't do anything to change this.

Time to preserve the Elliott, permanently.

Sincerely,
Mr. Mike Quigley
1013 Kaylee Ave Junction City, OR 97448-9697 silailo@comcast.net

---

Dear members of the Oregon State Land Board,

I am dismayed by the proposed transference of the Elliott State Forest-to Oregon State University (OSU). OSU is a proponent of clear-cutting, which maximizes profit and is ecologically damaging. Clear-cutting is an eyesore and sends the message to future generations that grab everything you can get today and leave tomorrow for someone else to worry about. I grew up on a farm bordered by Weyerhauser on three sides: they swept in, harvested the trees and then sort of replanted but often left the grounds in an unusable state. "Management" is maximum profit run wild.

OSU has clear ties to the timber industry and "forestry." The Oregonian has reported extensively on the mismanagement of lands already entrusted to OSU. https://www.oregonlive.com/environment/2019/07/majestic-douglas-fir-stood-for-420-years-then-oregon-state-university-foresters-cut-it-down.html?emci=b2a7cc41-46da-e911-b5e9-2818784d6d68&emdi=2e8bfdee-23db-e911-b5e9-2818784d6d68&ceid=3994755 Why on earth would you put more forests into their portfolio?

What message do you think handing these lands over to OSU would send to all students who across Oregon protested American leadership on climate change this past Friday? When is Oregon's political leadership going to be good stewards of the land? Oregon's history is a history of promoting forestry, natural resource exploitation, but the consequences of short-term thinking is being apparent in the multiple environmental crises our planet is facing. What kind of legacy do you want leave?

This is public land. Surely turning it a state forest or state park would be a better option. The future is tourism, not forestry.

Sincerely,
Mr. Adam Crane
4506 SE Raymond St Portland, OR 97206-5086 adamacrane@gmail.com

Dear members of the Oregon State Land Board,

Have you ever read “Silent Spring” by Rachael Carson? I read her warning shortly after it was published, while I was studying to be a science teacher in Illinois. I had not been paying attention to what was going on in the natural world, but she shocked me back to reality.

When I moved to Oregon after graduation I started learning about its habitats and wildlife and if there were other warnings to pay attention to. I saw my only Spotted Owl in a mature/old growth forest with the help of Eric Forsman. It was one of the most awesome and spiritual experiences in my lifetime.

Spotted Owl numbers have been declining for decades when their specialized habitat turned into another tree plantation. Another “Silent Spring” is happening in the skies over the United States and Canada again, eight million and counting. This time around, due to more than pesticides.

I want the Elliott Forest to be a learning place of the natural world so a feeling of awe will bring all ages of humans back to reality to try and save this planet.

How much harvesting will be allowed in the Elliott and where? I want hands off the old growth and mature trees. There’s so little left. If OSU leads the planning of the Elliott’s future, who will monitor OSU?

OSU gave up planning the McDonald-Dunn Research forest 10 years ago and they have been using the trees as their own piggy bank for poor planning to show off the end product of harvesting. They not

only destroyed healthy, significant habitat for wildlife, but released centuries of sequestered carbon into an atmosphere. I want these issues addressed in the management of the Elliott.

Please assure Oregonians that whatever direction is taken it needs to be in writing to OSU. They have acted badly and many Oregonians have lost faith and our trust in their decisions waning.

Sincerely,
Ms. Delores Porch
1212 34th Ave SE Albany, OR 97322-8702
verandafay@gmail.com

From: **David Gould** <cbto1974@yahoo.com>
Date: Mon, Nov 25, 2019 at 6:48 AM
Subject: Fire in the Elliott Carbon Forest
To: Peter Harkema <pharkema@pdx.edu>, WALKER Vicki <vicki.walker@dsl.state.or.us>, Kevin Bogatin <kbogatin@nbend.k12.or.us>, Melissa Cribbins <mcribbins@co.coos.or.us>, Margaret Bird <margaretraybird@gmail.com>

I have documented a reburn of the 1868 fire between Scofield Creek, Loon Lake, and Glasgow in 1879. My grandparents homesteaded in this vast area in todays Elliott State Forest in 1886 because of the vast open grazing land. There were no trees for sea birds to nest in for miles. 71,105 acres were made a Children Trust for all revenue to go to the Common School Fund. A take of these funds has occurred and I demand that legal action to protect the children be established. This forest cannot be decoupled without the billion dollar value payed to the beneficiary. It is time for all to request for a attorney to take on this political stunt.

David Gould
Advocates for School Trust Lands
North Bend School District #13
Save the Elliott Forest
541 756 5464

From: Doug Pollock <timberframing@gmail.com>
Sent: Monday, July 29, 2019 11:38 AM
To: MASIBA Meliah <Meliah.M.Masiba@dsl.state.or.us>
Subject: Fwd: Your Response of July 22nd (to OSU Dean)

Dear Ms. Masiba,

Could you please forward this message to the Elliott Advisory Committee members?

Thanks so much for your help!

Doug Pollock
(Friends of OSU Old Growth)

---------- Forwarded message ---------
From: **Doug Pollock** <timberframing@gmail.com>
Date: Mon, Jul 29, 2019 at 1:33 PM
Subject: Your Response of July 22nd (to OSU Dean)
To: <vicki.walker@dsl.state.or.us>
Cc: <oregon.treasurer@state.or.us>, <jason.miner@oregon.gov>, Sen Gelser <Sen.SaraGelser@oregonlegislature.gov>

Dear Director Walker,

I am contacting you to clarify some points raised by your recent letter ("DSL Response to Recent OSU Harvest on McDonald Forest") sent to OSU College of Forestry Dean, Anthony Davis (attached below). In your letter, you wrote:

"Thank you for your letter addressing ... the unintentional harvest of several old growth trees."

You should be aware of a few key facts regarding OSU's "No Vacancy" harvest. First, *15.6 acres* of mature forest containing several DOZEN old-growth trees was harvested. OSU had previously determined the origin date of this stand to be 1759, and many of the trees were considerably older. One of the trees cut was verified to be 420 years old, and dozens were in the 200-300 year age range. In addition, OSU had previously harvested an adjacent stand of mature forest (of ~11 acres). You seem to have the mistaken impression we're only talking about a handful of old trees. I'd encourage you to spend some time looking at the photos on our website (www.friendsofosuoldgrowth.org) documenting the harvest activities. We also have scores of additional close-up photos documenting the diameter and growth ring details of the harvested logs. These photos serve as documentation that clearly shows the significant scale of old trees destroyed.

I appreciated your focus on the need for "transparency and an open dialogue" (from OSU). I'll be communicating more information on these specific topics to the Advisory Committee soon. Thanks also for your recognition of, "the Land Board's principles and Oregonians' expectations to respect and protect the Elliott." This is key to the success of DSL's efforts!

Sincerely,

Doug Pollock
(Friends of OSU Old Growth)

Oregon

Kate Brown, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

Dr. Anthony Davis
Oregon State University
College of Forestry
140 Peavy Hall
3100 SW Jefferson Way
Corvallis, OR 97333

July 22, 2019

Dr. Davis:

Thank you for your letter addressing the recent activity in the McDonald Research Forest that resulted in the unintentional harvest of several old growth trees. We appreciate the University's vocal recognition of the mistake and your subsequent decisive action to ensure it doesn't happen again.

As you know, the State Land Board last year charged the Oregon Department of State Lands to work collaboratively with Oregon State University to transform the Elliott into a research forest under the ownership and management of OSU's College of Forestry. As a part of this process, the Department has convened an Advisory Committee that is discussing a variety of issues to help inform OSU's anticipated proposal.

We are now approximately halfway through that process, which may result in the college bringing a plan to the Land Board for consideration in December. Any plan to successfully take over ownership of the Elliott must uphold key conservation principles previously articulated by the Land Board.

I am encouraged with your leadership in addressing the regrettable loss of these incredible specimens of Oregon old growth. The lessons learned from this recent incident in the McDonald forest reinforce the need for transparency and an open dialogue as we balance the needs for public access, recreation, wildlife habitat and timber management.

I look forward to seeing how this learning opportunity is reflected in OSU's plan to manage a research forest in a way that is consistent with the Land Board's principles and Oregonians' expectations to respect and protect the Elliott.

Best regards,

Vicki L. Walker, Director
Oregon Department of State Lands

Sept. 9 2019

APPENDIX G

Dear Governor Brown and Vicki Walker,

This letter is to ask you to please consider very carefully the current plans for OSU to take over management, and perhaps even ownership, of the Elliott State Forest. I am very concerned that OSU has been logging some of their finest forests of old growth without having a management plan in place.

This is unacceptable behavior as we consider them as managers of the Elliott State Forest.

Please be willing to take a stand on this issue, as needed, and not allow this to simply proceed outside of integrity and good decision making.

Thank you.

Sincerely,

Mary Pierson

1490 Jefferson Ave

Eugene, Oregon

97401

RECEIVED
SEP 13 2019
DEPARTMENT OF STATE LANDS

P.S. We must be sure that OSU's budget is not linked to logging in the forest.

Thank you

RECEIVED
OCT 02 2019
DEPARTMENT OF STATE LANDS

September 30, 2019

State Land Board

775 Summer St. NE

Salem, Oregon 97301-1279

Subject: Proposed Sale of Elliott State Forest

Dear Governor Kate Brown and members of the State Land Board

I am writing again on the issue of the sale/transfer of Elliott State Forest to the State Land Board.

I am against this property transfer because this is shutting down a source of timber that we need for housing, buildings and paper products. We need jobs in this area of the Oregon coast. Ninety thousand acres were set aside for Elliott State Forest so it would provide funding for educating our children. This transfer is going to hurt loss of jobs and loss of funding to help educate our children.

Governor Kate Brown has expressed a goal to build affordable housing. When you restrict the primary source of timber for lumber, this means the price of lumber is going to go up. This will result in higher priced housing in the future.

I just took a short drive into Elliott State Forest and discovered that a large clear cut that took place approximately two years ago. I just looked at the north end of the project but I did not see any seedling fir trees had been planted. We have a State Law that requires replanting within two years. Is the State Land Board going to meet the requirements of the State Law?

I am enclosing a copy of my letter dated December 12, 2016. I expressed concerns about two noxious weeds. The Department of Forestry did come and spray the star thistle. I keep checking each year that this noxious weed if it is coming back. I talked to the State Land Board representative in Bend, Oregon about the Japanese Knotweed in 2016, but I have not had a satisfactory response to my request that this noxious weed in Elliott State Forest be eradicated. This weed is coming down stream onto my property whenever we have a heavy rainstorm.

Sincerely,

Leo Naapi

Leo Naapi

2178 Dean Creek Rd.

Reedsport, Oregon 97467

P.S. This property should stay in Dept. of Forestry.

APPENDIX G

December 12, 2016

State Land Board

775 Summer St. NE

Salem, Oregon 97301-1279

Subject: Proposed Sale of Elliott State Forest

Dear Governor Kate Brown and members of the State Land Board

I have read in the Eugene Register Guard that the Oregon Constitution specifies that the State Forests must be managed to put money into the Oregon Common School Fund. The State of Oregon will be in violation of this constitutional requirement once the $220 million from the proposed sale is gone. The General Fund is never going to have the funds to replace the annual loss is logging revenue. You are being very shortsighted in making this decision. The state needs to tell the environmental organizations you need to let us do our job required by the state constitution and quit hurting the education of our children.

The State of Oregon could have realized revenue from logging if state employee's and elected officials would have shown the backbone to stop protests by environmentalists on your logging sales in 2013. The number one goal of the Cascadia Wildlands is to stop all logging in the State of Oregon on private and public lands. I saw this information in the Coquille, Oregon newspaper a few years back.

I am disappointed that the State Land Board has not been more open about when this decision will be made.

I am also against State of Oregon financing this sale by selling state bonds. This indicates this is not a true arms length sale.

My property borders Elliott State Forest and I have discovered two noxious weeds that have been brought in or planted in Elliott State Forest. For approximately seven years Japanese Knotweed (Knapweed) has been coming downstream from onto my property during high water. This plant was probably planted as forage for elk. This plant is on the State of Oregon Department of Agriculture noxious weed list. The past three years I have discovered Star Thistle alongside the 2000 road that is at the southwest end of my property. This Star Thistle has apparently been brought in on construction equipment that has brought in with gravel to Elliott State Forest from eastern part of Douglas County. These two plants have never been on our property prior to 2000. My question is this. Will the new owners help me eradicate these two noxious weeds? Or will the State of Oregon Department of Forestry continue assisting in spraying the Star Thistle like they did last fall? The Japanese Knotweed presents a different problem because it is mostly growing along Dean Creek on the banks. I am occasionally finding some plants in my pasture.

The original decision is flawed that was made by the United States Forest Service regarding the Marbled Murrelet in that they only looked at the southern habitat (U. S./ Canadian border) of this bird. I have heard estimates of over 500,000 of these birds are located in Alaska and British Columbia. I protested in my letter to USFS in 1993 that they should look at the total habitat of the marbled murrelet. This bird should have never been listed on the Endangered Species List.

Sincerely,

Leo Naapi

Leo Naapi

October 8. 2019

Vicki Walker
Director
Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

Please see enclosed copies of correspondence sent to members of the State Lands Board re transfer of Elliot State Forest to Oregon State University, Department of Forestry.

I request the letters be made part of the public record and, if pertinent, included in briefings of the members of the State Land Board.

Sincerely,

Inga Fisher Williams
2824 NE Cesar E Chavez Blvd
Portland, Oregon 97212

ENCL (3)

September 24, 2019

Kate Brown
Governor State of Oregon
900 Court Street NE, Suite 254
Salem, OR 97301-4047

✓cc. State Lands Board
Division of State Lands

re Transfer of Elliot State Forest to OSU as research forest

As a former Corvallis resident, OSU graduate and past member of the Corvallis City Council, I still take a keen interest in news about OSU, its future plans for the area and its reputation.

When I was unable to attend OSU's earlier information sessions regarding the Elliot State Forest, I wrote directly to the OSU Department of Forestry as I could find no online information for commenting to describe my concerns regarding OSU's 10 research forests and adherence to the new individual forest management plans to guide the future of those tracts.

The decision by the State of Oregon to transfer the Elliot Forest to OSU makes me fear that it may turn out to be a move 'from the frying pan into the fire'. To guard against this sentiment as a public response and foster instead gratitude that a public sale was prevented this transfer must include safeguards against reckless, gratuitous logging that treats the forest as an ATM not a public legacy. There should be strict overview of the planned multiple use concept [which includes logging] and a covenant for protection against logging which ignores the value of public goods, such as clean water, clean air, preservation of bio-regions in the State and climate change mitigation provided by forests.

And here is the main reason for my letter to you. **You must be aware of the erosion of credibility** of OSU forest management plans [and with it of the entire institution] after the logging of old growth forest in MacDonald / Dunn Forest, some of the trees over 400 years old. I saw the newspaper article where Interim Dean Anthony Davis announced the moratorium on logging in a college memo July 12, about a month after a logging operation was conducted near Sulphur Springs in the McDonald-Dunn Research Forest: Davis is quoted as saying they 'made a mistake'.

Just as the OSU Athletic Program budget is in the red and a pitch for Reeser Stadium rehab is in the news one can see readily where the temptation to convert assets to cash might cast an eye on forest holdings. I urge you to review the public record of statement from OSU in explanation AFTER THE LOGGING of trees several hundred years old. News reports on the logging cited OSU representatives claiming that OSU should not be held accountable for violating its own plans which after all are merely plans and "ought not be taken word for word". These are incredible lapses of ethics from one of Oregon's oldest institutions of higher education

The Department of Forestry is directly implicated [as is OSU by association] in a spectacular show of disregard for the value of old growth trees; trees who predate OSU's formation as a land grant college.

One has to wonder about the department's [and OSU's] leadership and decision-making that allowed this raid of trees to happen in order to plus up a budget shortfall.

Not only trees, hundreds of years old, were sacrificed for short term gain; the reputation of OSU took a hit. In a callous and cynical disregard for its own plans, OSU set aside for financial expediency implicit commitments it had made to be a reliable actor. In my view, the principal individuals should be held accountable, their decisions viewed as malpractice and grounds for termination. At a time when the climate change mitigation provided by trees may in the long term well exceeds their value in board feet, OSU cannot be seen as stuck in an archaic philosophy, so very 'old school', as seeing 'lumber' when viewing a forest.

I urge you as you finalize the transfer of the Eliot State Forest to OSU that you will forestall such "mistakes" and make it mandatory that OSU follow its plans to safeguard the forest, truly as a research forest. The State's agreement must have assurances that prevent OSU from treating the forest as an asset to be plundered. You can make sure that the Elliott State Forest will not be treated, as merely a bank account for future withdrawals but instead OSU and its scientists will study its value to the State, not incidentally as a sink for carbon emissions.

Sincerely,
Inga Fisher Williams

Inga Fisher Williams

2824 NE Cesar E Chavez Blvd.
Portland, Oregon 97212
ingafw@gmail.com - 971 344 5009

September 24, 2019

Tobias Read
State Treasurer
900 Court Street NE
Salem, OR 97310-0722

✓cc. State Lands Board
Division of State Lands

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Sincerely,
Inga Fisher Williams

2824 NE Cesar E Chavez Blvd.
Portland, Oregon 97212
ingafw@gmail.com - 971 344 5009

September 24, 2019

Bev Clarno
Secretary of State
900 Court Street NE
Capitol Room 136
Salem, OR 97310-0722

cc. State Lands Board
Division of State Lands

re Transfer of Elliot State Forest to OSU as research forest

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When I was unable to attend OSU's earlier information sessions regarding the Elliot State Forest, I wrote directly to the OSU Department of Forestry as I could find no online information for commenting to describe my concerns regarding OSU's 10 research forests and adherence to the new individual forest management plans to guide the future of those tracts.

The decision by the State of Oregon to transfer the Elliot Forest to OSU makes me fear that it may turn out to be a move 'from the frying pan into the fire'. To guard against this sentiment as a public response and foster instead gratitude that a public sale was prevented this transfer must include safeguards against reckless, gratuitous logging that treats the forest as an ATM not a public legacy. There should be strict overview of the planned multiple use concept [which includes logging] and a covenant for protection against logging which ignores the value of public goods, such as clean water, clean air, preservation of bio-regions in the State and climate change mitigation provided by forests.

And here is the main reason for my letter to you. **You must be aware of the erosion of credibility** of OSU forest management plans [and with it of the entire institution] after the logging of old growth forest in MacDonald / Dunn Forest, some of the trees over 400 years old. I saw the newspaper article where Interim Dean Anthony Davis announced the moratorium on logging in a college memo July 12, about a month after a logging operation was conducted near Sulphur Springs in the McDonald-Dunn Research Forest: Davis is quoted as saying they 'made a mistake'.

Just as the OSU Athletic Program budget is in the red and a pitch for Reeser Stadium rehab is in the news one can see readily where the temptation to convert assets to cash might cast an eye on forest holdings. I urge you to review the public record of statement from OSU in explanation AFTER THE LOGGING of trees several hundred years old. News reports on the logging cited OSU representatives claiming that OSU should not be held accountable for violating its own plans which after all are merely plans and "ought not be taken word for word". These are incredible lapses of ethics from one of Oregon's oldest institutions of higher education

The Department of Forestry is directly implicated [as is OSU by association] in a spectacular show of disregard for the value of old growth trees; trees who predate OSU's formation as a land grant college. One has to wonder about the department's [and OSU's] leadership and decision-making that allowed this raid of trees to happen in order to plus up a budget shortfall.

Not only trees, hundreds of years old, were sacrificed for short term gain; the reputation of OSU took a hit. In a callous and cynical disregard for its own plans, OSU set aside for financial expediency implicit commitments it had made to be a reliable actor. In my view, the principal individuals should be held accountable, their decisions viewed as malpractice and grounds for termination. At a time when the climate change mitigation provided by trees may in the long term well exceeds their value in board feet, OSU cannot be seen as stuck in an archaic philosophy, so very 'old school', as seeing 'lumber' when viewing a forest.

I urge you as you finalize the transfer of the Eliot State Forest to OSU that you will forestall such "mistakes" and make it mandatory that OSU follow its plans to safeguard the forest, truly as a research forest. The State's agreement must have assurances that prevent OSU from treating the forest as an asset to be plundered. You can make sure that the Elliott State Forest will not be treated, as merely a bank account for future withdrawals but instead OSU and its scientists will study its value to the State, not incidentally as a sink for carbon emissions.

Sincerely,
Inga Fisher Williams

2824 NE Cesar E Chavez Blvd.
Portland, Oregon 97212
ingafw@gmail.com - 971 344 5009

APPENDIX G

Director, Dept. of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

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DEPARTMENT OF STATE LANDS

11. October, 2019

Dear Director Walker,

I'm the guy who discovered Oregon State University cut down 16 acres of old-growth forest back in May and founded the group, "Friends of OSU Old Growth" (www.friendsofosuoldgrowth.org). We now have nearly 600 people on our email list and have become a significant force for long-overdue change within and beyond the College of Forestry. I emailed you back in July to respond to your misperceptions about OSU's 'No Vacancy' cut (of 15.6 acres of old-growth forest, not "several old-growth trees" - see our website www.friendsofosuoldgrowth.org for details).

Our group has serious concerns about the leading role that OSU continues to have in developing a management plan for the Elliott State Forest. As you probably know, a previous Dean of the College (Hal Salwasser) abandoned their highly-regarded management plan for the research forests near Corvallis a decade ago. You should also know they abandoned their innovative management plan for the Blodgett Forest (located near Clatskanie). As Rob Davis reported in his scathing article in The Oregonian back in July, they did this in order to accelerate timber harvests to pay ($6 million) for cost overruns on their new forestry building. If OSU cannot follow their own management plans, why should we trust them to develop a plan for the Elliott? Even if they do not end up managing the lands, the resulting plan will likely benefit the industry that funds them - rather than prioritizing conservation and mitigation of climate change.

As I describe in the enclosed essay ("Seeds of Change in the College of Forestry"), the recent cutting of Old Growth is merely the culmination of decades of mismanagement within the College. I've also included a recent assessment of OSU's (lack of) compliance with their management plan written by Debra and Norman Johnson. I'm sure you know of the pivotal role Norm played in writing the Northwest Forest Plan in 1994. Debra worked in the College for 25 years, managing their GIS forest inventory. No one speaks with more authority and credibility about OSU's forest management plans than the Johnsons. With such a long history of poor forest management at OSU, why would anyone look to the Dean and his staff to provide leadership for the Elliott?! The Northwest Forest Plan virtually eliminated the cutting of Old Growth on public lands a quarter of a century ago - yet OSU is still cutting 200-400+ year-old trees in 2019! Members of your own advisory committee report that that Mr. Huntington and the OSU team still maintain they were following the plan (when they cut the Old Growth) - and that it was NOT a mistake. With such shameless deceit on their part, the public will have no confidence in any management plan OSU develops. Until you are willing to address these concerns in a transparent and public manner, Oregonians will be deservedly skeptical of your process.

As the Director of DSL, we look to you to provide leadership to change this sad situation. The OSU College of Forestry is polluted by money from the timber industry. The Dean's salary comes from a $5 million endowment from the former president and CEO of Roseburg Forest Products. The bulk of the funding for their new forestry building and their endowment has come from the industry they ought to be working to reform.

With climate change now an issue of paramount importance, we ought to be setting aside ancient forests (like the Elliott) for carbon storage - and forcing the industry to move to longer rotations and selective harvests. Instead, our nation's leading forestry school is operating like they are stuck in the 1980s.

We urge you to proceed with great skepticism and caution with regard to OSU's role in developing a management plan for the Elliott. The OSU Elliott Team represents the worst of their forest management - it is distinctly conservative and does not reflect the diverse expertise within the College. We also urge you to prioritize ecological values and carbon storage, not clearcuts and revenue generation, in the management of the Elliott. Manage these publics lands for the greater public good, for carbon storage, ecological value, clean air and water - not short-term profits! Future generations will thank you.

Sincerely,

Doug Pollock

(Friends of OSU Old Growth)
37293 Helm Drive
Corvallis, OR 97330

APPENDIX G

Seeds of Change in the College of Forestry (CoF)

Doug Pollock - Sept. 29th, 2019

Broken Trust: I've been a firsthand observer of OSU's forestry management practices in the McDonald and Dunn Research Forests for more than three decades. I've also participated in the planning process, attending OSU's meetings and giving input. In the mid-90s I joined a group of Soap Creek neighbors who were concerned about the College of Forestry's management of the newly-donated Cameron Tract. We met with the OSU President and initiated a public meeting with Dean George Brown and his research forest staff. Scores of neighbors showed up to express a wide range of concerns, ranging from herbicides polluting our wells, erosion from the planned clearcuts, and safety impacts of logging trucks on our narrow, twisty roads. Dean Brown and his staff promised to hold a second meeting to provide answers to our questions. Several weeks later, we all received letters thanking us for our input - and notifying us that cutting would begin soon. There was no mention of the promised 2nd meeting. Thus began my first lesson in how the College of Forestry deals with public input: they tolerate our input, but rarely embrace it; promises mean nothing.

When I discovered OSU had cut 16 acres of Old Growth near Baker Creek in May of this year, a whole new journey of discovery lay before me. Like the plot of some novel of deception and intrigue, the story unraveled in ways that felt both familiar and foreign. The forest manager who adamantly denied they'd cut Old Growth...the phony claims that signs of mortality and rot justified the logging, the bizarre explanation that the road they'd cut into the adjacent Old Growth was for purposes of a "fire break access point"...each revelation and excuse only dug a deeper hole for the Dean and his staff. The lack of honesty and integrity in OSU's response to the cutting only added fuel to the fire of community outrage and opposition. The cutting of Old Growth created enormous mistrust and anger, while the denial and obfuscation by CoF staff further eroded the public trust of OSU.

Community Response: I organized a group of neighbors to form **Friends of OSU Old Growth** in order to protest the cutting of Old Growth and the College of Forestry's misguided forest management. We developed a website (www.friendsofosuoldgrowth.org) to advocate for preservation of the remaining, unprotected Old Growth in the forests managed by the College. We were instrumental in getting *The Oregonian's* Rob Davis to write his extensive expose, "Majestic Douglas fir stood for 420 years. Then Oregon State University Foresters cut it down" (1). The response from the broader community has been overwhelming. We now have over 500 members receiving email updates and more than 1200 signers of our petition. OSU faculty members, alumni, recreational users, and others who care about the forests have come together not only to preserve Old Growth, but also to call for change in OSU's forest management.

I've been even more surprised and gratified by the many CoF insiders (including several emeritus professors) who have contacted me to divulge details of past misdeeds within the College. A former insider gave an account of graft within the research forest management, detailing how more than 700,000 board feet of timber was misappropriated from the Blodgett Forest in the early 90s. The whistle-blower was fired by a former Research Forest Director, and he reported the crime to the Oregon Governor's office. By the time state officials investigated, evidence of the theft had been erased from the College's records. A former employee of the College told of research requests that were routinely used to justify much larger harvests (against the wishes of the researchers). Neighbors told of the CoF's intentional logging of several other areas of Old Growth. A researcher disclosed that a former Dean had declared spotted owls nesting in the OSU forests as irrelevant - opposing OSU's own spotted owl expert. I heard numerous stories of unrepentant hardliners within the CoF who worked to oppose the preservation of Old Growth (including the Baker Creek and Sulphur Springs stands). These hardliners dominated the management practices of the research forests for many decades, giving OSU a dark reputation as a tool of the timber industry. An owner of a forestry consulting business stated he won't even consider hiring OSU Forestry graduates because they are so lacking in appreciation of ecological forestry values. An entire generation of OSU forestry graduates are stumped when asked, "Who was Aldo Leopold?"

OSU's Response: As the story of OSU's cutting of Old Growth gained national attention, the Dean's narrative changed in sadly predictable ways. His initial admission that it was a "mistake" and did not align with OSU's principles, morphed into conflicting variations. He later claimed they were following the principles of their (10-year-suspended) 2005 Research Forest Plan - "just not to a T" (*The Oregonian*). In a July 23rd CNN.com story, he said, " For years we've had plans that these trees would be harvested, our mistake was in sticking to that (2005) Plan" (2). Recently, the Director of the Research Forests gave a private tour of the 'No Vacancy' clearcut and adamantly stated it was NOT a mistake to cut the Old Growth - that they were following the plan. The same conflicting message is reportedly being told by OSU's team working on the Elliott State Research Forest project with the Oregon Department of State Lands (DSL).

In response to public concerns about OSU's forest management, the Dean and his staff held a public meeting (on August 28th, in Adair Village). Many participants expressed concerned about the unbalanced format of the meeting, following the traditional, "You have the questions, we have the answers" structure. This predictable, outdated response is captured in the following table. Like former Deans, the Interim Dean has resisted requests to change to a more collaborative approach.

The traditional vs. collaborative approach to solving forestry issues (3):

RESOLVING FORESTRY CONFLICTS THROUGH COLLABORATION

lication that "we need
8.3). If managers do
e this, they should not
or encourage a collab-
eryone involved will be
People can smell a tra-
mile away, and it soon
s to everyone that the
tion is nothing more
g.

Table 8.3 *Highlights of traditional and collaborative approaches*

Traditional approach	Collaborative approach
We have the answers.	We need your help.
Professionals have knowledge and solutions; the public has issues and values.	We all have knowledge, solutions, issues, and values.
Give us your input.	Let's jointly develop ideas.
People should get out of the way and let professionals do their job.	We need to work collectively to create options and solutions.

The Dean's chatter about his childhood, sense of place and optimizing forestry to solve the climate and sustainability crisis stood in stark contrast to how he and his staff have been managing the research forests. This disconnect is at the heart of these issues, leaving many folks highly mistrustful. The talk just doesn't match the long history of OSU's forestry mismanagement.

Violations of the Plan: Unfortunately for the Dean and his staff, the many violations of the 2005 Plan are as plain to see as the growing number of clearcuts in the forests. A recent assessment by Debra L. and K. Norman Johnson (4) provides unequivocal documentation of the violations. They detail how the cutting of Old Growth at Baker Creek and numerous other harvests all violated the commitment to maintain the 1,585 acres of nesting/roosting/foraging (NRF) habitat for northern spotted owls. They estimate the total NRF has been reduced by ~166 acres or more than 10% in the past three years. They also point to 10 clearcuts in the South Zone of the McDonald Research Forest that greatly exceeded the 1-4 acre harvest prescription. These are not minor oversights or adjustments - they are wholesale violations of the plan's principles. The Johnsons were involved in developing and implementing both the 1993 and 2005 Research Forest Plans. No one speaks with more authority and credibility when it comes to OSU's forestry plans. For the Dean and CoF staff to insist they are following the principles of the plan is shamefully dishonest.

Faced with such blatant disconnects and dysfunction, it is reasonable to ask how might one go about changing OSU's deeply-entrenched and outdated approach to forestry. With contributions from the timber industry permeating the College and funding the Dean's position, is there any hope of substantive change? Before considering these questions, it

is helpful to take a moment to discuss the theory of change in large organizations. In *Ecological Forest Management* (3), the authors cite work by Gunderson (1995) and Janssen (2002) showing that natural resource policies in the U.S. have evolved in ways that are very similar to biological systems:

Four Phases of Policy Development and Change

1) Initial robust policy implementation followed by increasing rigidity over time as the policy matures and bureaucracies become committed to it.
2) Challenge to the policy by activities based on differences between expectation and observation, which can create a crisis and lead to policy collapse.
3) Catalysts for change taking action, helping create a bridge to a new policy.
4) Development of new policy alternatives followed by policy selection and implementation, and the cycle beginning again. (5)

They write:

> "Initially robust policies become rigid, often with a single-minded emphasis on maximizing one aspect of resource management. The responsible agency becomes so invested in the policies, and the social forces that benefit from them are so powerful, that the agency cannot adjust as problems and circumstances change. Political and legal activists eventual take actions that result in policy disintegration, followed by individuals and groups whose ideas serve as catalysts for change"(3).

Following in the Footsteps of the USFS: The authors of *Ecological Forest Management* also cite the highly relevant example of federal forest policy and over-harvesting, leading up to the Northwest Forest Plan of 1994. OSU's College of Forestry seems to be following a similar trajectory:

Box 11.1 **Federal forest policy in the Pacific Northwest: An illustration of policy development, rigidity, collapse, and renewal**

The pent-up demand for wood for housing after World War II, combined with the inability of private forests to meet this demand, led to a major expansion of harvests in the magnificent old-growth Douglas-fir forests on the national forests of western Oregon and Washington. The Forest Service encouraged construction of new lumber and plywood mills to process the timber, and many communities expanded to accommodate the arrival of more mill workers and loggers. For the first time, these federal forests harvested their entire *allowable cuts*, which were based on the principle of sustained yield. Federal timber harvest became a central element in the regional economy. Tens of thousands of people found employment logging and milling the harvest. Through the 1950s and 1960s, timber management was the dominant use of these federal forests, and this emphasis was strongly supported by the congressional delegations of the two states.

By the early 1970s, the Northwest's federal timber economy functioned as a highly efficient machine, clearcutting thousands of acres of old forests each year to provide logs for hundreds of mills and replacing the cut forests with fast-growing plantations. Allowable cuts were based on the promise of intensive management and high yields from the plantations. Other uses of the forest were given only modest consideration, under the presumption that a sustained yield of timber harvest, carefully done, would benefit the other resources, whether they were fish, wildlife, or watersheds.

Passage of the National Forest Management Act (1976), in large part a reaction to the increased emphasis on timber production in the national forests, required development of integrated forest plans following procedures specified in the National Environmental Policy Act of 1970. The necessity for interdisciplinary planning and development of integrated forest plans resulted in a major challenge to the mantra that sustained yield provided for all uses. Through the 1980s, the Forest Service worked on developing forest plans, but meeting nontimber resource goals frequently required reductions in allowable cuts, which resulted in major opposition from both internal and external sources. Largely ignored were repeated pleas from district rangers that existing allowable cuts could not be sustained without damaging other resources and scientific studies that documented the threat of these harvest levels to wildlife and to forest ecosystems. Each year the Chief of the Forest Service sat before congressional appropriation committees and assured them the Forest Service could maintain the harvest level, and the allowable-cut juggernaut rolled on.

After more than a decade of work, the national forests released forest plans that called for slight reductions in allowable cuts; old-growth forests would still provide much of the harvest. The plans were litigated over protection for the northern spotted owl, and the courts granted an injunction prohibiting harvest in northern spotted owl habitat until the agency developed a scientifically credible plan for conservation of the owl. With that injunction, timber harvesting on national forests in the region essentially ceased, with wrenching disruptions in the lives of thousands of people.

After the Forest Service failed repeatedly to satisfy the courts with new plans that protected the owl while maintaining relatively high harvest levels, the agency created a team of scientists with expertise in the ecology of the northern spotted owl and charged them with developing a forest management strategy that would satisfy the courts. The science team developed a strategy based on the principles of conservation biology, greatly increasing the area that would be placed in reserves and also modifying management practices in intervening areas to facilitate dispersal of owls between the reserves. However, the White House would not allow the Forest Service to adopt the strategy because of protest from Congress.

Congressional committees concerned with national forest management recognized that the owl was just one of many issues that needed to be addressed. They chartered another scientific committee and charged it with synthesizing relevant information in developing and evaluating management alternatives for conserving old-growth forest ecosystems and their constituent species, aquatic habitat for at-risk fish stocks, and species listed as threatened or endangered such as the northern spotted owl and marbled murrelet. While accepting the alternatives that the scientists developed as a fair representation of the choices, Congress did not pass legislation that addressed the issues involved—the reduction in timber harvest needed to conserve species and ecosystems was just too great.

Building on the preceding reports, newly elected President Bill Clinton created yet another scientific committee, which included social scientists for the first time, to develop alternatives that could provide the basis for a comprehensive plan for these forests (FEMAT, 1993). These efforts culminated in his decision to adopt what became the Northwest Forest Plan in 1994. This plan placed conservation of biodiversity and watersheds first and timber harvest second, reversing historical post-WWII priorities on the national forests, and substantially reducing the timber harvest level.

All elements of the adaptive cycle appear in this story: (1) initial robust growth of a vibrant policy for advancing social well-being, with rigidity and inflexibility developing as maintaining allowable cuts became too economically and politically important to modify; (2) abrupt collapse of the policy after being challenged in court; (3) development of new policy ideas and alternatives by ad hoc groups of scientists outside of agency control; and (4) adoption of a policy by a decision maker (President Clinton) that put the federal forests of the region on a new path.

A history of federal forest policy in the Pacific Northwest leading up to the NW Forest Plan (3).

After decades of overcutting by the timber industry and the systemic failures of the Forest Service and Congress to come up with meaningful protections for threatened and endangered species, newly elected President Bill Clinton got involved. The result was the 1994 Northwest Forest Plan which "placed conservation of biodiversity and watersheds first and timber harvest second". An outside decision maker (President Clinton) delivered a new policy which forever changed the path of forestry in the Pacific Northwest (3).

The analogies to the OSU College of Forestry are particularly relevant and powerful - at least up to the point of crisis and dysfunction. As my opening story relates, the managers of the research forests have had a long history of ignoring public input - and even their own carefully developed, inter-disciplinary plans. The last plan was developed in 2005 and the next one isn't expected for at least three more years - a 17-year lapse. The College also operated without an updated forest inventory or GIS staff for a full decade. How can a public entity managing 15,000 acres of land justify operating for so long without a plan and accurate forest inventory?

Priorities of the CoF: Revenue generation has clearly been given priority over other values in the management of the College forests - and the planning process. *The Oregonian* reported, "$6 million in accelerated timber sales from the school's forest near Clatskanie are being used to help defray cost overruns for ...the Oregon Forest Science Complex"(6). These cuts happened after the Research Forest managers abandoned their innovative 1997 management plan for the Blodgett. The suspension of the Research Forest Plans for both the McDonald-Dunn and Blodgett Forests (last updated in 2005 and 1997 respectively) paints a picture of a decidedly insular organization, focused primarily on revenue generation, not research and education. The failure to incorporate carbon assessments (as called for in the 2005 Plan) or any meaningful changes to forestry practices to reduce climate change is another serious omission.

Lack of Integrity: The lack of transparency and bias toward revenue generation has also characterized the Dean's Tier 1 Advisory Committee, tasked with developing the mission and goals for the next Research Forest Plan. This committee met for nearly two years, with little or no public notice. The committee was given a mandate to come up with $2 million in revenue from timber harvests, arguably biasing their work from the onset. The sole public representative on the committee would not disclose the names of the committee members, apparently upon the direction of the Research Forests Director. It took three separate email requests to get the Dean to disclose the names of the committee members. Key questions about the committee's work remain unanswered after repeated requests to the Dean and OSU's Communication Director. The refusal to answer fundamental questions constitutes a restraint of information and clearly violates OSU's own core values (7):

> **3) Integrity.** ***We value responsible, accountable and ethical behavior in order to maintain an atmosphere of honest, open communication and mutual respect throughout the Oregon State community.***

Genesis of Change: Given the long history of mismanagement, the seriousness of the problems, and the significant pressure from timber company interests and revenue needs, it seems doubtful change will come from the managers of the research forests. Many CoF insiders and alumni tell me change has to come from outside the College - just as the timber industry of the 1980s and 90s only changed when powers beyond their control forced it upon them. We now have growing awareness of climate change and the huge carbon impacts of logging and timber production. This societal pressure on the College's forest management will only increase - both within and outside OSU. Three decades of climate data and consensus among the world's climate scientists (including many at OSU) tell us this is so. Furthermore, citizens increasingly view OSU lands as public lands - and they expect them to be managed for the public good. The public will demand a collaborative role in this process, a change that surely frightens the traditionalists within the College. In addition, the huge power of social media, email, and the Internet mean that OSU can no longer control the dialogue or message. When the story of OSU cutting a 420-year-old tree shows up on the home page of CNN.com, it has a lasting, negative impact on the University.

Seeds of Change: If the OSU administration is truly committed to changing the College of Forestry, it will need to lead the process. Here are some specific steps to take:

1) Restore the management plans for the McDonald-Dunn and Blodgett Forests - and follow them to a T. This must be done with a strong public commitment.

2) Make the study and mitigation of climate change the highest priority for all College operations. Do detailed carbon assessments (as called for in the 2005 Plan). Stop all burning of logging slash piles. Make the research forests a leading example of ecological forestry management.

3) Play the leading role in transforming practices of the timber industry to minimize climate change and prioritize ecological functions through education, research and advocacy. Exhibit this leading role by demonstrating the very best practices (prioritizing ecological values and carbon storage and mitigation) in the OSU research forests.

4) Publicly commit to preserving ALL late successional reserves on OSU lands, not just trees over 160 years old. Late successional forests are now largely protected in our federal forests - OSU should be matching or exceeding this relatively low bar. Start by changing the status of the Sulphur Springs stand to protect the remaining 36 acres of Old Growth.

5) Disconnect timber industry funding from key positions within the College of Forestry, including the Dean's endowment. This funding presents an enormous conflict of interest, biasing decisions at all levels of the College.

6) Fully disclose all sources of funding for the College in an annual report presented to the public. This includes revenue from each timber harvest, donations to the endowments, funding of the new forestry building, research, and education. The public has a fundamental right to know where the money is coming from and where it is going.

7) Change the planning process for the next Research Forest Plan to make it a truly collaborative process with public involvement. Make sure that the planning team is NOT biased toward revenue generation, but rather prioritizes ecological values and carbon mitigation and storage.

8) Develop an independent assessment process with clear performance metrics to gauge the College's compliance with their forest management plans. Publish the results. Hold a public meeting each year to present the results and discuss management plans for the coming year. Hold public tours on an annual basis to demonstrate management and research activities.

9) Choose a new Dean who is truly committed to positive change within the College of Forestry.

10) The OSU President, Executive Committees, and Board of Trustees must provide leadership and support for these changes - history has shown change will not come about without high-level support.

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(1): *The Oregonian*, https://www.oregonlive.com/environment/2019/07/majestic-douglas-fir-stood-for-420-years-then-oregon-state-university-foresters-cut-it-down.html

(2): CNN.com, https://www.cnn.com/2019/07/23/us/old-growth-trees-cut-oregon-state-trnd/index.html

(3): *Ecological Forest Management*, by Jerry Franklin, K. Normal Johnson, and Debora L. Johnson, 2018

(4): *Damaging Ecological Resources Protected by the 2005 Forest Plan: Recent Harvests on the OSU McDonald-Dunn Forest,* by Debora L. and K. Norman Johnson, https://friendsofosuoldgrowth.org/latest-news/

(5): *Panarchy*, by Lance H. Gunderson and C.S. Holling, 2002

(6): Old growth, new questions for OSU, by Rob Davis, *The Oregonian*, July 27th, 2019

(7): https://leadership.oregonstate.edu/trustees/oregon-state-university-mission-statement

Damaging Ecological Resources Protected by the 2005 Forest Plan: Recent Harvests on the OSU McDonald-Dunn Forest

Debora L. Johnson and K. Norman Johnson 9/25/2019[1]

Summary

Between 2017 and 2019, ecological resources important for teaching, research, and demonstration, including an old-growth grove and areas of mature forest, were clearcut on the McDonald-Dunn Research Forest even though these resources were protected by the existing forest plan. When the old-growth harvest was discovered by a forest user, the Dean of the College of Forestry put in place interim guidance to protect old trees until a new forest plan is written. Given the College's inability to adhere to either the spirit or letter of the current plan, it is not clear how a new plan will help moderate the disregard for the protection of ecological resources that has been shown in the last few years. More immediate and fundamental changes are needed to bring the forest back into line with the primary mission of providing a biologically diverse and sustainable teaching, research, and demonstration forest with a management focus. Those changes include (1) adhering to the themes and guidance in the 2005 plan, including the protection for old trees, until a new plan is finished, (2) adding all of the candidate old-growth stands that were identified in 2004 to the reserves, and (3) having annual meetings and field trips to review recent and proposed harvests that highlight how the harvests meet the themes and guidance in the forest plan.

Introduction

The current controversy over management of the OSU McDonald-Dunn Forest began with a citizen publicizing the destruction of the Baker Creek old-growth stand. In response, Interim Dean Anthony Davis distributed a statement (7/12/19) that said the College of Forestry "made a mistake in carrying out this recent harvest" and also made the important commitment to protect trees over 160 years of age until the next plan is finished (Appendix 1). Dean Davis also said that the mistake occurred while they were "operating with the best of intentions and within the guidance of the 2005 Forest Plan" and that "The core themes identified in the 2005 Forest Plan still ring true today."

Certainly, no plan is perfectly implemented and mistakes do happen, even mistakes as egregious as cutting ancient trees. However, our review of recent harvests on the McDonald-Dunn Forest found a much broader problem: the 2017-2019 harvests documented in this report display a systematic violation of some of the fundamental themes and guidance in the 2005 Forest Plan intended to protect ecological resources. Whether these actions were precipitated by revenue pressures, or forest managers imposing their own idea of how forests should be managed, or for some other reason, we do not know. In some ways it does not matter--the key point is that ecological resources that the College committed to protect in the 2005 Plan have been damaged or destroyed.

To provide context for these findings, we first review the history of forest planning for the McDonald-Dunn Forest including the development of the 1994 and 2005 plans. Then we provide evidence that important ecological resources, including the Baker Creek old-growth stand, were damaged or destroyed in violation of the guidance and themes of the 2005 forest plan. Finally, we make recommendations to reduce the opportunity for these kinds of acts occurring in the future.

[1]Debbie Johnson is a consulting forester. She worked for the OSU Research Forests for 25 years on inventory, GIS and forest planning; Norm Johnson is Professor Emeritus of the OSU College of Forestry where he specialized in forest planning and harvest scheduling. Both were on the planning teams for the 1994 and 2005 McDonald-Dunn Forest Plans.

Background

The First Forest Plan: 1994

As the amount of clearcutting increased on the McDonald-Dunn Forest in the late 1980s and early 1990s, complaints from neighbors and recreationists also increased, and many critical letters and articles appeared in the Corvallis Gazette Times. In 1993 Dean George Brown formed an interdisciplinary team of faculty from across the university and asked them to develop a long-term plan for the forest. The Dean told the team to develop a forest plan that would best advance McDonald-Dunn as a teaching, research, and demonstration forest. Once that was done, the Dean said that he and the Forestry Executive Committee (FEC) would look at the revenue that would be produced by the plan to see if adjustments were needed. Dean Brown wanted to be sure that he and the FEC knew the degree to which revenue production was influencing the achievement of core goals.

That planning team quickly settled on a mission statement: "Develop McDonald-Dunn Research Forest as a biologically diverse and sustainable teaching, demonstration, and research forest with a management focus" (OSU College of Forestry, 1994).

To accomplish this mission and associated goals, the team divided the McDonald-Dunn Forest into three zones (OSU College of Forestry 1994, page 10):

1) "The South Zone will be managed to contain large trees within a structurally complex forest pattern. The goal is to create structures similar to those of an older, mid- to late-successional forest.
2) The Central Zone will be managed to test techniques for creating and maintaining two-storied stands, that is stands containing trees of predominantly two distinct ages and sizes over part of the rotation. The stands will be slightly less complex than those in the south zone, but they will contain significant numbers of large trees.
3) The North Zone will be managed generally to achieve younger, structurally more uniform stands for comparison with those of the Central and South Zones."

"Teaching and research are preeminent and will be accommodated in each zone as needed."

A sustainable harvest schedule was then developed to implement this forest management strategy. It turned out that a harvest schedule consistent with zone themes produced sufficient revenue and did not need adjustment. The spatial location of the harvests for the first decade was worked out to the satisfaction of the FEC after some back and forth adjustment to reduce the amount of clearcutting.

A Forest Advisory Committee was set up that included "OSU faculty members from the College of Forestry and other departments, as well as people from the community." The plan gave "the Forestry Advisory Committee significant responsibility for interpreting, evaluating and, if necessary, revising the Plan. Interested community members will be included in these efforts" (OSU College of Forestry, 1994).

Meetings were held with community leaders to explain the plan and a brief, colorful pamphlet was written for broad distribution (OSU College of Forestry, 1994). Almost overnight, complaints about the McDonald-Dunn forest management in the Corvallis Gazette Times greatly declined, helped by the very favorable coverage of the plan by the newspaper. The spatial harvest schedule, applying silviculture appropriate to each zone, was then followed for the next decade, providing a myriad of teaching and research opportunities and producing significant revenues. *The McDonald-Dunn 1994 Forest Plan was the only public forest plan in the State of Oregon successfully implemented during the tumultuous years of 1994-2003!*

The Second Forest Plan: 2005

The 2005 Plan was a revision of the 1994 Forest Plan. It maintained the idea of zone themes with different emphases to illustrate a range of approaches to forest management strategies and practices for use in teaching, research, and demonstration. The 2005 Plan was put together by a smaller interdisciplinary team that was mostly from the College of Forestry and was headed by Rick Fletcher (Forestry Extension) and Becky Johnson (Associate Dean of Forestry). The team took their direction from the FEC.

Once again, the Team was told to develop the best teaching, research, and demonstration plan and estimate the revenue that would be produced. After the team made an estimate, they were asked by the FEC to increase the area devoted to intensive management to enable a slightly higher revenue flow. With that modification, the FEC recommended the forest plan to Dean Hal Salwasser who then approved it. (See Appendix 2 for the signature page by the members of the FEC and the Dean. Dean Salwasser wanted the entire leadership team to sign their approval, in part so they would know the limits on the revenue that they could expect from the forest.)

Four Themes in the 2005 Plan

"To achieve the mission and goals for the Forest, land is allocated to one of four themes (Figure 1). Each theme relates to different management characteristics and different target stand characteristics and represents a different set of management objectives for Oregon forestland owners and managers" (OSU College of Forestry, 2005, page 19).

Theme #1: Short rotation wood production with high return on investment (35- to 45-year rotations of even-aged Douglas-fir that end with clearcut harvest)

Theme #2: High quality, growth-maximizing timber production (60- to 90-year rotations of even-aged Douglas-fir that end with clearcut harvest)

Theme #3: Visually sensitive, even-aged management (70- to 90-year two-storied forests of primarily Douglas-fir that always retain some even-aged tree cover)

Theme #4: Structurally diverse complex forest for multiple resource outcomes. Multi-aged, mixed species forests of primarily Douglas-fir established and managed using group-selection harvests, while maintaining structural diversity and associated habitats within stands. (Note: "**regeneration will occur after small, one to four-acre group selection harvests**" [OSU College of Forestry, 2005, page 24].) This theme occupies much of the South Zone of the McDonald-Dunn Forest and is a focus of the discussion that follows.

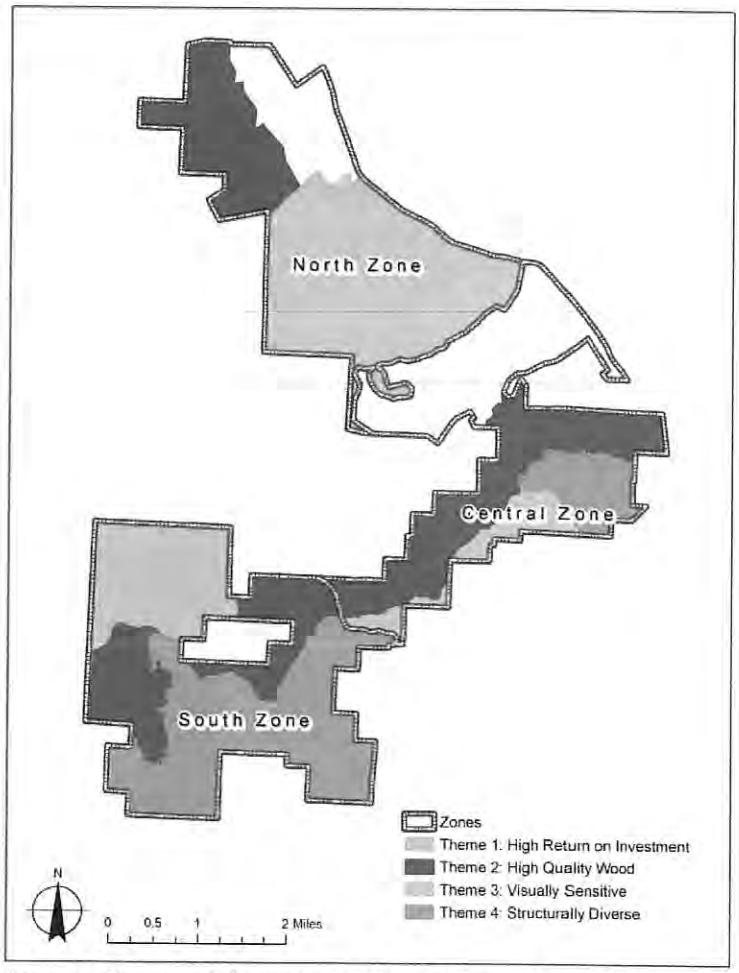


Figure 1. Zones and themes in McDonald-Dunn Research Forest.

Additional Commitments in the 2005 Plan

"Layered on top of the themes are many special areas and special issues:

- Old growth reserve areas have been maintained
- Nesting, roosting, and foraging (NRF) habitat for the northern spotted owls will be maintained
- Oak savannas, prairies, and woodlands will be evaluated and restoration projects implemented
- An invasive species control and containment program will be developed with a major focus on false-brome
- A hardwood analysis and management strategy will be developed
- Snags and down wood will become the focus of an extensive research program"

"Management of cultural resources on the forest is enhanced in the new plan by a new Memorandum of Agreement between the College of Forestry and the Confederated Tribes of the Grand Ronde."

"The plan projects harvests for the next 100 years and indicates approximately 6 million board feet/year will be harvested over the next decade. The actual yearly harvest will vary up and down depending upon a number of factors. Overall revenue produced by the forest is estimated at approximately 50% of maximum cash flow for timber production only."

A tentative harvest schedule for the first decade was designed, consistent with the zone themes (OSU College of Forestry, 2005, page 38).

The Commitment to Maintain NRF Habitat in the 2005 Plan

Most of the stands at issue in this analysis were classified as nesting, roosting, and foraging (NRF) habitat for the northern spotted owl (NSO). Characteristics of suitable NRF habitat include large (>30 inches in diameter) conifer overstory trees, an understory of shade-tolerant conifers or hardwoods, a high level of canopy cover, large, live and/or dead trees with suitable nesting platforms, and an understory that is open enough that owls can fly through it. A definition for NRF was crafted for the McDonald/Dunn Forest in 2000 using forest inventory and NSO telemetry data gathered in the South Zone (Figure 2) which was then used to delineate NRF stands. The classification generally covers the mature and old-growth stands in the South Zone (OSU College of Forestry, 2000).

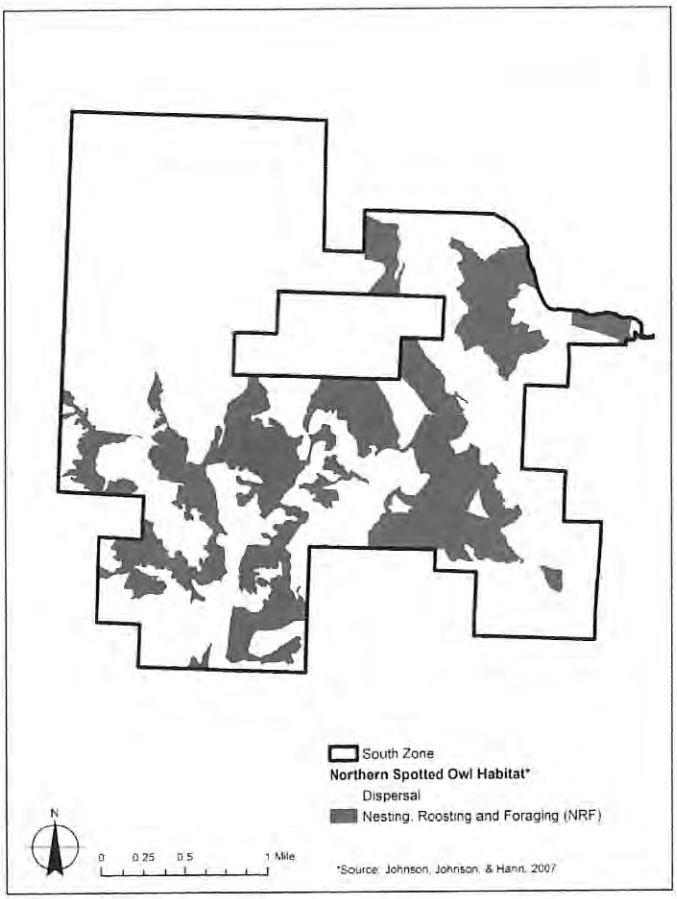


Figure 2. Nesting, roosting and foraging (NRF) habitat for the northern spotted owl in the South Zone of the McDonald-Dunn Forest. (Source: Johnson, Johnson, & Hann 2007)

The 2005 plan states (page 29) that "management activities will maintain the current level of NRF in the South Zone (1585 acres) . . . Forest staff will develop thinning regimes that maintain NRF and the associated timber yields." Thus, the NRF stands are not available for clearcutting under the plan but may be available for thinning if silviculturists and owl biologists conclude that such actions would help maintain or improve NRF. Eventually (after a few to many decades), other stands in the South Zone could grow into NRF and then there could be a surplus of NRF acres available for harvest using the method appropriate to the zone theme they fell into.

Concerns about maintaining NRF were brought about by the presence of NSO in the South and a portion of the Central Zones of the McDonald-Dunn Forest. A breeding pair of NSO was first documented in this portion of the forest by Eric Forsman between 1970 and 1974. The pair nested twice but abandoned the site after timber harvest activities occurred in the area. Surveys that were done in 1994 detected a breeding pair in the Oak Creek drainage of the South Zone. Between 1994 and 2004 three different pairs of spotted owls occupied five different nest sites (Figure 3) (Johnson, Johnson & Hann, 2007). Some of these nest site changes were probably the result of pressure from barred owls (an aggressive encroaching competitor).

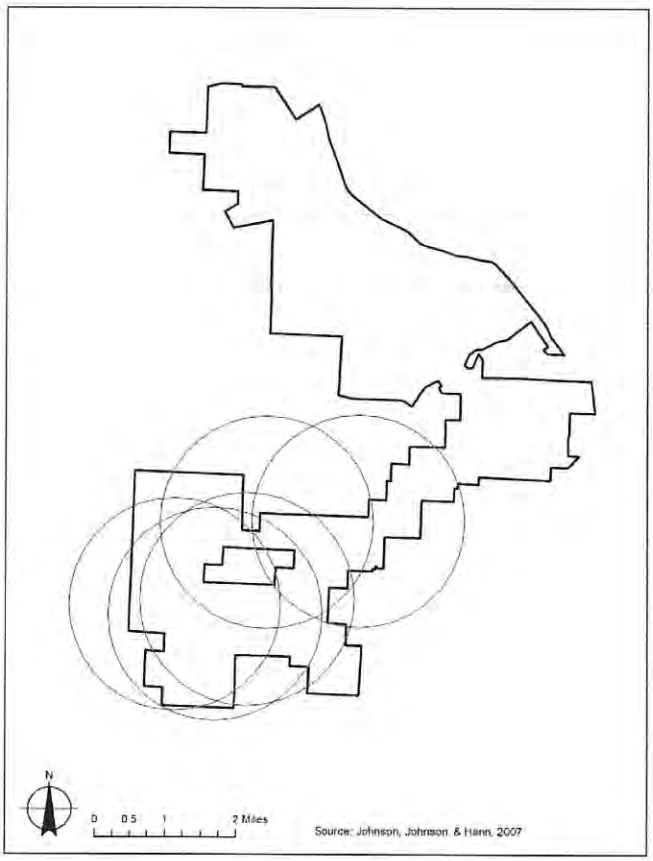


Figure 3. Historical home range circles for the northern spotted owl in the McDonald-Dunn Research Forest. (Source: Johnson, Johnson & Hann 2007)

A key decision in the 2005 McDonald-Dunn Plan was to maintain the current level of NRF habitat for the NSO throughout the South Zone of the forest (OSU College of Forestry, 2005; Johnson, Johnson & Hann, 2007). Although the commitment to maintain NRF habitat in the South Zone was to ensure that NSO have suitable habitat across the Zone, regardless of where they move their nests or whether they are completely absent for some time, this commitment was also intended to ensure that some old, complex forest existed on the McDonald-Dunn Forest for teaching, research, and demonstration. How to actively manage these forests for the northern spotted owl while producing wood products was and is a significant forest management issue in Oregon. Maintaining the level of NRF habitat in the South Zone, while allowing treatments consistent with that goal, was intended to

provide a foundation for important teaching, research, and demonstration. The commitment to maintain NRF in the South Zone was not conditional on the presence of the northern spotted owl.

Implementation of the 2005 Forest Plan

Implementation of the plan began in 2005. Four complementary efforts were also completed: (1) a spatial harvest scheduling model built around a replicated set of treatments in the South Zone to help decision makers better evaluate the effect of different harvest strategies on northern spotted owls and revenue (Bettinger, Johnson & Johnson 2003), (2) a monitoring plan designed to drive an adaptive management process, (3) an invasive plant management plan that established priorities and detailed control prescriptions, and (4) a restoration plan for oak and prairie habitats (Legacy Oaks Task Force & Prairie Task Force, 2008).

This plan was implemented from 2005 to 2007. The Great Recession of 2008 caused the FEC to suspend timber harvest on all of the research forests beginning in 2009 because of the decline in log prices associated with the collapse of the housing market. Most of the forest staff were laid off.

Year-to-year timber offerings often vary from planned annual activity schedules in response to market conditions. In order to weather market fluctuations and recessions, the College of Forestry, like many other entities that manage timber, maintain reserve funds. During past recessions, the reserves were used to fund staff and infrastructure; when markets came back, deferred harvests were then implemented according to plan and the reserves replenished. The 1994 McDonald-Dunn Forest Plan stayed close to the scheduled harvest target both for volume and treatment type for the years 1994-2003, even though there were large oscillations in year-to-year harvest levels as the forest staff coped with "changing conditions, surprises and markets" (Johnson, Johnson & Hann, 2007). During that 10-year period, the annual harvest ranged from 200,000 board feet to 9 million board feet with an average annual harvest of 4.1 million board feet (OSU College of Forestry, 2005, page 38). The 2005 update is a continuation of this same approach to planning and should be expected to function similarly.

Damage to Important Ecological Resources through Clearcutting: 2017-2019

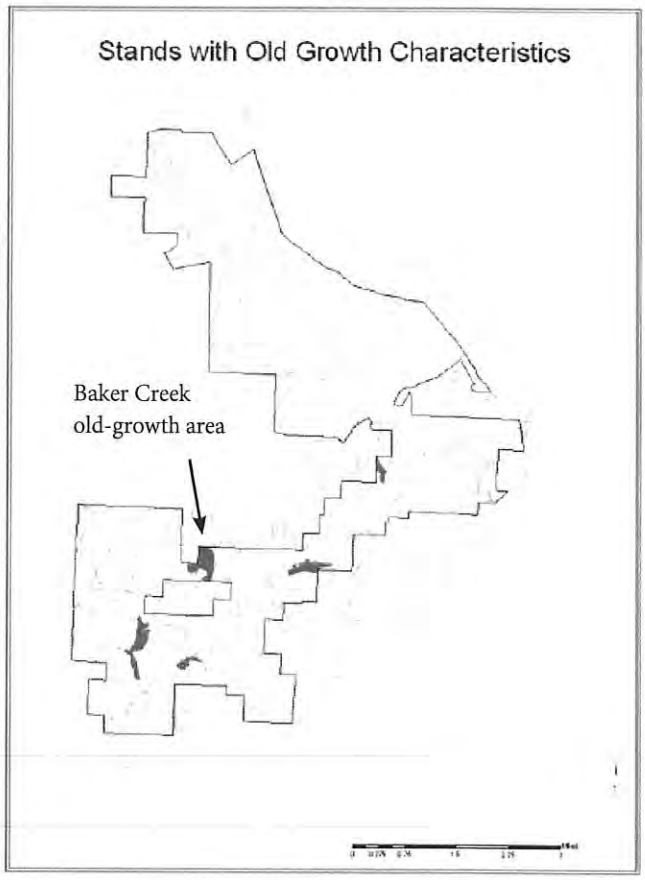
The Forest Plan provided specific guidance for protecting NRF and creating structurally diverse, complex forest. These resources provide outstanding teaching, research, and demonstration opportunities, but many have been clearcut in the last three years counter to the zone themes and guidance in the 2005 Forest Plan, damaging or destroying precious ecological resources as a result. This analysis focuses on 13 harvests that occurred between 2017-2019 in the South Zone.

During the past three years, 13 clearcut harvests have been completed in the South Zone that are not compatible with the 2005 Forest Plan. We cover them in two groups:

1. **The Baker Creek Old-growth Clearcut**. Part of an old-growth stand near Sulphur Springs on the McDonald-Dunn Forest was clearcut in May of 2019. This clearcut elicited controversy and outrage after scores of old trees up to 420-years-old were cut. In addition to the loss of a magnificent old-growth forest and habitat for the northern spotted owl, the harvest ruins habitat for other late-successional species, such as tall bugbane (Cimicifuga elata), a rare plant which occurs within or near the Baker Creek old-growth clearcut based on past survey information.

   This, and several other stands with old-growth characteristics were proposed to be included in the reserves, both in 1994 and 2005 (Figure 4), but there was not faculty consensus to include them. Although the Baker Creek stand was not put into the "old growth reserves", it was classified as NRF habitat for the NSO (Figure 5) and had one historical NSO nest site. Understory thinning might have been used if needed to maintain or improve NRF; however, clearcutting destroyed key forest structures (described above) that enabled the stand to function as NRF habitat.

Figure 4. This map (file dated 2/27/2004) was prepared for the 2005 plan revision. These stands (including the Baker Creek old growth) have old-growth characteristics and were proposed for inclusion in the old-growth reserves, but there was not faculty consensus to include them.



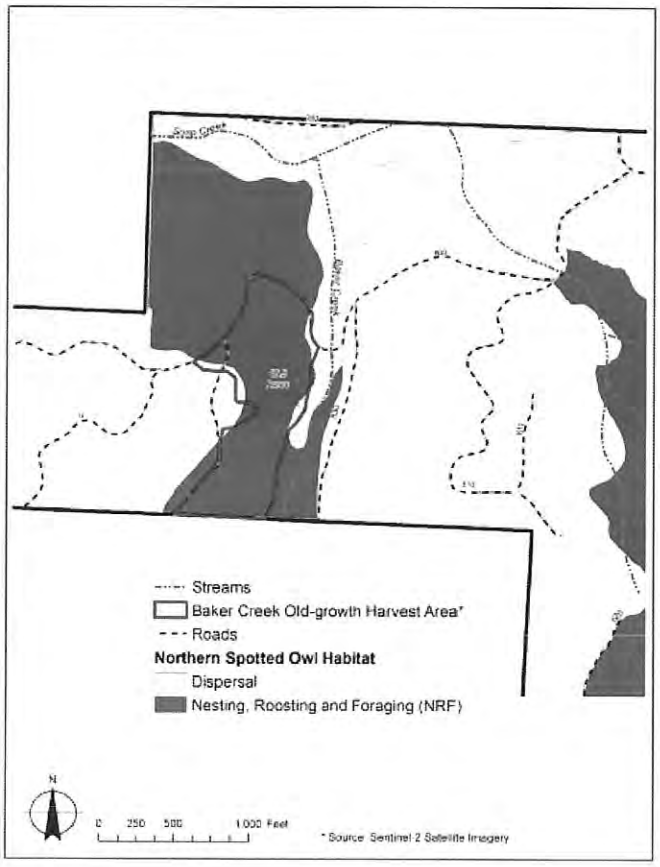


Figure 5. Almost all of the Baker Creek harvest area was within nesting, roosting, and foraging (NRF) habitat for the northern spotted owl.

The justification for cutting the old-growth area was that "Based on recent evidence of a decline in stand health, this harvest was intended to regenerate the stand into a timber-generating future condition" (Appendix 1). From an ecological sense, though, the stand was healthy. Yes, occasional trees die in old-growth forests; that is part of a natural process and is ecologically beneficial, especially to improve their use as NRF habitat. We found no major peril to the future of this stand (see Figure 6).

Thus, clearcutting the Baker Creek old-growth stand (Figures 7 and 8) was not consistent with (and is not permitted under) the 2005 McDonald-Dunn Plan.

2. **Recent Clearcuts in the Structurally Diverse Complex Forest Area**. Clearcuts have been completed during the last three years in the portion of the South Zone devoted to "Structurally Diverse Complex Forest for Multi-resource Outcomes" (Figures 9 to 12). Approximately 166 of the 257 acres harvested were in NRF. The NRF acres might have been available for light understory thinning if that would maintain NRF, but not for clearcutting. The acres outside of NRF would be available for harvest that met the zone goal to maintain or develop structurally complex forest, but not for clearcutting because the plan calls for "one- to four-acre group-selection harvests" to achieve diverse complex forest for multi-resource outcomes.

   Beyond the impact of the acreage of NRF habitat that was cut, placement of the harvest units has fragmented the remaining NRF habitat, potentially decreasing its usefulness for late-successional species.

Thus, the 12 recent clearcuts in the South Zone managed under Theme #4, both inside and outside of NRF, are not consistent with (and are not permitted under) the 2005 McDonald-Dunn Plan.

A Climate-change Mitigation Strategy Would Protect NRF Forests

The harvest of NRF stands, especially the Baker Creek old-growth stand, also works against climate-change mitigation strategies advocated by former College of Forestry Dean Thomas Maness. Mature and old-growth forests in this region are world-renowned for their ability to store large amounts of carbon and their retention is the foundation of climate-change mitigation in forests. As Dean Maness argued in his 2009 article in the Journal of Forestry: "protection of the carbon stock in existing natural forest should be the central management objective related to carbon" (p. 119), "harvesting mature forests to replace them with fast growing stands is not a climate-change mitigation strategy" and "harvesting mature forests results in immediate large emissions that may take decades or even centuries to gain back" (p. 121).

In summary, the 13 clearcuts described here in the South Zone, which cover approximately 250 acres, damaged many important ecological resources, and work against climate-change mitigation. These clearcuts would not have occurred if the 2005 Forest Plan had been followed.

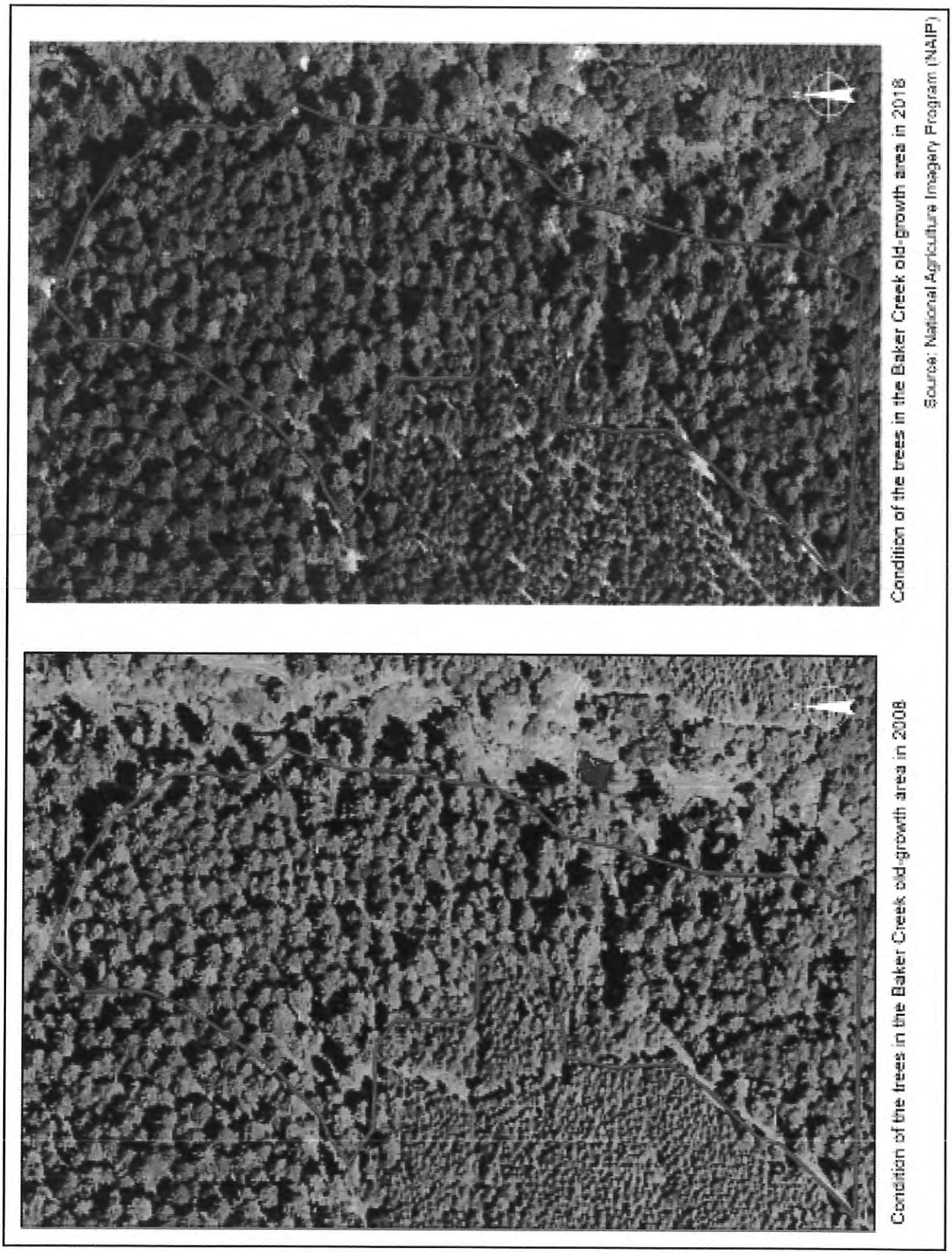


Figure 6. Orthophotographs of the Baker Creek clearcut area before harvest in 2008 and 2018. The 2018 image shows a few trees that died since 2008, but there is no evidence of wide-spread mortality. Dead trees (especially large ones) provide important wildlife habitat both while they are standing, and when they fall to the ground.

Figure 7. Baker Creek old-growth: Top and lower left: Old-growth trees in the remaining portion of the Baker Creek old-growth stand. Bottom right: the Baker Creek log aged 420-years-old ready to be loaded onto a log truck.

Figure 8. Baker Creek old-growth destruction.

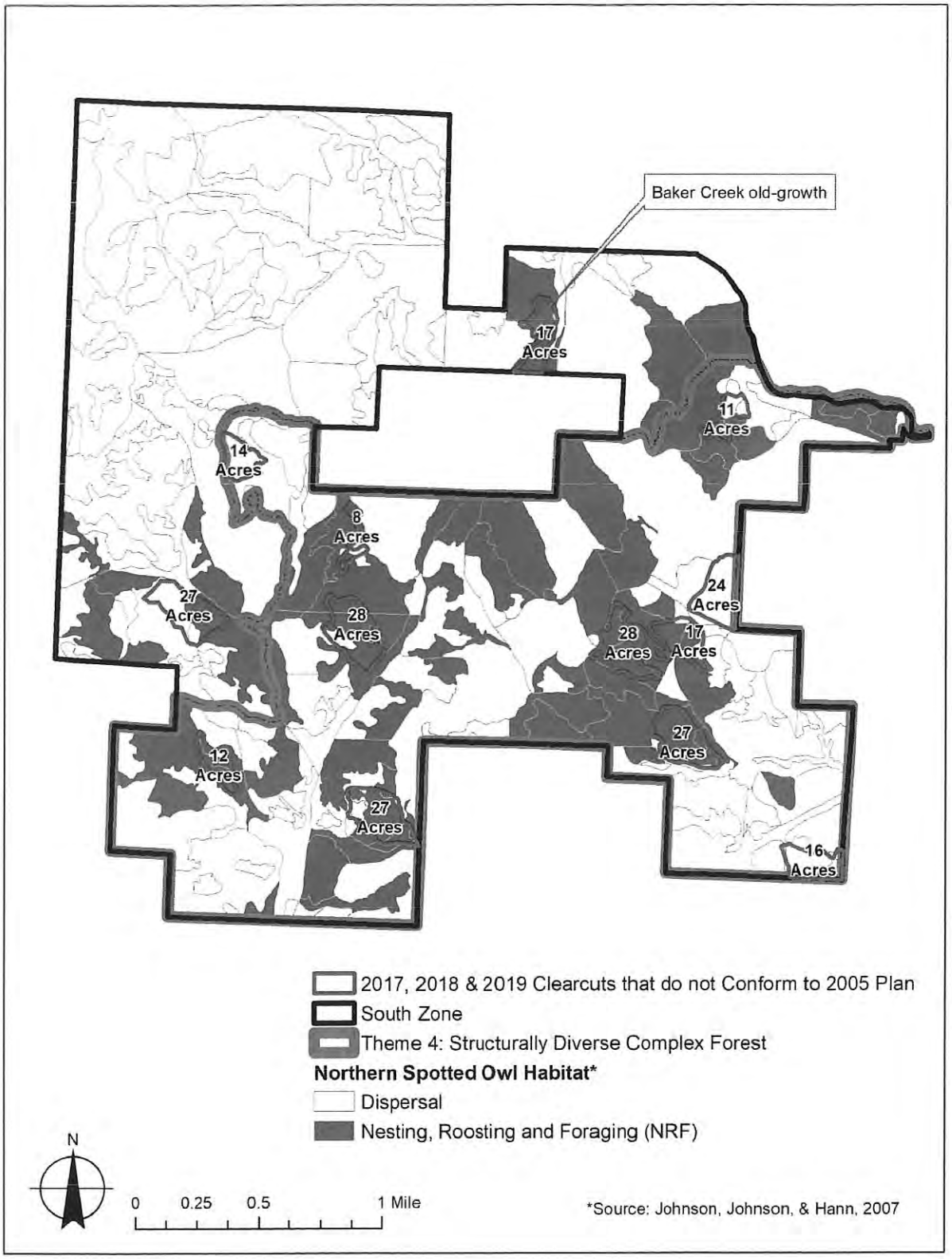


Figure 9. Map of clearcuts completed between 2017 and 2019 in the South Zone that do not conform to the 2005 McDonald-Dunn Forest Plan. They include the Baker Creek old-growth harvest area, and stands within the structurally diverse, complex forest (within the green line) where harvest was limited to one- to four-acre group selection units. Under the 2005 Forest Plan, none of the stands should have been clearcut because either they were in NRF and/or structurally complex forest.

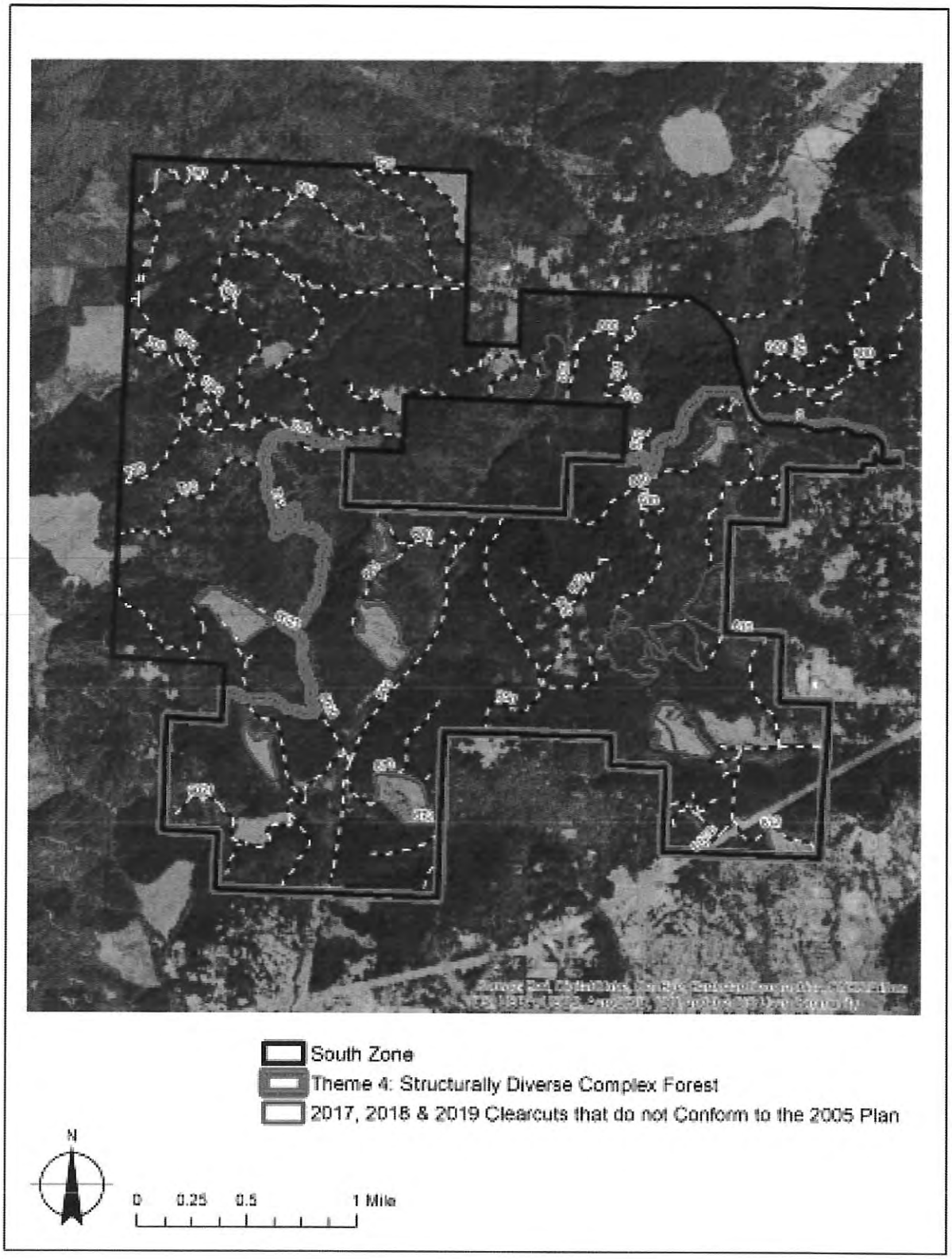


Figure 10. Orthophoto of clearcuts completed between 2017 and 2019 in the South Zone that do not conform to the 2005 McDonald-Dunn Forest Plan. (Note: some were clearcut after the orthophoto was taken.)

Figure 11. South Zone Harvest in stands designated as nesting, roosting, and foraging habitat for the northern spotted owl: Clearcutting is not allowed in these stands under the 2005 Forest Plan.

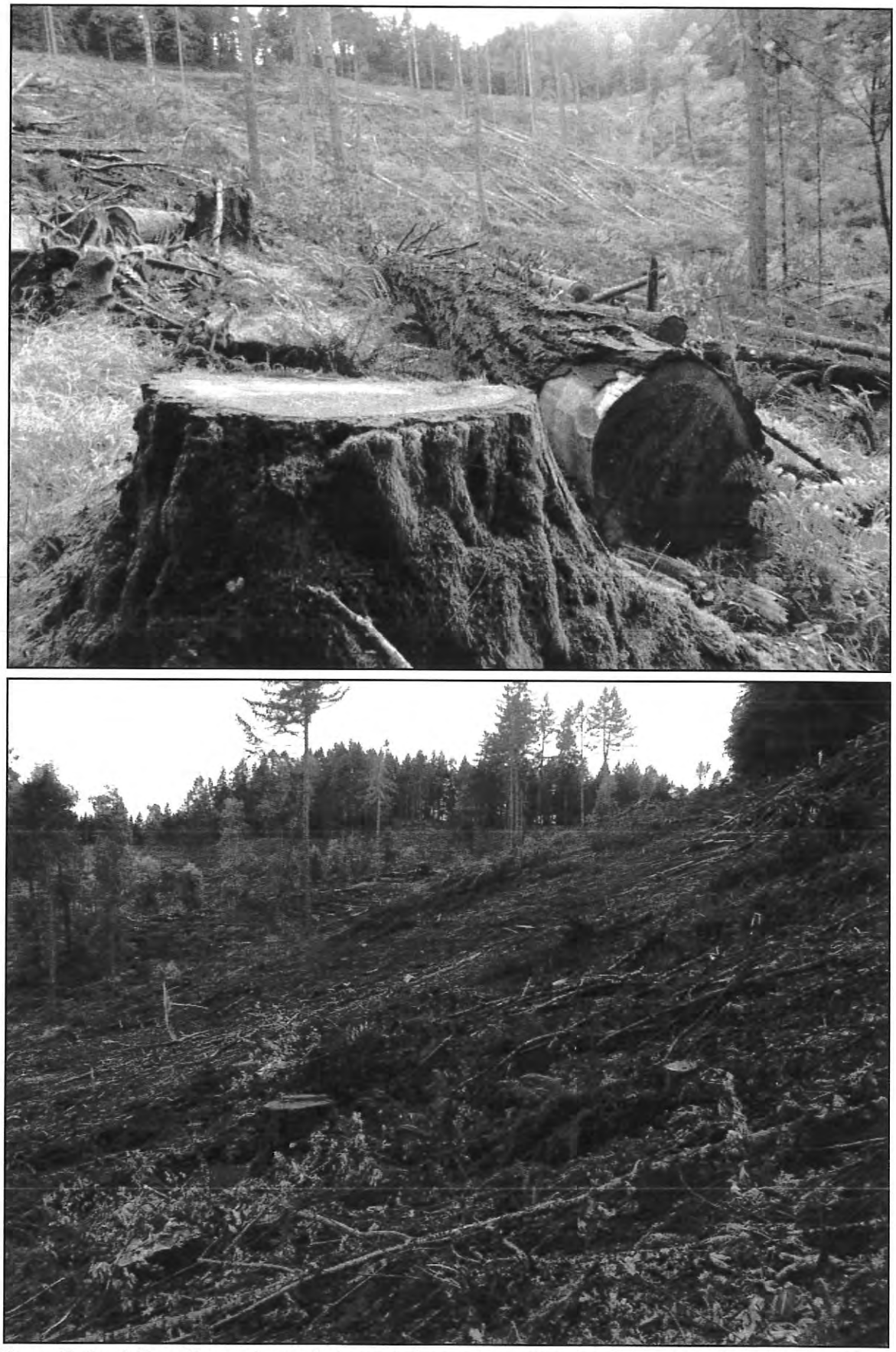


Figure 12. South Zone Harvest in stands designated as nesting, roosting, and foraging habitat for the northern spotted owl: Clearcutting is not allowed in these stands under the 2005 Forest Plan.

Discussion and Recommendations

Pressures for revenue from the College of Forestry's Research Forests are unrelenting. There is always a faculty member who needs seed money for some new research idea that will turn the scientific world on end, or needs funds to implement a new approach to teaching, or needs grant money for a trip around the world to visit other universities. Sometimes money is needed to fund a new building. Most monies that come into the College are restricted to certain uses. On the other hand, harvest revenues from the Research Forests are unrestricted--they can be used for any purpose that the Dean and the FEC think worthy. Thus, they are highly coveted. That will not change. Given the fiscal pressures, it is extremely important to have protective standards in forest plans to prevent the forests from being raided for revenue when the next crisis hits, and to have oversight and review to ensure that the standards are followed. Toward that end, we make a number of recommendations below.

The demand for funds should not jeopardize the integrity of the forest

"I realize that the College of Forestry needs the revenues from harvesting to support its teaching and research programs. The forest funds the College: that's the argument that we all keep hearing, over and over again. But there's a circularity to this repeated claim. The assumption seems to be that current teaching and research programs need to be funded at just the same rate forever—that all the research and teaching should be funded—that the purpose and value of these programs, as well as their quantity and cost, are simply given, unavailable for argument and review. As far as I'm concerned, everything is up for grabs. If we decide to fund fewer research projects, we can fund fewer research projects. Research shouldn't jeopardize the integrity of this forest. The revenue needed for programs shouldn't lead to harvesting that would undermine or compromise just those ecological values we ought to be teaching and researching."

—from Edge Effects by Chris Anderson, 1993.

The problems outlined in this report will not be solved by waiting for a new plan. Why wouldn't we expect the same disregard for a new plan, as we have seen in recent actions on the McDonald-Dunn Forest relative to the 2005 plan? The College first needs to prove that it can responsibly follow a forest plan--the one it has now.

Toward that end, the College should immediately take the following steps:

- Commit to following the 2005 McDonald-Dunn Forest Plan until a new plan is completed, including zone themes and guidance in that plan, augmented by the Dean Davis's important commitment in his 8/12/19 statement to protect trees over 160 years of age during this period.
- Add all of the candidate old-growth stands that were identified in 2004 to the reserves (see Figure 4).
- Create a working group to quickly develop guidelines for identifying trees over 160 years of age on the McDonald-Dunn, including Douglas-fir, grand fir, oak, madrone, maple, and yew. Test those guidelines over the next year as timber sales are developed and harvested; report on the performance of those guides.
- Hold a public meeting each year to describe the proposed forest management activities for the year and how they will meet the themes and guidance in the plan and the Dean's commitments. Also, put this information out on the McDonald-Dunn website and hold a public tour for those who wish to see the sites and discuss the proposed actions.
- Summarize and make public each year the actions that were undertaken over the previous year and how they reflect the themes and guidance in the forest plan. Hold a public tour each year to show people what has been accomplished.

In addition, the College needs to make sure that its managers and staff are committed to understanding and implementing the protection and restoration of the key ecological resources identified in the 2005 plan and the Dean's statement on 8/12/19. Forestry succeeds when managers have the flexibility to tailor their prescriptions to

the infinite variety of sites they encounter in the forest. However, that only works if the managers identify with the goals, themes, and guidance in the plan designed to achieve the mission set for the forest they manage.

The mission for the McDonald-Dunn Forest set 25-years ago still rings true today: to provide a biologically diverse and sustainable teaching, research and demonstration forest with a management focus. If managers of the McDonald-Dunn Forest see trees only as board feet, create tree farms whenever they harvest, and view old-growth conifers and hardwoods solely as obstacles to timber production, that mission will not be successful. Until Research Forest managers demonstrate they understand that the many ecological resources of the McDonald-Dunn Forest have value too, and manage forests in ways that reflect this perspective, the College of Forestry will not regain public trust.

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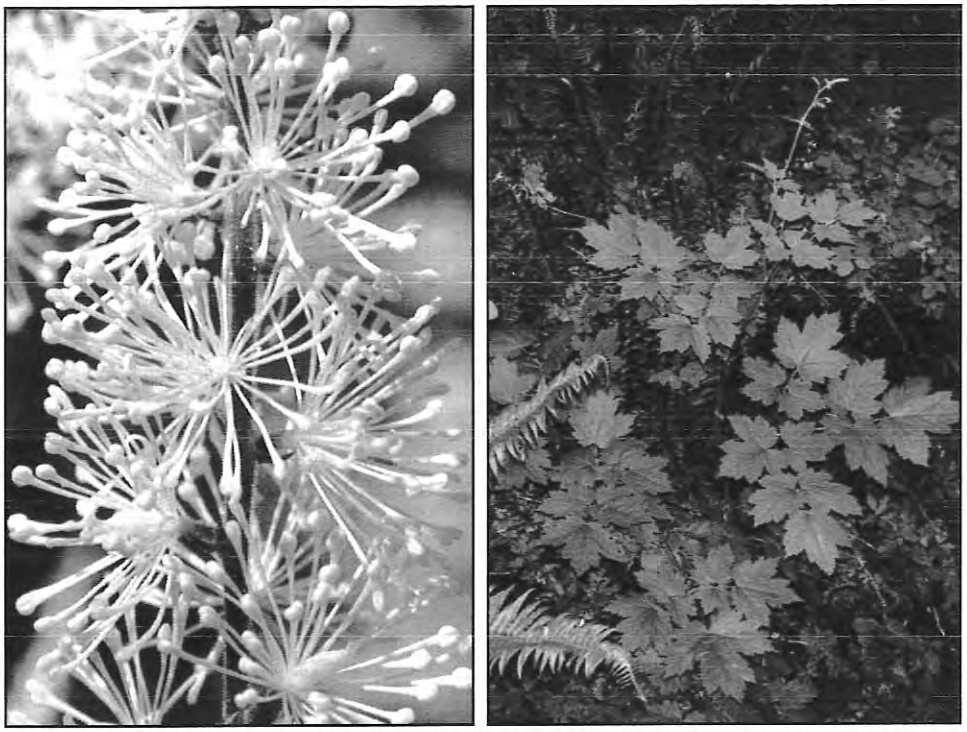

Tall bugbane (*Cimicifuga elata*) is a rare plant on the McDonald-Dunn Forest associated with old, moist forests. It is considered endangered by the Washington Natural Heritage Program (1997) and the Oregon Natural Heritage Information Center (ONHP 2001), and is a Species of Concern with the US Fish and Wildlife Service.

Baker Creek old-growth logs.

Appendix 1: Letter from Interim Dean Anthony Davis

Oregon State University
College of Forestry

Office of the Dean
Oregon State University
109 Richardson Hall
Corvallis, Oregon 97331

P 541-737-1585
forestry.oregonstate.edu

7/12/2019

Dear College of Forestry Community,

The College of Forestry has significantly benefitted from the multiple-value management of the Oregon State University Research Forests. In addition to timber revenue, which has supported College faculty, staff, students and facilities, these research forests have been home to countless teaching, extension, research and community activities across many generations.

Multiple-value management plans have guided the operations of these forests for years. For example, the McDonald and Dunn Forests use the 2005 Forest Plan (which was developed by an interdisciplinary team within the College) as the basis for decision-making, although the plan was informally suspended in 2009 during the economic downturn. A new plan is under development, beginning with a comprehensive forestry inventory and a consultant-driven strategic process that incorporates all of the College's forests.

Recently, the College harvested a 15.6-acre unit within the McDonald Forest. The predominantly Douglas-fir stand had an origin date of 1759 with pre-harvest estimates indicating tree ages between 80 and 260 years. Based on recent evidence of a decline in stand health, this harvest was intended to regenerate the stand into a timber-generating future condition and included the retention of approximately six legacy trees per acre for habitat purposes.

While operating with the best of intentions and within the guidance of the 2005 Forest Plan, we made a mistake in carrying out this recent harvest. The harvest included trees with ages close to the origin of the stand and one that has been determined to be approximately 420 years old. Although harvest revenue supports critical College of Forestry operations, the future research and ecological benefit of these older trees should have been considered before the harvest was scheduled.

This harvest identifies a serious shortcoming in the College's current forest management practices. While the College maintains around 350 acres of mature reserves within its own forests that are intended to provide older stands for conservation, growth, study, monitoring change and aesthetics, we do not have guidelines for forest age class distributions outside of those reserve tracts.

The College will begin to address these matters immediately by enacting a preliminary suite of measures until the new comprehensive forest plan can address such matters more fully. This includes ceasing harvest of trees older than 160 years, an age identified as significant in the 2005 Forest Plan in the designation of reserve units.

On its own, this action is not enough to build an enduring, diverse, suite of tree age classes. As a result, I am directing the College's Research Forests team to immediately begin to develop actionable strategies to retain individual older trees and continue to broaden the age class distribution within the McDonald and Dunn forests. This increases the potential for these forests to grow large trees that are several centuries old. By doing so, we will expand our capacity for research across a more extensive array of age classes into the distant future.

With these changes, the College of Forestry will emerge with a management process that fosters the protection of current older trees and stands, as well as a plan to grow future old trees and forests. It is our responsibility to pass along to future generations a legacy of age classes that have been stewarded

effectively to date. This will lead to a diverse forest structure that will benefit the College's teaching, research, and extension missions, while also serving as a source of habitat, recreation and other non-timber uses embedded as part of a working forest landscape that also provides revenue to support the College.

This action will result in a reduction in timber revenue, however, it will also demonstrate our College's values and the balance we seek to achieve between timber revenue and the non-timber value of older trees and stands. To support this transition, we will begin a process that will explore the establishment of conservation easements to support the expansion of the College's forest reserve tracts. Adding non-timber revenue can be an essential source of funds that will allow us to continue to deliver transformative education, lifelong learning and informative research programs.

As I mentioned, our team already has been -- and will continue to work on -- updating the College's forest plan. This work will result in long-term guidance and an investment in operations that will continue to build on the College's already strong principles of transparency and engagement. To be clear, the immediate and unequivocal measures described here are preliminary, and will be in effect until a new forest plan is complete. This planning process will allow for appropriate consultation and engagement across varied expertise and stakeholder sectors. We also must continually assess and engage in dialogue around how our forests support the College's mission and research, teaching, extension activity, facilities and general financial support.

The core themes identified in the 2005 Forest Plan still ring true today. Going forward, while aided by that plan, we have been presented with an opportunity to update our management practices to better align with our core values as we seek to continue to define the practice of contemporary sustainable forestry.

The research forests wide range of age classes across trees, stands and forests is a testament to past and present management practices. The deliberate articulation of our objectives for future forest conditions will only strengthen the College's ability to conduct vital research, transformative teaching, and effective outreach into the future.

In summary, I and the College's Research Forests team agree that harvesting this stand did not align with the College's values. Moving forward, we have learned from this matter. Within the College, OSU and the state of Oregon, we are fortunate to work and collaborate in an environment that promotes dialogue, listening, learning and progress. We embrace continuous improvement, and we are often able to do so by willingly assessing our impact and questioning the 'why' of our actions.

You can expect regular updates on next steps. As always, I am available for your questions and input.

Sincerely,

Anthony S. Davis, PhD
Interim Dean
Oregon State University

Appendix 2: Signature page from the 2005 McDonald-Dunn Forest Plan

Forestry Executive Committee Signature Page

Recommended

May 2, 2005 — Date

5/3/05 — Department Head, Forest Resources — Date

5/3/05 — Associate Dean for Academic Affairs — Date

5/3/05 — Department Head, Forest Science — Date

5-3-05 — Associate Dean for Research — Date

5/3/05 — Department Head, Forest Engineering — Date

5/3/05 — Associate Dean for International Programs — Date

5/3/05 — Department Head, Wood Science & Engineering — Date

5-3-05 — Extension Forester Chair — Date

5/3/05 — Director of Extension — Date

5-3-05 — Executive Assistant to the Dean — Date

Approved

May 3, 2005 — Date

320 Central Avenue Suite 312
PO Box 611
Coos Bay, OR 97420
(541) 267 – 2046
coastrangeforestwatch@gmail.com
www.coastrangeforestwatch.org

October 23, 2019

To:

Vicki Walker, Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

CC:

Geoff Huntington, Oregon State University
College of Forestry, 140 Peavy Hall
3100 SW Jefferson Way
Corvallis, OR 97333

Paul Henson, US Department of the Interior, Fish and Wildlife Service
Oregon Fish and Wildlife Office
2600 SE 98th Ave, Suite 100
Portland, OR 97266

Kim Kratz, United States Department of Commerce, National Oceanic and Atmospheric Administration
National Marine Fisheries Service, West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232

Dear Ms. Walker,

We are writing to deliver concerns, questions and requests regarding the development of a plan for the Elliott State Forest that came out of a collaborative discussion of local conservation and recreation groups held in Coos Bay this month. All of these groups have invested in the Elliott State Forest in various ways over the years and will be impacted by whatever outcome is determined. As the future of the Elliott State Forest is being discussed at length by the Department of State Lands, Oregon State University, and the Elliott Advisory Committee, it is apparent that the local voice has been largely left out of the conversation and that highly invested local groups and community members have not been adequately represented as partners in this process.

This conservation collaborative is comprised of local organizations and individuals that are stakeholders in the Elliott State Forest and represent conservation values. The groups involved represent diverse environmental and forest management perspectives, and so "conservation" in this context is defined broadly to include recreation interests, public values, and ecological and natural resource concerns including watershed health, biodiversity, sustainability, and fish and wildlife habitat. We met to discuss and identify common values, concerns, and questions that we feel must be considered by the DSL and OSU as

they move forward with developing a Habitat Conservation Plan and management models for the Elliott as a university research forest, outlined below.

Concerns:

- Existing data, knowledge, research and planning efforts of local conservation organizations have not been integrated in OSU's planning or modeling
- Draft plans lack the capacity for adaptive management (e.g. ability/willingness to change management practices in the case of resulting natural resource decline)
- Restoration and conservation planning is not integrated throughout the forest
- HCP process is also lacking engagement of local knowledge
- A situation in which a private entity would hold title to the lands seems unnecessarily complicated for in terms of decision-making, organizational transparency and public accountability. Additionally, non-public ownership of the Elliott would be very concerning to many regional residents

Questions:

- How (on what basis) are management areas being chosen, and why?
    - For example, from a fish conservation perspective -- clarification is needed for the identified conservation areas as they relate to coho salmon habitat (eg – Tenmile watershed, identified for conservation, is lake rearing driven - while dense anchor habitat streams on the East side of the forest are going to be impacted by management)
- How does OSU define "conservation, production, livelihood" in the context of their "overarching research question"?
- Is OSU planning to collaborate with local recreation groups who are willing to help develop a recreational plan that is tailored to the area?
- What is the HCP timeline, and when will this process incorporate local input?
- Regarding the research questions and experimental design being used by OSU – How will you be advancing scientific forestry knowledge?
    - How will the proposed research be different from forestry research that has already been conducted? What new questions will be answered with the proposed experimental design, and to what benefit? What research is out there that has already answered these questions being asked? What questions remain to be more fully answered?
- What research exceptions would OSU be seeking and why?

Requests:

- Local groups be engaged in deciding management and conservation areas

- Incorporate data from local conservation groups (in particular, Coos Watershed Association) and current T&E species data (e.g. Marbled murrelet data from Dr. Kim Nelson at OSU) into decisions about conservation areas for HCP and OSU management models

- We would like to see some different models of experiment designs and management that incorporate ecology more integrally, as opposed to the current watershed boundary draft proposal (For example – a model that shows management of only nonnative/less than 100 yr old stands, among others)

- The DSL should post complete meeting minutes, materials, and presentations from Elliott Advisory Committee meetings for public viewing on the DSL Elliott State Forest web page

As you can likely deduce from the above, an overarching theme that arose in this discussion was that local groups, whose extensive knowledge, effort, and resources could greatly benefit both the planning process and future forest management, are not being engaged by OSU's planning efforts or in the HCP development. Consequently, we have not seen a draft plan that addresses research and management from a primarily ecological basis. No matter where you stand on the "environmental spectrum" it is undeniable that the Elliott State Forest supports threatened ecosystems and species in a way that is unique among coast range forests. This current "ecological baseline" must be acknowledged, and research questions and experiments should be designed to minimize impacts. Many of the local groups engaged in this collaborative discussion would be very supportive of research that reinforces ecological and public use values, rather than place these values at risk for the sake of the experiment.

We are hopeful that delivering this unified community message will enable more meaningful engagement than has been possible to date. We are committed to working with the DSL and OSU to develop a plan for the Elliott State Forest, and look forward to hearing from you.

Sincerely,

Teresa Bird
Co-director, Coast Range Forest Watch

List of attendees to the collaborative discussion includes (but is not limited to):

Coast Range Forest Watch
Wild Rivers Coast Mountain Bike Association
Trout Unlimited, local chapter
Surfrider, local chapter
Backcountry Hunters and Anglers

COOS Watershed Association
Improving the Health of Our Watershed

P.O. Box 388
Coos Bay, OR 97420
www.cooswatershed.org
(541) 888-5922
cooswa@cooswatershed.org

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NOV 18 2019
DEPARTMENT OF STATE LANDS

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Small Woodland Owners

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County Commissioner

Carter Thomas
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Don Yost
Member at Large

Executive Director

Haley Lutz

November 14, 2019

Dear Vicki Walker (Department of State Lands) and Geoff Huntington (Oregon State University)

The Coos Watershed Association (CoosWA) thanks you for the opportunity to share input on the Elliott State Forest (ESF), its future management and its ongoing value to our organization and community.
CoosWA is a nonprofit organization established by diverse stakeholders in 1993 to help landowners and communities work together to develop, test and implement management practices that improve watershed health. It is always our goal to support environmental integrity and economic stability. Our organization has partnered with the ESF landowners to collect data, conduct research and implement restoration projects on Common School Fund (CSF) lands since our association began. We sincerely look forward to continuing this positive work with whomever becomes the new owner.

We estimate that our organization, along with our partners, have invested nearly $10 million in data collection and restoration work on the ESF preserving and enhancing these critical habitats. We want this work to continue. CSF lands within the ESF are ecologically critical to the health of the Coos Watershed and the many species that depend on its function. The Coos basin contains 48% of the ESF (44% CSF lands) and 95 miles of fish-bearing streams running through the Forest, making it the highest density basin of fish streams within the Elliott. Additionally, the Coos basin contains more than half of the habitat for Endangered Species Act listed coho in the entire ESF. This area includes the upper Haynes inlet tributaries (Palouse and Larson Creeks) and Upper West Fork Millicoma sub basins, which are two of the highest salmon producing basins on the entire Oregon coast. In addition, the Upper West Fork Millicoma has some of the best water quality in the Coos basin.

We want Oregon State University and consultants working on the HCP and research plan to use the comprehensive data CoosWA has collected and ensure that future management practices are compatible with the vital resources CoosWA's instream and riparian projects have restored and enhanced. Below is a list of the data we have collected that we are providing to you (via electronic drive).

- **Aquatic habitat inventory data** - uses ODFW protocols for the portions of streams in the Elliott that drain to the Coos Watershed, totaling more than 60 miles.
- **ODFW coho life cycle monitoring data** - uses ODFW protocols (2008-current).
- **West Fork Millicoma restoration monitoring** - engineered log jam effectiveness monitoring for juvenile salmonids (2011-2015).
- **Summer temperature monitoring data** - from 2003-2008 for Larson Creek, 2003-present for Palouse Creek and 2010-2017 for West Fork Millicoma
- **Stream gauge data** - We currently operate stream gauges on the West Fork Millicoma and Marlow Creek with data back to 2002.
- **Coho spawning surveys** – uses ODFW protocols for the West Fork Millicoma, Elk, Palouse, Larson, and Marlow Creeks since early 2000's.
- **Road inventory and sediment reduction plan** – uses GRAIP protocols for all 245 miles of ESF roads within the Coos Watershed.

In planning for the future, our organization brought together stakeholders in 2015, including the Oregon Department of State Lands and the Oregon Department of Forestry, to identify and prioritize approximately $10 million dollars of future restoration work to be completed in the Elliott. We are also in the process of completing a Coho Strategic Action plan for the Coos basin and some high priority projects have been identified on ESF land. Our organization is anxious to begin implementing this critical work with the new landowner.

As shown through our past collaboration and investments, and future restoration plans, CoosWA is committed to an ecologically and economically healthy future for the Elliott. We hope that you will use our data, restoration information and planning documents as you move forward with the HCP and research proposal. Please reach out to us if we can be of any assistance or provide more information and support.

Sincerely

Haley Lutz
Executive Director, Coos Watershed Association
hlutz@cooswatershed.org or 541-888-5922 x 302

CC: Oregon State Land Board, Elliott State Research Forest Advisory Committee, Senator Arnie Roblan, Representative Caddy McKeown, Senator Dallas Heard, Representative David Brock-Smith and Coos County Commissioners Melissa Cribbins, John Sweet and Bob Main

OFFICE OF THE SECRETARY OF STATE

BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE

Bev Clarno
SECRETARY OF STATE

900 COURT STREET NE, SUITE 136
SALEM, OREGON 97310

(503) 986-1500

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SEP 16 2019
DEPARTMENT OF STATE LANDS

September 11, 2019

Vicki Walker
Director of the Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

To the members of the:

Elliott State Forest Research Advisory Committee

As the Secretary of state and a voting member of the state Land Board, I am writing to express my sincere desire to ensure that the Elliott Forest is maintained as a key asset of the state and managed in a way to maximize the contribution of resources to the common school fund.

I remain concerned that the OSU proposal may not be the optimal way to accomplish maximizing the return on the Forest, and also have concerns that the OSU long term management may result in a continued burden rather than having the asset be generating revenue for the children of our state.

If in fact OSU is unsuccessful in managing the forest in a sustainable fashion, knowing the revenue source of covering a potential shortfall should be determined in advance.

The consideration of a lease with a county or counties, the tribes, or a private company does not seem to have been considered or explored after the Lone Rock deal terminated. I hope that we do not regret failing to consider all possibilities.

Maximizing the revenue to the common school fund for our children is paramount, but I am also very interested in knowing that we have done all we can to maximize the long term benefit to local communities, counties and tribes that have an economic interest in the Elliott.

Bev Clarno
SECRETARY OF STATE

I am reluctant to transfer ownership of an asset that was entrusted for the benefit of Oregon's children since the 1930's. I am extremely concerned about policy decisions like the proposed decoupling resulting in a deepening of the Urban/Rural divide.

I have every hope that the committee will be thorough in considering all of the implications of the OSU proposal. Asking tough questions is the most important part of the job for a group like yours.

Thank you for your willingness to serve.

Respectfully,

Secretary of State Bev Clarno

APPENDIX H

Tobias Read
Oregon State Treasurer

OREGON STATE TREASURY

September 24, 2019

Director Walker and Members of the Elliott State Forest Research Advisory Committee,

As I write this letter, students from around the world are protesting government inaction on addressing climate change. This is a fitting backdrop to your work in finding a consensus on moving forward to resolve the underlying tension that remain on the Elliott. On the one hand, it is an asset of the Common School Fund with a legacy of producing significant revenue and tens of millions of board feet in lumber; on the other hand, it is a public jewel of 82,000 acres of critical habitat for a number of threatened and endangered species, a source of recreation and enjoyment for outdoor enthusiasts, and a potential resource for Oregon's efforts to address climate change and resilience.

The source of this tension is clear: the Elliott's status as Common School Fund asset means that it is managed by the State Land Board according to fiduciary standards and DOJ advice with the sole objective of producing revenue for the Fund's beneficiaries—the state's K-12 system and its school children—and not for its ecological or recreational attributes. Ultimately, I believe the only way to resolve this tension is through a full decoupling of the Elliott from the Common School Fund. At the same time, Oregonians have been resounding in their feedback, and the State Land Board has fully affirmed, that the Elliott remain public.

I remain optimistic that the most likely path forward on the Elliott is to transform it into a state research forest. Keeping the Elliott in the Common School Fund will lead primarily to further litigation and acrimony, and will represent a lost opportunity to strive for something bigger. Accordingly, I have believed for some time that Oregon State University and its College of Forestry is best positioned to operate, manage, and/or own the Elliott on behalf of all Oregonians.

No institution is perfect; mistakes get made. OSU's recent harvesting of old growth on their McDonald Dunn forest in Corvallis was shortsighted and a deviation from their goal of being seen as responsible stewards in their local community. I told them it was a mistake, one I described as tragic. At the same time, I have faith in their commitment to learn from the experience, and address it moving forward. Clearly, they have work to do to rebuild trust with their local community and citizens across Oregon.

I'm proud of the advisory committee's work. To date, members have worked in good faith and collaboration to sketch out a vision for the future of the Elliott. Thank you.

Treasurer's Office - Capitol
900 Court Street NE, Room 159
Salem, OR 97301-3896
503.378.4329

Main Office
350 Winter Street, Suite 100
Salem, OR 97301-3896
503.378.4000

oregon.gov/treasury
oregon.treasurer@state.or.us

The committee's mission, as outlined by the State Land Board, was clear—find a path to transform the Elliott into a state research forest, and keep three overarching goals in mind: continued public ownership, a full decoupling in order to compensate the Common School Fund, and the assurance of strong conservation measures and public access for recreation and enjoyment. In the coming months, the committee will work to finalize this vision and answer a number of unresolved questions. I'd like to draw the committee's attention to a few that will determine how broadly embraced the vision will be.

First, governance and accountability. Trust and goodwill, while critical to moving forward, are not sufficient for ensuring that the Elliott is managed in a way that is consistent with future management plans and broader public expectations. Conservation measures need to be enforced, and the research mandate of the forest must be protected. This might entail the use of outside entities that are empowered to enforce agreed-to measures. The advisory committee should carefully consider governance and oversight structures that will ensure that the Elliott will always be managed for research and conservation, and that it will not be harvested to support broader university operations.

Second, climate change and carbon. Dean Anthony Davis, in his presentation to the State Land Board, nicely captured this potential: climate change poses significant challenges and questions for the state, and as such requires a large and significant research agenda. The Elliott can help provide some of those solutions and answers. The research agenda must be robust enough to incorporate a broad cross-section of related questions, not just active forest management related research. Further, my hope is that the advisory committee and relevant parties will aggressively explore the potential of carbon credits and conservation capital as critical components of any financing mechanism.

Finally, tribal involvement. Whenever the state engages in discussions around trust lands, and the future of public lands in general, we should actively and meaningfully consult our tribal partners. I look forward to learning more from the Advisory committee about ways in which an Elliott state research forest will involve tribal partnerships.

Again, thank you for your hard work on the advisory committee. I remain optimistic that this is a unique opportunity to protect critical habitat for wild salmon along our coast, enhance protections for old-growth on this landscape, increase recreational access for local residents and tourists, provide a research agenda that will benefit rural communities and help the state prepare for and address the impacts of climate change, raise the profile of OSU's premier College of Forestry, and allow the State Land Board to meet its constitutional obligations.

Sincerely,

Tobias Read

Oregon
Kate Brown, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
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State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

State Land Board

Regular Meeting
December 10, 2019
Agenda Item 3

SUBJECT

The Stevens Road Tract in Bend.

ISSUE

Whether the State Land Board should authorize the Department to sell the area of the Stevens Road Tract within the Urban Growth Boundary in a brokered transaction.

AUTHORITY

Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.

ORS 273.055; relating to the power to acquire and dispose of real property.

ORS 273.171; relating to the duties and authority of the Director.

OAR 141-067; relating to the sale, exchange and purchase of state land.

Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012.

SUMMARY

Sale of the Stevens Road property provides a significant opportunity for the Common School Fund and the city of Bend. In 2016, 382 acres of the property were brought into Bend's urban growth boundary. Bend's comprehensive plan calls for those acres to be developed into a complete community with a mix of housing and employment uses – a concept that's appealing to potential buyers and the community alike.

When master planning and annexation are complete, the UGB acres will be ready for development into a thriving community. A July 2019 appraisal demonstrated the increased value of the property of completing the planning and annexation processes.

The Department has determined that sale of the UGB acres, with the Department and the successful bidder entering into a purchase agreement with an extended contract period to allow for completion of land use processes, would appeal to potential buyers, support the community interests in development of the property – and obtain the best value for the Common School Fund.

BACKGROUND

The Property

The Stevens Road Tract is located east of Bend, at the intersection of 27th Avenue and Stevens Road. The property is Common School Fund land. The act of Congress admitting Oregon to the Union granted our state sections 16 and 36 of every township for the use of schools. If those lands had already been deeded, the state was allowed to choose other public lands "in lieu" of the lands. The Department acquired the tract as "in lieu" lands from the Bureau of Land Management in 1997.

The property, surveyed in early 2019, totals 643 acres in two parcels – the western 382 acres within the UGB and the eastern 261 acres outside the UGB. Approximately 12 of the UGB acres are already annexed into the city and zoned residential standard density. The remaining UGB acres are now eligible for annexation.

The Bend's comprehensive plan for the UGB acres calls for a mix of residential, commercial, and industrial uses.

A property map is included as Appendix A; a property survey is included as Appendix B.

Actions To-Date

The Land Board in October 2017 authorized the Department to initiate due diligence actions for potential sale of the Stevens Road Tract (Appendix C).

In April 2019, the Department commissioned an appraisal to evaluate the current market value of the tract, as well as the value added by completing additional planning and land use processes.

The appraisal indicated that:

- **Selling the entire tract in a single transaction would result in a reduced sale price.** The appraiser noted that buyers interested in land within the UGB, developable in the near term, were not the same buyers who would be interested in the parcel outside the UGB, which is developable on a long-term timeline. Selling the entire tract was estimated to result in obtaining a 29 percent lower price for the acres outside the UGB.

- **Completion of additional planning and remediation work would greatly increase the sale price for the UGB acres.** The appraiser considered the potential value of the tract after a master plan is prepared, the land within the UGB annexed, and an existing landfill remediated. The expected sale price of the acres inside the UGB after annexation is approximately double the sale price prior to annexation.

- **Completion of additional development work could increase the sale price – but would increase the risk.** Subdividing the land, adding major infrastructure in phases, and selling small parcels over 20 years has the potential to net significant increase in return, but also increases risk due to the extended ownership timeline. The potential value of the tract after 20 years, assuming the entire tract will eventually be within the UGB, is approximately eight times the current value.

In response to the information gathered in the appraisal, the Department submitted a property line adjustment application to the City of Bend to align existing parcel boundaries with the UGB. This realignment offers more flexibility in sale transactions, with the intent of increasing the value of the parcel.

Benefits to Bend

The City of Bend produced a report[i] on the implementation of the Bend Urban Growth Boundary extension and concluded that the development impact of the area inside the UGB will exceed $450 million after full build-out. This shows the significance of this land in the future development of Bend.

The report also estimates that the build-out of the Stevens Road Tract will result in incremental growth of 880 jobs through 2028; additional jobs would be created through development of the required 50-acre large lot industrial (LLI) parcel.

The acreage also has the potential to provide other benefits important to Bend, such as affordable housing and sustainable features.

Community Perspectives

A public comment period regarding the potential sale was held from October 17 to November 16 and included a public meeting in Bend on October 29. A comment summary and all comments received are included as Appendix D.

Though perspectives varied regarding potential sale of the land, many indicated interest or concern in the form future development may take. Many also noted that the current recreation opportunities provided by the land would be lost if the property were developed. Also mentioned was the need for housing in Bend, and the potential for the property to add homes.

Taken as a whole, the comments demonstrate the community's desire to continue discussing what the future holds for the Stevens Road Tract. The public involvement opportunities provided by a master planning process will allow those conversations to continue, and concerns and opportunities to be addressed.

Sale Transaction Structure

The advice of our brokers is to ask potential buyers to propose a transaction structure that includes extended due diligence periods within the purchase and sale agreement. This flexibility allows the buyer time to obtain approval for their development before closing on the property. This approach is expected to increase competition and value obtained for the parcel. An extended due diligence period would also allow the Department to establish a timeline and milestones for completing the planning work, thereby ensuring continued progress.

In selecting a purchaser of the parcel, the Department will consider factors including the offered price, closing timeline, experience and ability of the buyer and their partners to deliver master planned communities, and how their plans address the development of employment-related land. Potential purchasers will also be asked to indicate how their project would achieve elements important to the community, such as affordable housing and sustainable features. By requesting this information, DSL is provided with a clearer picture of the value of these elements to the market and may also be able to lay the foundation for inclusion of such elements in the ultimate development.

Timeline

The Department has engaged a broker. The broker has gathered information and prepared a listing, which will be used to begin marketing the property should the Land Board approve the sale. The marketing timeline is estimated at between three and six months, depending on market response and the possibility of winter weather limiting property tours. Once a purchaser is identified negotiation will begin.

The City of Bend and land use planners consulted by the Department indicate that the approximate timeline for master planning the acreage is 12 months to prepare the application, and six months for city review. This aligns with the timelines experienced by private developers on other UGB expansion properties and would apply to any owner of the Stevens Road Tract.

Overall, the Department would anticipate closing the sale approximately two years after marketing of the property begins.

RECOMMENDATION

Sale of the UGB acres through an extended due diligence contract reduces the risk for the buyer and allows the Department to obtain a higher price than selling the acres as-is. Additionally, this approach ensures continuation, in an experienced developer's hands, of the processes that can provide Bend with in-demand housing and economic opportunities. Retaining the area outside the UGB also preserves the future potential of those acres, should UGB expansion or other activity occur.

The Department recommends that the State Land Board authorize the Department to sell the area of the Stevens Road Tract within the Urban Growth Boundary through a brokered transaction.

APPENDICES

A. Map of Property
B. Survey of Property
C. October 2017 State Land Board Agenda Item 1d
D. Public Comments

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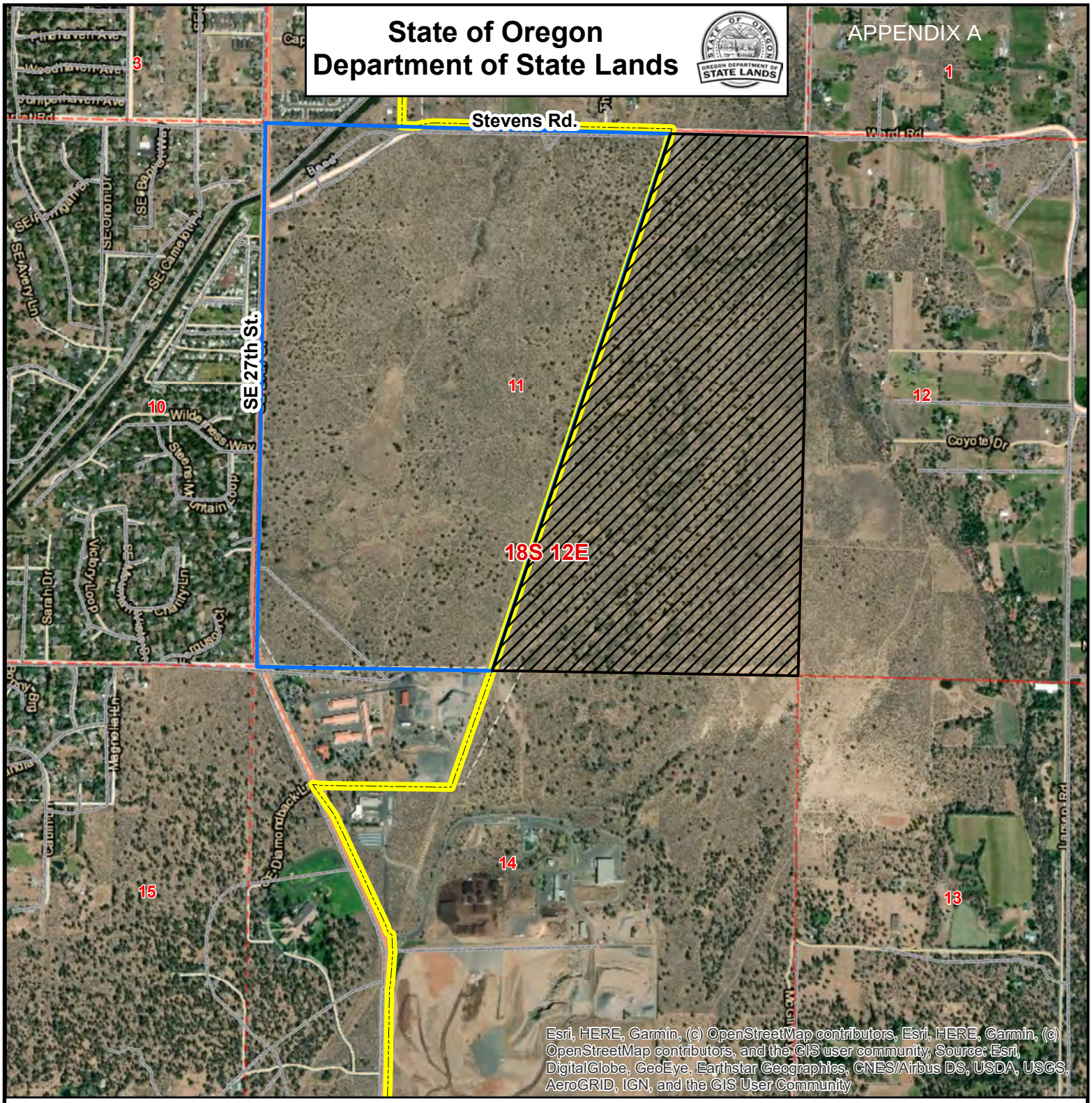
[i] "Bend Urban Growth Boundary Implementation", page 117
https://www.bendoregon.gov/Home/ShowDocument?id=38852

State of Oregon
Department of State Lands

APPENDIX A



Appendix A

Stevens Road Tract: 643.7 acres
T18S, R12E, Sec 11
Tax Lot 1700 & 1800
Deschutes County

Tax Lot 1700: 382.40 Acres

Tax Lot 1800: 261.3 Acres

UGB

This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

0 625 1,250
Feet

N
W E
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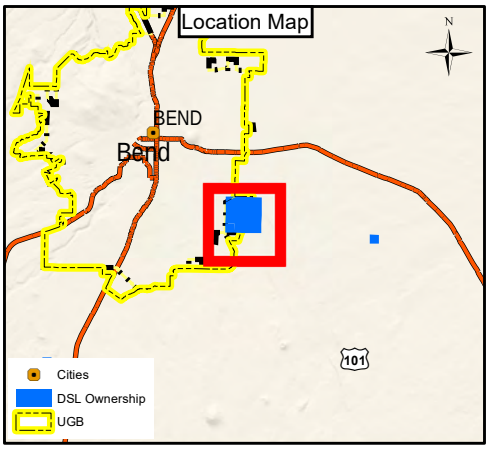
Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon
Department of State Lands
1645 NE Forbes Rd. Suite 112
Bend, OR 97701
541-388-6112
www.oregon.gov/DSL

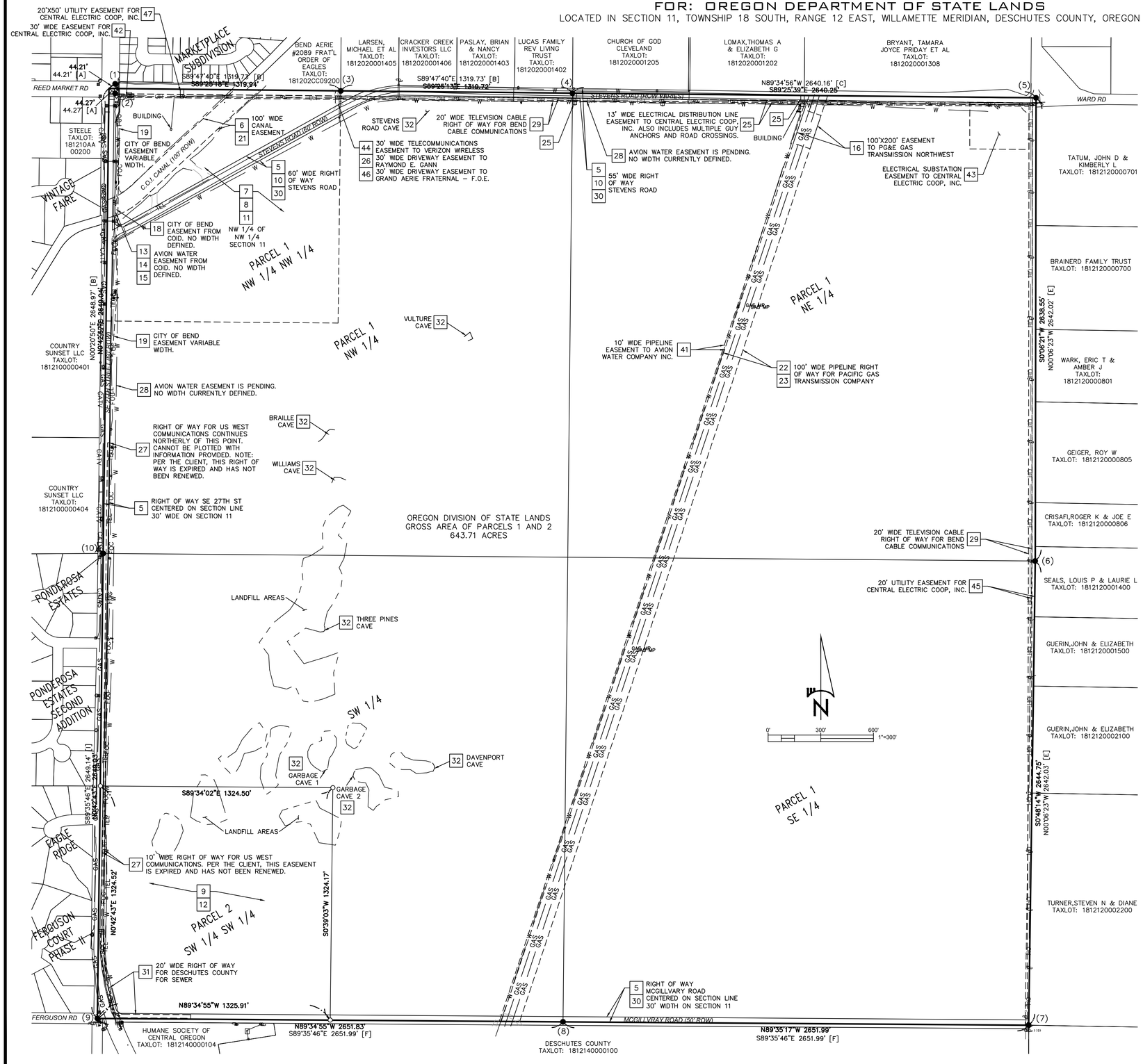
Date: 9/23/2019



ALTA/NSPS LAND TITLE SURVEY

FOR: OREGON DEPARTMENT OF STATE LANDS

LOCATED IN SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



CERTIFICATION

TO STATE OF OREGON, DIVISION OF STATE LANDS, AS TRUSTEE FOR THE COMMON SCHOOL FUND:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11, 13, 17, 19 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 23, 2019.

DATE OF PLAT OR MAP: JUNE 5, 2019

ERIK J. HUFFMAN
OREGON REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 70814

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
DEC. 16, 2009
ERIK J. HUFFMAN
70814

RENEWS: JUN. 30, 2019

SURVEY NARRATIVE

THIS SURVEY UTILIZES A LOW DISTORTION PROJECTION (LDP) WHICH IS RELATIVE TO THE OREGON COORDINATE REFERENCE SYSTEM (OCRS) OF 1983 (2011). WITH RESPECT TO THE LOCAL LATITUDE AND GROUND ELEVATION, THE LDP COORDINATES DEFINE TRUE GROUND DISTANCES.

OREGON COORDINATE REFERENCE SYSTEM
BEND REDMOND PRINEVILLE ZONE
NORTH AMERICAN DATUM OF 1983 (2011)
UNITS IN INTERNATIONAL FEET

VERTICAL DATUM NAVD 88 (GEOID12B)

THE BOUNDARY WAS DETERMINED BY HOLDING RECORD DISTANCES FROM REFERENCE MONUMENTS FOR THE POSITION OF THE NW CORNER OF SECTION 11, AND BY HOLDING FOUND MONUMENTS 3, 4, 5, 6, 7, 8, 9, AND 10 FOR THE PROPERTY BOUNDARY.

RECORD LEGAL DESCRIPTION

PARCEL 1:
A TRACT OF LAND LOCATED IN SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.
EXCEPTING THEREFROM THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN.
ALSO EXCEPTING THEREFROM THAT PORTION WITHIN THE RIGHT-OF-WAY OF STEVENS ROAD.
PARCEL 2:
THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN.

MONUMENTS OF RECORD

(1) & (2) 3" BRASS CAP REFERENCE MONUMENT TO SECTION CORNER SET IN [A]
(3) 2-1/2" ALUMINUM CAP AT W 1/16 CORNER SET IN [B]
(4) 3" ALUMINUM CAP AT N 1/4 CORNER SET IN [C]
(5) 2-1/2" BRASS CAP AT NE SECTION CORNER PER [D]
(6) 5/8" IRON ROD WITH NO CAP AT W 1/4 CORNER SET IN [E]
(7) 2" BRASS CAP IN CONCRETE AT SE SECTION CORNER SET IN [E]
(8) 2" BRASS CAP AT S 1/4 CORNER SET IN [F]
(9) 3-1/4" BRASS CAP AT SW SECTION CORNER PER [H]
(10) 2" BRASS CAP AT W 1/4 CORNER SET IN [I]

SURVEY AND DEED REFERENCES

[A] OCRR 1661 DCSR
[B] CS 03903 DCSR
[C] CS 03485 & OCRR 741 DCSR
[D] OCRR 1176 DCSR
[E] CS 03950 & OCRR 1178 DCSR
[F] CS 03947 & OCRR 1053 DCSR
[G] OCRR 960 DCSR
[H] OCRR 1310 DCSR
[I] CS 03901 DCSR

EXCEPTIONS

PER AMERITITLE ORDER NO. 289194AM
CHAIN OF TITLE REPORT

1. TAXES, INCLUDING THE CURRENT FISCAL YEAR, NOT ASSESSED BECAUSE OF MUNICIPAL OR OTHER EXEMPTION. IF THE EXEMPT STATUS IS TERMINATED AN ADDITIONAL TAX MAY BE LEVIED.

NOT A MATTER OF SURVEY.

2. CITY LIENS, IF ANY, OF THE CITY OF BEND.

NOT A MATTER OF SURVEY.

3. REGULATIONS, INCLUDING LEVIES, ASSESSMENTS, WATER AND IRRIGATION RIGHTS AND EASEMENTS FOR DITCHES AND CANALS OF ARNOLD IRRIGATION DISTRICT. (NO INQUIRY HAS BEEN MADE)

NOT A MATTER OF SURVEY.

4. REGULATIONS, INCLUDING LEVIES, ASSESSMENTS, WATER AND IRRIGATION RIGHTS AND EASEMENTS FOR DITCHES AND CANALS OF CENTRAL OREGON IRRIGATION DISTRICT.
(NO INQUIRY HAS BEEN MADE)

NOT A MATTER OF SURVEY.

5. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE LIMITS OF PUBLIC ROADS, STREETS OR HIGHWAYS.

AFFECTS A PORTION OF PARCEL 1 AND A PORTION OF PARCEL 2. SE 27TH STREET, STEVENS ROAD, AND MCGILLVARY ROAD PLOTTED HEREON.

EXCEPTIONS CONTINUED

PER AMERITITLE ORDER NO. 289194AM
CHAIN OF TITLE REPORT

6. CENTRAL OREGON CANAL AS SHOWN ON THE DESCHUTES COUNTY ASSESSOR'S MAP.
INSTRUMENT: ARTICLES OF AGREEMENT,
RECORDED: FEBRUARY 13, 1905
INSTRUMENT NO.: 2-317
GRANTOR: UNITED STATES OF AMERICA
GRANTEE: STATE LAND BOARD FOR AND IN BEHALF OF THE STATE OF OREGON

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON. (NW 1/4 NW 1/4 SEC. 11).

7. INSTRUMENT: PATENT,
RECORDED: JANUARY 8, 1908
INSTRUMENT NO.: 4-552
GRANTOR: UNITED STATES
GRANTEE: STATE OF OREGON

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON (NW 1/4 NW 1/4 SEC. 11).

8. INSTRUMENT: SUPPLEMENTAL AGREEMENT,
RECORDED: AUGUST 7, 1908
INSTRUMENT NO.: 5-160
GRANTOR: THE DESCHUTES IRRIGATION & POWER CO.
GRANTEE: STATE LAND BOARD
INSTRUMENT: DEED,
RECORDED: JULY 2, 1937
INSTRUMENT NO.: 55-590
GRANTOR: STATE RECLAMATION COMMISSION
GRANTEE: UNITED STATES OF AMERICA

AFFECTS PARCEL 1. PLOTTED HEREON.

9. INSTRUMENT: PATENT,
RECORDED: SEPTEMBER 7, 1956
INSTRUMENT NO.: 114-307
GRANTOR: UNITED STATES OF AMERICA
GRANTEE: DESCHUTES COUNTY, OREGON

AFFECTS PARCEL 2. SHOWN HEREON.

10. IN THE MATTER OF THE ESTABLISHMENT OF A.E. STEVENS ROAD,
RECORDED: SEPTEMBER 20, 1961
CASE NUMBER.: D-CJ-53
GRANTOR: DESCHUTES COUNTY, OREGON
GRANTEE: THE PUBLIC

AFFECTS PARCEL 1. STEVENS ROAD PLOTTED HEREON.

11. INSTRUMENT: ORDER OF LAND INCLUSION,
RECORDED: JUNE 11, 1962
INSTRUMENT NO.: 131-318
GRANTOR: UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF LAND ANAGEMENT
GRANTEE: CENTRAL OREGON IRRIGATION DISTRICT
INSTRUMENT: DEED,
RECORDED: NOVEMBER 28, 1972

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON. (NW 1/4 NW 1/4 SEC 11).

12. INSTRUMENT NO.: 190-443
GRANTOR: DESCHUTES COUNTY, A POLITICAL SUB-DIVISION OF THE STATE OF OREGON
GRANTEE: UNITED STATES OF AMERICA

AFFECTS PARCEL 2. PLOTTED HEREON.

13. INSTRUMENT: EASEMENT,
RECORDED: JULY 19, 1989
INSTRUMENT NO.: 188-0960
GRANTOR: CENTRAL OREGON IRRIGATION DISTRICT, A MUNICIPAL CORPORATION
GRANTEE: AVION WATER CO.

AFFECTS A PORTION OF PARCEL 1 IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11. AREA NOT DEFINED IN DOCUMENT. LABELED HEREON. NOT PLOTTED.

14. INSTRUMENT: EASEMENT,
RECORDED: JULY 19, 1989
INSTRUMENT NO.: 188-0962
GRANTOR: CENTRAL OREGON IRRIGATION DISTRICT, A MUNICIPAL CORPORATION
GRANTEE: AVION WATER CO.

AFFECTS A PORTION OF PARCEL 1 IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11. AREA NOT DEFINED IN DOCUMENT. LABELED HEREON. NOT PLOTTED.

15. INSTRUMENT: EASEMENT,
RECORDED: APRIL 12, 1993
INSTRUMENT NO.: 295-0900
GRANTOR: CENTRAL OREGON IRRIGATION DISTRICT, A MUNICIPAL CORPORATION
GRANTEE: AVION WATER COMPANY

AFFECTS A PORTION OF PARCEL 1 IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11. AREA NOT DEFINED IN DOCUMENT. LABELED HEREON. NOT PLOTTED.

16. INSTRUMENT: PIPELINE EASEMENT NO. EA-13210,
RECORDED: JUNE 1, 1998
INSTRUMENT NO.: 496-0045
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DIVISION OF STATE LANDS
GRANTEE: PG&E GAS TRANSMISSION NORTHWEST

AFFECTS A PORTION OF PARCEL 1. EASEMENT PLOTTED HEREON.

17. INSTRUMENT: LAND PATENT,
RECORDED: JUNE 8, 2001
INSTRUMENT NO.: 2001-27360
GRANTOR: US DEPT. OF INTERIOR, BUREAU OF LAND MANAGEMENT
GRANTEE: STATE OF OREGON, DIVISION OF STATE LANDS, AS TRUSTEE FOR THE COMMON SCHOOL FUND

AFFECTS SUBJECT PROPERTY. BLANKET IN NATURE. NOT PLOTTED HEREON. PATENT INCLUDES ADDITIONAL EXCEPTIONS WHICH ARE LISTED AND PLOTTED SEPARATELY.

18. INSTRUMENT: EASEMENT,
RECORDED: NOVEMBER 14, 2001
INSTRUMENT NO.: 2001-56248
GRANTOR: CENTRAL OREGON IRRIGATION DISTRICT, A MUNICIPAL CORPORATION OF THE STATE OF OREGON
GRANTEE: CITY OF BEND, AN OREGON MUNICIPAL CORPORATION OF THE STATE OF OREGON

AFFECTS A PORTION OF PARCEL 1 IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11. AREA NOT DEFINED IN DOCUMENT. LABELED HEREON. NOT PLOTTED.

19. INSTRUMENT: EASEMENT NO. 25071-EA,
RECORDED: NOVEMBER 22, 2002
INSTRUMENT NO.: 2002-65564
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DIVISION OF STATE LANDS
GRANTEE: CITY OF BEND

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

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BECON Project #: 19020

549 SW MILL VIEW WAY
SUITE 100
BEND, OREGON 97702
(541) 633-3140
www.beconeng.com

ALTA/NSPS LAND TITLE SURVEY

FOR: OREGON DEPARTMENT OF STATE LANDS

LOCATED IN SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

EXCEPTIONS CONTINUED

PER INSTRUMENT NUMBER 2001-27360
DESCHUTES COUNTY OFFICIAL RECORDS
(EXCEPTION #17 HEREON)

20. NOT USED.

THE FOLLOWING EXCEPTIONS ARE NUMBERED 1 THROUGH 11 IN INSTRUMENT NUMBER 2001-27360:

21. THOSE RIGHTS FOR CANAL PURPOSES GRANTED TO DESCHUTES IRRIGATION & POWER, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER TD-01763, PURSUANT TO THE ACT OF MARCH 3, 1891 (26 STAT. 1101), AS TO THE NW1/4NW1/4, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

22. THOSE RIGHTS FOR GAS PIPELINE PURPOSES GRANTED TO PACIFIC GAS TRANSMISSION COMPANY, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER ORE-010556, PURSUANT TO THE ACT OFFEBRUARY 2, 1920 (41 STAT. 437) AS TO THE N1/2NE1/4, SW1/4NE1/4, W1/2SE1/4, SE1/4SW1/4 SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

23. THOSE RIGHTS FOR GAS PIPELINE PURPOSES GRANTED TO PACIFIC GAS TRANSMISSION COMPANY, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-13824, PURSUANT TO THE ACT OF FEBRUARY 2, 1920 (41 STAT. 437), AS TO THE W1/2NE1/4, E1/2SW1/4, NW1/4SE1/4, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

24. THOSE RIGHTS FOR ELECTRICAL DISTRIBUTION LINE PURPOSES GRANTED TO CENTRAL ELECTRIC COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-17153, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C.1761) AS TO THE E1/2E1/2, SEC. 11, T.18 S.,R. 12 E., W.M., OREGON;

PER THE CLIENT, THIS EXCEPTION IS NO LONGER VALID AND HAS BEEN REPLACED BY EXCEPTION #45 WHICH IS PLOTTED HEREON.

25. THOSE RIGHTS FOR ELECTRIC POWER TRANSMISSION LINE PURPOSES GRANTED TO CENTRAL ELECTRIC COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-18220, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C. 1761) AS TO THE NW1/4NW1/4NE1/4, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS A PORTION OF PARCEL 1. THE 13 FOOT WIDE EASEMENT PARALLEL TO THE NORTH LINE OF SECTION 11 IS PLOTTED HEREON. TWO ADDITIONAL 20 FOOT WIDE EASEMENTS AT GUY ANCHORS ARE PLOTTED HEREON. ADDITIONAL ELECTRIAL EASEMENTS FOR CROSSINGS OF STEVENS ROAD ARE WITHIN STEVENS ROAD RIGHT OF WAY AND ARE NOT PLOTTED SEPARATELY.

26. THOSE RIGHTS FOR ACCESS ROAD PURPOSES GRANTED TO KEVIN PETERMAN, HIS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-18227, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C.1761), AS TO THE NW1/4NW1/4, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

NOTE: THE DOCUMENT PROVIDED INDICATES RIGHT OF WAY GRANT IS MADE TO RAYMOND E. GANN. AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

27. THOSE RIGHTS FOR BURIED TELEPHONE CABLE PURPOSES GRANTED TO US WEST COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-35826, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C. 1761), AS TO THE W1/2W1/2W1/2, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

PER THE CLIENT, THIS EXCEPTION HAS EXPIRED AND HAS NOT BEEN RENEWED. THIS EXCEPTION IS PLOTTED HEREON.

28. THOSE RIGHTS FOR WATER PIPELINE PURPOSES GRANTED TO AVION WATER COMPANY, INC., ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-44618, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C. 1761), AS TO THE N1/2N1/2N1/2 AND W1/2W1/2W1/2, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

PER THE CLIENT, THIS EXCEPTION HAS EXPIRED AND A RENEWAL IS PENDING. THE LOCATIONS OF AVION WATER FACILITIES ARE PLOTTED HEREON.

29. THOSE RIGHTS FOR TELEVISION CABLE LINE PURPOSES GRANTED TO BEND CABLE COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-51174, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C. 1761) AS TO THE N1/2N1/2, SE1/4NE1/4 AND E1/2SE1/4, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

30. THOSE RIGHTS FOR ROAD PURPOSES GRANTED TO DESCHUTES COUNTY, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-51362, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C.1761), AS TO THE N1/2N1/2NE1/4, N1/2NE1/4NE1/4NW1/4, NW1/4NW1/4 AND S1/2S1/2S1/2, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS PORTIONS OF PARCEL 1 AND PARCEL 2. STEVENS ROAD RIGHT OF WAY AND MCGILLVRAY ROAD RIGHT OF WAY PLOTTED HEREON.

31. THOSE RIGHTS FOR SEWER LINE PURPOSES GRANTED TO DESCHUTES COUNTY PUBLIC WORKS, ITS SUCCESSORS AND ASSIGNS, BY RIGHT-OF-WAY NUMBER OR-53249, PURSUANT TO THE ACT OF OCTOBER 21, 1976 (43 U.S.C. 1761), AS TO THE SW1/4SW1/4SW1/4, SEC. 11, T. 18 S., R. 12 E., W.M., OREGON;

AFFECTS A PORTION OF PARCEL 2. PLOTTED HEREON.

32. PER INSTRUMENT NUMBER 2001-27360, CAVE RESOURCES SHALL BE SECURED AND CONSERVED IN A MANNER CONSISTENT WITH A MANAGEMENT PLAN DESIGNED TO MAINTAIN, TO THE EXTENT PRACTICAL, THE SIGNIFICANT BIOLOGICAL, GEOLOGIC, RECREATIONAL AND EDUCATIONAL RESOURCE VALUES PRESENT.

CAVE ENTRANCES FOR STEVENS ROAD CAVE, BRAILLE CAVE, THREE VULTURE CAVE, WILLIAMS CAVE, GARBAGE CAVE #1, GARBAGE CAVE #2, DAVENPORT CAVE, AND THREE PINES CAVE ARE LOCATED ON THE SUBJECT PROPERTIES AND ARE LABELED HEREON. THE CAVE MANAGEMENT ZONE INCLUDES LANDS NOT MORE THAN 350 FEET FROM A CAVE PASSAGE. THE CAVE MANAGEMENT ZONE EXTENTS CANNOT BE DETERMINED FROM THE DOCUMENTATION PROVIDED AND ARE NOT PLOTTED HEREON.

EXCEPTIONS CONTINUED

ADDITIONAL DOCUMENTS
PROVIDED BY OREGON DSL

33 THROUGH 40. NOT USED.

THE FOLLOWING EXCEPTIONS ARE NOT INDENTIFIED IN THE CHAIN OF TITLE REPORT FOR THE PROPERTY BUT WERE PROVIDED SEPARATELY BY THE OREGON DEPARTMENT OF STATE LANDS:

41. PIPELINE EASEMENT NO. EA-15706
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DIVISION OF STATE LANDS
GRANTEE: AVION WATER COMPANY, INC.

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

42. EASEMENT NO. 25072-EA
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DIVISION OF STATE LANDS
GRANTEE: CENTRAL ELECTRIC COOP, INC.

CLIENT HAS PROVIDED EASEMENT APPLICATION DOCUMENTATION AND HAS INDICATED THAT THE EASEMENT IS IN EFFECT. AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

43. EASEMENT NO. 30585-EA
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DIVISION OF STATE LANDS
GRANTEE: CENTRAL ELECTRIC COOP, INC.

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

44. EASEMENT NO. EA-35591
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DIVISION OF STATE LANDS
GRANTEE: VERIZON WIRELESS

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

45. EASEMENT NO. 41857- EA UTILITY EASEMENT
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF STATE LANDS
GRANTEE: CENTRAL ELECTRIC COOPERATIVE, INC.

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

46. EASEMENT NO. 53065-EA ACCESS EASEMENT
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF STATE LANDS
GRANTEE: GRAND AERIA FRATERNAL- F.O.E.

CLIENT HAS PROVIDED DOCUMENTATION INDICATING THAT THIS EASEMENT IS A RENEWAL OF THE EASEMENT IDENTIFIED HEREON AS EXCEPTION #26. AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

47. EASEMENT NO. 54910-EA PUC REGULATED UTILITY
RECORDED: NO RECORDING INFORMATION ON DOCUMENT
INSTRUMENT NO.: NONE
GRANTOR: STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF STATE LANDS
GRANTEE: CENTRAL ELECTRIC COOPERATIVE, INC.

AFFECTS A PORTION OF PARCEL 1. PLOTTED HEREON.

NOTES

1. ALL COURSES AND DISTANCES FOR THE BOUNDARY OF THE SUBJECT PROPERTY ARE SHOWN.
2. EXISTING BUILDINGS ON THE SUBJECT PROPERTY ARE SHOWN HEREON. THE SITE CONSISTS OF UNDEVELOPED LAND CONTAINING LOW SLOPES (5% OR LESS).
3. LOCATIONS OF ALL RIGHTS OF WAY ARE SHOWN. UTILITY EASEMENTS ARE SHOWN.
4. NO ENCROACHMENTS DUE TO IMPROVEMENTS OF THE PROPERTY OR ADJACENT PROPERTIES EXIST.
5. NAMES AND WIDTHS OF STREETS WITHIN OR ADJACENT TO THE SUBJECT PROPERTY ARE SHOWN.
6. AREA: GROSS- TOTAL LAND AREA, NET- TOTAL LAND AREA EXCLUDING ROAD RIGHT OF WAY.

   GROSS AREA PARCEL 1 – 26,284,911 SQUARE FEET (603.42 ACRES)
   NET AREA – 25,825,972 SQUARE FEET (592.88 ACRES)

   GROSS AREA PARCEL 2 – 1,755,012 SQUARE FEET (40.29 ACRES)
   NET AREA – 1,666,105 SQUARE FEET (38.25 ACRES)
7. INTERIOR LINES ARE SHOWN TO INSURE CONTIGUITY OF THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY DOES NOT CONSTITUTE AN ILLEGAL SUBDIVISION OF LAND UNDER APPLICABLE DESCHUTES COUNTY ORDINANCES.
9. THE SUBJECT PROPERTY IS NOT WITHIN A FLOOD ZONE AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (41017C0655E).
10. THE SUBJECT PROPERTY IS DESCRIBED AS TWO PARCELS OF LAND LOCATED IN SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12 EAST, OF THE WILLAMETTE MERIDIAN, IN DESCHUTES COUNTY, OREGON.

    PARCEL 1:
    TAXLOT 1812000001800
    ADDRESS 21425 STEVENS RD, BEND, OR 97702, DESCHUTES COUNTY, OREGON

    PARCEL 2:
    TAXLOT 1812000001700
    ADDRESS 61200 27TH ST, BEND, OR 97702, DESCHUTES COUNTY, OREGON
11. THERE IS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
12. THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
13. THERE IS NO EVIDENCE OF WETLAND DELINEATION MARKERS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.
14. ZONING:
    THAT PORTION OF PARCEL 1 LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11, NORTHWESTERLY OF STEVENS ROAD, IS WITHIN CITY OF BEND STANDARD RESIDENTIAL ZONE (RS)

    THAT PORTION OF PARCEL 1 LOCATED SOUTHEASTERLY OF STEVENS ROAD, AND NORTHWESTERLY OF EXCEPTION #16 HEREON, IS WITHIN DESCHUTES COUNTY URBANIZABLE AREA ZONE (UA)

    THAT PORTION OF PARCEL 1 LOCATED SOUTHEASTERLY OF EXCEPTION #16 HEREON IS WITHIN DESCHUTES COUNTY MULTIPLE USE AGRICULTURAL 10-ACRE MINIMUM ZONE (MUA-10)

    PARCEL 2 IS WITHIN THE DESCHUTES COUNTY URBANIZABLE ZONE (UA)

COORDINATE SYSTEM

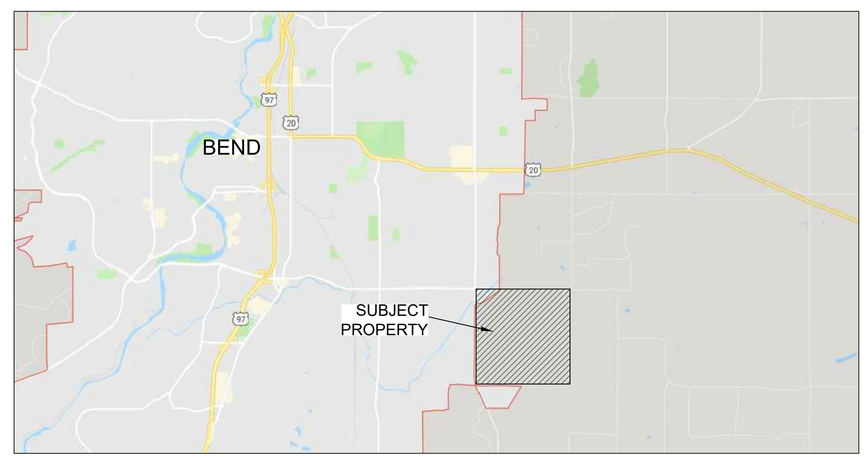
OREGON COORDINATE REFERENCE SYSTEM
BEND-REDMOND-PRINEVILLE ZONE
PROJECTION: LAMBERT CONFORMAL CONIC
DATUM: NAD 83 (2011)
LATITUDE OF GRID ORIGIN: 44°40'00.00"N
CENTRAL MERIDIAN: 121°15'00.00"W
ORIGIN NORTHING: 130,000.00 m
ORIGIN EASTING: 80,000.00 m
SCALE ALONG MERIDIAN: 1.000120 (EXACT)
LINEAR UNITS: INTERNATIONAL FOOT

EQUIPMENT

EQUIPMENT USED: TRIMBLE S6 TOTAL STATION, AND TRIMBLE R8 RECEIVER
FIELD AND OFFICE WORK DONE BY: HIRAM FRANCEK, JORGE GARCIA, JONATHAN LAWRENCE, ERIK HUFFMAN

LEGEND

●	DENOTES MONUMENT FOUND, SEE MONUMENT LIST
○	CALCULATED POINT. NOTHING SET.
( )	SURVEY RECORD INFORMATION
DCSR	DESCHUTES COUNTY SURVEY RECORDS
℄	CENTERLINE
———	BOUNDARY LINE
———	RECORD LINE
— — — —	GRAVEL/DIRT ROAD
———	EDGE OF ASPHALT
—— W ——	WATER LINE
W	WATER METER
	WATER VALVE
—— OH ——	OVERHEAD LINES
—— ELEC ——	UNDERGROUND ELECTRIC LINE
P	POWER METER
	POWER POLE
	CATCH BASIN
—— TEL ——	UNDERGROUND TELEPHONE LINE
—— FOC ——	UNDERGROUND FIBER OPTIC LINE
○	COMMUNICATIONS/FIBER OPTIC PEDESTAL
—— GAS ——	GAS LINE



VICINITY MAP (NTS)

BECON
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BECON Project #: 19020

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Oregon
Kate Brown, Governor

Department of State Lands
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Salem, OR 97301-1279
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FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

Kate Brown
Governor

Dennis Richardson
Secretary of State

Tobias Read
State Treasurer

State Land Board

Regular Meeting
October 17, 2017
Agenda Item 1d

SUBJECT

Request for approval to initiate the review and determination for a potential sale of the Stevens Road Tract, a 640-acre parcel located at Township 18 South, Range 12 East, Section 11, Tax Lot 2300 in Deschutes County.

ISSUE

Whether the Land Board should authorize the Department to initiate the review and determination for the potential sale of the Stevens Road Tract in Deschutes County.

AUTHORITY

Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.

ORS 273.055; relating to the power to acquire and dispose of real property.

ORS 273.171; relating to the duties and authority of the Director.

OAR 141-067; relating to the sale, exchange and purchase of state land.

Central Oregon Area Management Plan (COAMP), adopted by the Land Board; October 2011

Real Estate Asset Management Plan (REAMP), adopted by the Land Board; February 2012

SUMMARY

The Stevens Road Tract is located directly adjacent to the current eastern boundary of the City of Bend, located at the intersection of 27th Avenue and Stevens Road (Appendix A). In 2007, DSL completed the *Stevens Road Tract Conceptual Master Plan*

for the subject property demonstrating the future potential for mixed-use urban development (Appendix B). In 2016, the City of Bend approved 320 acres of the subject property be brought inside the Urban Growth Boundary, and be eligible for future annexation to the City. In 2017, DSL has applied to Deschutes County to rezone the 260 acres of the subject property remaining outside the City of Bend Urban Growth Boundary from Exclusive Farm Use (EFU) to Multiple Use Agriculture (MUA-10).

The current condition of the property is as follows: The western half of the Stevens Road Tract property is located inside the Urban Growth Boundary of the City of Bend and is eligible for annexation into the City of Bend according to the requirements of the appropriate jurisdictional authorities. The eastern half will be zoned for multi-use purposes appropriate for a property adjacent to developing or urbanized land.

Three key factors supporting due diligence on the subject property at this time include:

1. Expansion of the City of Bend UGB was delayed for several years creating a developable-lands deficit in the key jurisdiction of the Central Oregon region.
2. The real estate market has sufficiently rebounded since 2008 and real estate development is again driving the economy of Central Oregon.
3. The Stevens Road Tract property and its developmental potential is generating interest and inquiries from public and private entities in Central Oregon.

RECOMMENDATION

The Department recommends that the State Land Board authorize the Department to initiate the review and determination for a potential sale of the Stevens Road Tract, a 640-acre parcel located at Township 18 South, Range 12 East, Section 11, Tax Lot 2300 in Deschutes County.

Appendices

A. Map of Property
B. June 2007 State Land Board Agenda Item 7
C. Stevens Road Tract Conceptual Master Plan

APPENDIX D

Stevens Road Public Comments

A public comment period was open from October 17 to November 16 and a public meeting was held in Bend on October 29. The full text of comments received is included in a table below.

The department provided a sign in sheet at the public meeting and confirmed attendance of 49 people.

The public provided comments on the current use of the land as a natural recreation area by a wide range of local users and their disappointment at losing this resource.

Local residents raised concerns about the form of development the parcel would take, requesting accommodation of existing uses and mitigation of negative impacts from traffic.

Mention was made of the need for housing in Bend and the potential for this parcel to contribute to resolving the current shortage.

Date	Source	First Name	Last Name	Comment
11/16	DSL website	Rick	Cutler	TWIMC, This land is prime for natural settings and activities associated with them. I urge you to leave a majority of the land as it is. The land is the nearest area for the east side of Bend where one has no restrictions on its recreational use, other than no motorized vehicles (a huge plus). The land provides multiple trails for varying uses, thus increasing the lack of any confrontations. In the eight years that I have been using it, I have never observed nor heard of any issues between users on this land. There is no better area on the east side for walking dogs, off leash. It does not even compare to dog parks. Here, dogs can be dogs, exploring, sniffing and mixing. The area is a highly useful area for training dogs for hunting by whistles and collars. All off leash experiences unavailable any other place reasonably close. Riding horses is another activity observed over this land, mixing with dogs and people hiking. Again, no problems mixing activities. People use the area for hiking with friends and family. Many have been observed early mornings, on weekends and during summer evenings. Bikers have used current trails and have developed their own. They are observed all of the time, both in person and by their tire marks in the soil. Again, no other area on the east side provides this flexibility of use. Leave this land as a natural oasis for multiple uses, without city restrictions, so that nature can be absorbed. The west side has all of the foothills and forests for their people to enjoy. Preserve this area for us on the east side of Bend. NO DOG PARKS as they are NOT the same experience for people or dogs. Make this land an asset, not a "developed" liability. Find a buyer who will pay and want to leave it as is. Right now, this land provides trails and options for people, animals and wildlife with no conflicts between any of them. Very Sincerely, Rick
11/16	Email	Steve	Kurzer	Dear Sir or Madam: Please accept these comments regarding the Stevens Road Tract east of Bend, Oregon. There are two Bends. Downtown is served by the Deschutes River and a robust commitment to parks and trails. The west side also enjoys being adjacent to publicly owned lands and rich trail and recreational opportunity. This is the affluent side of Bend, the Bend that makes the Chamber of Commerce and Central Oregon Visitors Association glossy marketing materials. Then there is the east side. Fewer parks. Other than Larkspur, no meaningful trails. Fewer roundabouts and the more "pleasing to the eye" traffic abatement that exists on the west side. Big Lots. Car lots. And my guess would be, the recipient of way fewer public dollars. and considerably less attention from our public officials. I don't know where our current city council stands, but my recollection is every time they contemplate electing council members by ward or in some other representative manner, there is always pushback. The east side is, and has historically been underserved.

				Stevens Road tract is a diamond in all this - a jewel hiding in plain sight. I have a dog I have walked there every morning that I am in town - unless the snow is too deep - for the last 6 1/2 years. That's going to be more than 300 mornings a year. There are a variety of loops, from 2 miles or less out and back to approximately 4.5 miles if you walk the perimeter to anything in between. I walk pretty early - it's my time, but also a quiet time out there. But it is very heavily utilized. You can tell by all the foot trails, ziqqing and zagging, here and there. There are caves. There are jackrabbits and coyotes, occasional chipmunks or ground squirrels, occasional deer. In January a bald eagle shows up for a week or two. I can take you to its favorite utility pole perch - the skeletons at the bottom of the pole attest to it being a great place for a bird of prey to enjoy a snack. And I know sagebrush and rabbitbrush, juniper and bitterbrush are weeds to developers, but in the late spring when the bitterbrush blooms its whites and yellows and pinks, it's gorgeous to behold if you will pause to look. And in late August and September when the rabbitbrush flowers yellow, it is gorgeous as well - a soft glow in early morning and late evening. And this year, with heavier spring rain, a small corner of the tract came alive with small wildflowers, the likes of which I had never seen, for a week or two. If it would make a difference I have pictures on my cell phone. There is no light pollution on the Stevens Road tract. No carbon footprint to mitigate. Just peace and natural surroundings for hundreds, if not thousands, of Bend eastsiders to walk, walk dogs off leash, ride bikes, exercise their horses (I've not seen horses, but I recognize horse droppings), and whatever else they do recreationally, legally. It's a perfect place to go to clear the noise in your head. Eastsiders typically don't have time - and I don't have the inclination - to fight traffic across town to go to the river trail or Skyliner or Phil's Trail or Meadow Camp or all the other places easily accessible to downtown/west side. I realize that's a "me" problem, and part of the price you pay for living on the east side. I also realize this: Whatever the sale price, it's going to be but a drop in the bucket as far as any budget reconciliation or shortfalls go. And I say that with a PERS eligible school teacher in the family. Reform PERS. Reform the tax code. Please don't peddle the illusion that "as guardians of taxpayer resources and dollars" (or whatever slogan or morally superior or "I'm simply more enlightened than you" justification you rely on - I'll stipulate you're more enlightened than me) you have to do this. And please don't peddle the illusion that this will resolve or even meaningfully address affordable housing. If you want to do that, I'd suggest a long hard look at the whole notion of urban growth boundaries and developable land and building codes and SDCs. I'm not kidding myself. This decision is a fait accompli. But I did want my comments in the public record. Please don't take this tract out of the public trust. No development - none - will pay adequate homage to what this parcel is to so many in Bend, especially east Bend. There is no adequate substitute nor replacement. Thank you.

11/16	DSL website	James	Doller	Good afternoon, As a frequent visitor of the Stevens Road Tract, it is my opinion that this land, as it is now, has unprecedented value to the community. I'd like to begin by sharing with you the impact the Stevens Road Tract has on my own life. Being that I live in such close proximity to this land, I am encouraged to spend more time outdoors. The Stevens Road Tract offer the space, scenic variety, and sense of freedom which contributes so much to my overall sense of well-being. I hold the belief that if I were required to travel further to find the aforementioned resources, I would simply spend less time doing certain activities that I love so dearly. One can argue that this would be due to a lack of motivation on my part. Though, in regards to said argument, I would like to refer to a real world "experiment" that I feel is relevant. In 2012, Oklahoma City was considered one of the nation's most obese cities. Largely, this was due to the fact that the city was developed with an emphasis on transportation by car, rather than by bike or simply walking. Residents of the city were influenced to travel by car more often simply by design. This is evidenced by the fact that when infrastructure was put in place to better accommodate cyclists and pedestrians, residents of Oklahoma City started opting for these methods of transportation more often. My point being that people are inclined to good habits if these good habits are readily available in their day to day life. One thing in particular, that I feel cannot be overstated, is the value of the Stevens Road Tract as a trail system where can dogs can be off leash. I'd first like to point to the immense popularity of the Rim Rock trail system (also known as Good Dog Trail) on Cascade Lakes Scenic Byway. People and their companions travel from all over the city of Bend and beyond to visit the Rim Rock trail system. To the point that there is often very little parking space available. I believe that if the Stevens Road Tract became unavailable to the community for the purpose of taking their dog on a hike off leash, there would be a significant influx of regular visitors to the Rim Rock trail system. This, I feel, would degrade the overall experience for people and their dogs alike. The success of places like the Stevens Road Tract, Rim Rock trail, as well as places in other communities like the Sandy River Delta Park, and the Molalla River State Park all show just how meaningful having a space to spend time with one's companion in conjunction with a sense of freedom in a beautiful nature setting really is. In conclusion, I believe the Stevens Road Tract offers an experience that can't easily be replicated elsewhere. Places like this bring a sense of adventure close to home. It's the day to day opportunities people can find right in their backyard that make Bend such a wonderful place to live. Thank you for your consideration, James Doller
11/16	Form (email)	Kaleigh	Acevedo	In favor of keeping Stevens Road as public land. Thank you # BEST NATURAL LAND CLOSE TO EAST SIDE # BEST AND ONLY AREA FOR HORSES, BIKING, WALKING & EXCERCISING DOGS OFF LEASH. # BEST AREA FOR TRAINING DOGS OFF LEASH # DOGS CAN BE DOGS, SNIFFING & EXPLORING # LEAVE AS NATURAL LAND # NO DOG PARKS AS A REPLACEMENT (NOT AS GOOD)

				# MAKE THIS AN ASSET & NOT A DEVELOPED LIABILITY # MULTIPLE TRAILS/OPTIONS W/ LESS CONFLICT HERE
11/16	Form (email)	Leah	Hendrix	Please See # BEST NATURAL LAND CLOSE TO EAST SIDE # BEST AND ONLY AREA FOR HORSES, BIKING, WALKING & EXCERCISING DOGS OFF LEASH. # BEST AREA FOR TRAINING DOGS OFF LEASH # DOGS CAN BE DOGS, SNIFFING & EXPLORING # LEAVE AS NATURAL LAND # NO DOG PARKS AS A REPLACEMENT (NOT AS GOOD) # MAKE THIS AN ASSET & NOT A DEVELOPED LIABILITY # MULTIPLE TRAILS/OPTIONS W/ LESS CONFLICT HERE VALUABLE NATURAL LANDSCAPE OF BEND. LAVA TUBES & CAVES WHICH SHOULD REMAIN PUBLIC FOR ENJOYENT/APPRECIATION FORMER LANDFILL NOT SAFE FOR RESIDENTIAL OCCUPANCY
11/16	Form (mail)	Barbara	Cass	# BEST NATURAL LAND CLOSE TO EAST SIDE # BEST AND ONLY AREA FOR HORSES, BIKING, WALKING & EXCERCISING DOGS OFF LEASH. # BEST AREA FOR TRAINING DOGS OFF LEASH # DOGS CAN BE DOGS, SNIFFING & EXPLORING # LEAVE AS NATURAL LAND # NO DOG PARKS AS A REPLACEMENT (NOT AS GOOD) # MAKE THIS AN ASSET & NOT A DEVELOPED LIABILITY # MULTIPLE TRAILS/OPTIONS W/ LESS CONFLICT HERE - Provides space & room to walk without restrictions - Room for dogs off leash, bikes, nature – No Structures - Too much land has been dedicated to development already - Its critical that some of the natural space be preserved - Its close by & convenient and still provides quiet recreation
11/16	Form (mail)	Daniel	McCleery	# BEST NATURAL LAND CLOSE TO EAST SIDE # BEST AND ONLY AREA FOR HORSES, BIKING, WALKING & EXCERCISING DOGS OFF LEASH. # BEST AREA FOR TRAINING DOGS OFF LEASH # DOGS CAN BE DOGS, SNIFFING & EXPLORING # LEAVE AS NATURAL LAND # NO DOG PARKS AS A REPLACEMENT (NOT AS GOOD) # MAKE THIS AN ASSET & NOT A DEVELOPED LIABILITY

				# MULTIPLE TRAILS/OPTIONS W/ LESS CONFLICT HERE I agree with everything stated above!! I have lived in Bend for 42+ years and want Bend to be developed better than other large cities. Please listed to the people instead of just $'s. Thanks,
11/16	Form (mail)	Jim	Tyler	# BEST NATURAL LAND CLOSE TO EAST SIDE # BEST AND ONLY AREA FOR HORSES, BIKING, WALKING & EXCERCISING DOGS OFF LEASH. # BEST AREA FOR TRAINING DOGS OFF LEASH # DOGS CAN BE DOGS, SNIFFING & EXPLORING # LEAVE AS NATURAL LAND # NO DOG PARKS AS A REPLACEMENT (NOT AS GOOD) # MAKE THIS AN ASSET & NOT A DEVELOPED LIABILITY # MULTIPLE TRAILS/OPTIONS W/ LESS CONFLICT HERE AS A LONG TERM RESIDENT OF BEND I AM AWARE THAT PUBLIC LAND IS SOMETIMES SOLD TO PRIVATE PARTIES FOR DEVELOPMENT PURPOSES. HOWEVER, EVEN THOUGH THE STEVENS ROAD TRACT IS INSIDE THE URBAN GROWTH BOUNDARY FOR BEND, IT HAS MANY VALUES OTHER THAN THOSE ASSOCIATED WITH RESIDENTIAL USE/HOUSING. PLEASE DO NOT SELL THIS LAND. I WALK MY DOG ON IT TRICE A DAY AND SEE MANY OTHERS WHO DO THE SAME. I USE TRAILS DEVELOPED BY MOUNTAIN BIKERS AND HIKERS. AS A FORMER RECREATION MANAGER ON FEDERAL LAND I MARVEL AT HOW WELL THE STEVEN'S PROPERTY SURVIVES THE USE OF SO MANY VARIED USERS WHILE PROVIDING GREAT JOY TO ALL WHO USE IT. THIS, INSPITE OF A VERY LOW LEVEL OF ADMINISTRATION AND ALMOST NO ADMINISTRATIVE PRESENCE. I'VE WATCHED A USER BUILT TRAIL SYSTEM COME ABOUT WITH LITTLE OR NO RESOURCE IMPACTS OR USER CONFLICT. WE ARE TRULY FORTUNATE TO HAVE THIS RECREATION JEWEL IN SOUTHEAST BEND. I STRONGLY OPPOSE ITS SALE AND URGE YOU TO KEEP IT IN STATE HANDS. URBAN DEVELOPMENT WOULD REMOVE IT FROM ITS CURRENT MUCH APPRECIATED USE AND CONTRIBUTE TO AN IMPENDING TRAFFIC MESS AND AESTHETIC NIGHTMARE TRIBUTARY TO 27TH STREET. I AGREE WITH THE ITEMIZED LIST ON THE FRONT OF THIS FORM. PLEASE TAKE OUR PLEA TO HEART! FEEL FREE TO CONTACT ME TO VOLUNTEER HELP IN ADMINISTRATION OF THIS LAND FOR ANY RECREATION PURPOSE. I HAVE MANY YEARS OF EXPERIENCE IN UPPER LEVEL MANAGEMENT OF PUBLIC LANDS AND KNOW THIS PROPERTY LIKE THE BACK OF MY HAND.
11/16	Email	Jill Mike	Kingham Harrell King	To Whom it May Concern, I am writing in regards to the Stevens Road Tract, Bend Oregon State Lands Potential Land Use, Sale, #60753_LS We live directly across the street at 61676 Thunder Road, on a 5 acre hobby farm purchased 16 years ago.

		Jake	Harrell	One of the top reasons we bought the land there and built this farm, was for the natural land across the street. I have used this land thousands of times since 2003, walking my dogs off leash, training my sled dogs to pull a scooter in the off season, mountain biking on single track with my dogs, riding my horse, and enjoying the ease of quickly getting to nature. This is the BEST natural land close to me, and the only area for exercising my dogs off leash in a single track trail nearby. The wildland is important to us. Our farm is right across the road, 100 feet, OUTSIDE the UGB, and we bought our land because we want wild spaces around us. To develop this land and take away the natural beauty does not make sense to us. Please consider using space within city limits to put up street lights, businesses, houses, asphalt, and sidewalks. Not here. As you may know, the landowners on our quiet rural country road zoned MUA (Thunder Rd) fought hard to keep a huge church from building on our corner lot in 2018. We lost. The plan now is to put up a 3 acre parking lot with 12 light posts, in addition to a major 10,000 sq. ft building, so out of character with our land. Our neighborhood is against any urban development in our rural area. We are saddened to lose this rural anchor in our neighborhood. Please don't take this beautiful natural space from us. Please.
11/16	DSL website	Robert	Byrtus	11/16/2019 John Swanson – Real Property Planner Clara Taylor – Real Property Analyst STATE LAND BOARD PROPOSED SALE OF STEVENS RD TRACT(SRT) – 60753-LS Support for: The State Land Board as a trustee to maximize the value of, and revenue from, CSF lands over the long term and providing. 1. Maximizing revenues for the sale of the SRT benefitting the state's Common School Fund (CSF), with revenues dedicated to the support of K-12 education in Oregon. 2. Providing needed housing in Bend with the objective with Master Planning that identifies potential long-term uses of the property and including school sites, civic buildings, residential and commercial uses, and parks and open space. This objective has been worked on through the following: • Conformance with Asset Management Plan (AMP) The Stevens Road Tract is classified as Industrial/ Commercial/Residential (ICR) land in the Board's 2006-2016 Asset Management Plan and managed under an 'active' management strategy. The AMP calls for the Tract to be managed for urban development potential; directs the development of an updated Master Plan along with inclusion in the Bend UGB or UAR; allows for investments in improvements to increase value; and promotes seeking a partner (e.g., master lessee) to develop the site at urban densities. • The DSL completed a Master Plan in 1997 and the Conceptual Master Plan in 2006, where DSL and their consultants (Cogan Owens Cogan, SERA Architects and Century West Engineers), conducted extensive studies and review for STR. • CSF lands being managed by the State Land Board as a "trust" to maximize short- and long- term revenues consistent with sound stewardship and business management principles has invested time and money working to maximize the value of the property for the long term. • Conceptual Master Plan adopted by: Ted Kulongoski – Governor Bill Bradbury - Secretary of State Randall Edwards - State Treasurer June, 2007 • Adding potential value to

				the land. In 2017, DSL applied to Deschutes County to rezone the 260 acres of the subject property remaining outside the City of Bend Urban Growth Boundary from Exclusive Farm Use (EFU) to Multiple Use Agriculture (MUA-10). Concern for: Whether the Land Board should authorize the Department to initiate the review and determination for the potential sale of the Stevens Road Tract in Deschutes County. • It is not clear on the size of parcel that will be sold: o The State Land Board Agenda and 60753-LS request indicates 640 acres. o The interview with Bill Ryan, Deputy Director by the Bend Bulletin indicates "The department's mortgage brokers will put the 382 acres up for sale. But several points, like whether the department would sell to one or multiple developers, would still have to be decided." • The Three Key Factors supporting due diligence on the subject property doesn't include "Maximizing revenues for the sale of the SRT benefitting the state's Common School Fund (CSF), with revenues dedicated to the support of K-12 education in Oregon." • Potentially trying to "Time the Market" vs. working to maximize short- and long- term revenues consistent with sound stewardship and business management principles. o "The discussion about selling the land started to surface this year, partially because of a feeling that land in Bend is at the peak price in the real estate market, Ryan said. The department is also trying to sell it at a time when risk of economic downtown is low." • The Conceptual Master Plan is not stated as a requirement to be adopted with the sale of the property or a Master Plan for the sale that would add value to the sale. "The board would also have to decide whether it wanted to create a master plan for the parcel and then sell, or sell the land as is", Ryan said. "The difference is just value added," Ryan said. Recommendation: • The 2007 Conceptual Master Plan should NOT be discarded. o The work and expense invested in this is extensive. o It could ultimately result in the best value for the property resulting in the highest revenue and funds for education. • The development of an updated Master Plan should be undertaken; seeking a partner (e.g., master lessee) to develop the site at urban densities. • Any sale of the Land to include: o 640 acres to one Master Developer o Updated Master Plan o SRT Bat Management Plan requirements o SRT Cleanup Feasibility Study requirements o SRT ESA requirements • The City of Bend should work with inclusion in the Bend UGB or UAR with the Land Conservation and Development Commission for future additions to include the entire 640 acres in the UGB. This could ultimately provide the highest revenue and funds for education for the sale of the property. • The City of Bend to work to incent land owners that have property that is now in the UGB to bring it to market and current development vs. holding the land as investment for future appreciation. • Continue to work with Stakeholders for the future sale of the Land; City of Bend, Deschutes County, and Bend residents. Bob Byrtus
11/16	DSL website	Scott	Wallace	As a Bend resident, leader of the business community,and active community member, I urge you to approve the sale of Stevens Road Parcel in Bend. • Bend is in dire need of affordable housing and Stevens Road land will help meet these needs in a part of town that is a priority for future development. • Bend and Central Oregon, like many parts of Oregon, are in a housing crisis. • The severe lack of housing options in Bend causes workforce, economic, growth, safety, and security issues. • Families, workers, and retirees, are all in

				need of housing options in Bend. Stevens Road property can alleviate a little pressure from our housing crisis by adding 1,001 homes. • Lack of affordable housing is a significant issue for local businesses trying to retain skilled staff or recruit talent. Please approve the sale of the Stevens Road Pacel in Bend. Thank you for your attention to my comment. Sincerely,
11/16	DSL website	Becky	Stephenson	I'm writing in regard to the proposed development off Stevens Road. Though I'm hardly naive enough to think that my comments will have any impact, it's important for us public folk to voice our concerns. Besides the fact that so many residents enjoy this rare open space for walking, hiking, dog jaunts and just getting out for rejuvenation after work, my biggest concern is, as always, the traffic impact. One doesn't have to drive in and around Bend for more than a day, to see the impact out of control growth has had on the traffic. Without addressing this issue that goes hand in hand with adding more homes, and translates to more cars, traffic in Bend will only continue to deteriorate. For what it's worth, Becky Stephenson
11/16	Email	Kristi	DeMoisy	I would like to make a comment regarding the stevens road parcell- 60753 This land is the only area on the east side of bend that is close enough for us to exercise our high energy dogs off leash. It provides an area for people to ride their bikes, run, walk, horseback riding. I do not know why you guys would make a change to this area. I hope you will reconsider. Lifelong bend resident
11/16	DSL website	Kiefer	Aquilar	As a condition of any sale, I'd like to suggest that signage to protect bat populations at every cave entrance should be posted before any development can begin. These signs should include dates during which people are not allowed to enter to protect the bats. Furthermore, in many of the caves there are large amounts of trash. I'd like to suggest that as a condition of any sale, the developer must clean the areas of trash in all of the caves. Finally, there are a number of Ponderosa Pine trees that have naturally grown in the area and I believe these should be protected as it is not common for Ponderosas to grow in these areas.
11/16	DSL website	Tiffany	Aguilar	We live off Ward Road and use Stevens Road Tract frequently as a family for walking with our dogs, enjoying nature, and appreciating the quiet, native Central Oregon landscape that it offers. We've noticed some of the beautiful caves and bats inside, watching the jack rabbits jumping across the trail and the majestic eagles that fly overhead. We love this area especially being so close to our backyard we can be there in 3 minutes, and we very much hope to see it stay preserved as a native landscape to our home. Thank you for your consideration with our comments and concerns.
11/16	DSL website	Eileen	Grover	I understand our towns growth and the need to develop land. I'm not about blocking growth but am concerned about how that growth is planned. For the 27th and Stevens project I would ask that it not just be dense living spaces, but have green spaces and mix commercial use, maybe look at creating something like Northwest Crossings where people can work and live and that it's not just crammed homes. My other concern is higher traffic on an already increased traffic road, that roundabouts with art are included in that plan for the major convergence roads. Please try to create a space that is inviting and multi-use. Think about

				sound and light pollution and animal migration. This east side of town is appreciated for the quiet and wildlife and nature that continues to move through. Again I'm not saying don't or stop, but when looking to build and create this living space be intentional on making it a place for homes, businesses and people would want to spend their money, live and visit. But please have lots of green spaces. That was one quality that made Portland unique for decades in its planning and also what makes the Pacific Northwest and Bend such a desirable place to live. And please try not to make the east side just urban scrawl with ugly strip malls and no thought to creating a place of efficiency and beauty and a desirable place to go eat/shop/walk, work and live.
11/16	Email	Matt	Skeel	To Whom it May Concern, It is my understanding the caves of the Stevens Road Tract will be sold to private buyers and each new owner will be obligated to follow the grandfathered protections for federally nominated significant caves. I am unaware if the caves on the Stevens Road Tract will remain in a single parcel lot or be separated into individual lots. This will affect the management of the caves to a large degree. In essence, the management challenges for these caves are nearly identical to the Redmond Caves to the north. The Redmond Caves have long suffered from lack of proper management and neglect. Their lack of visibility from roads and buildings, or the general public, make them ideal places for perpetual unscrupulous activity. In an effort to preserve the "natural" state of the caves by leaving the surrounding area undeveloped, the Redmond Caves became "invisible" to the public, unless checked on. To counter this effect, any "natural" area surrounding the caves should be greatly minimized. Eliminate as much area as possible that lends itself to invisibility. While having a natural area would be ideal, it is no longer possible in an urban setting. Though I am always fond of natural settings, it's quite clear these caves have left their natural setting to history. When better natural settings exist only a few miles away, it becomes unrealistic to maintain the caves and their surroundings in a manner that gives them a wide berth, such as at the Redmond Caves. In a nutshell, do the opposite. For these caves to be protected, they must not be ignored nor made invisible. They should be embraced, and development should occur as close as legally possible to the caves and their passages. My recommendation is to increase visibility by having the caves visible from roads, buildings, walkways, and nearby lighting fixtures. To increase the community's respect for the caves, develop the lands adjacent to the caves by eliminating the "natural" setting and incorporate domesticated grasses and trees, or mulched grounds. Introduce park benches and parking lots so the community takes ownership of the caves and their welfare. The cave sites should have a feeling of being visible and open, not obscured and sequestered. This is assuming the caves will be made available to the public and not fenced away by private owners and neglected or forgotten. It is my hope that the caves will be incorporated into a city managed park. Another alternative would be to incorporate them into a section of school grounds that the school and community

				could share and manage together. It would give the City of Bend a unique identity and a chance to stand out from many of the cities across the nation. Should the caves be made available to the public, it would be prudent to rename many of the caves as laid out in my bat management plan, titled: Bat Management Plan for the Stevens Road Tract, Bend, Oregon, with emphasis on Townsend's big-eared bats (Corynorhinus townsendii). It was submitted to the Oregon Department of State Lands in 2015. Additional suggestions for the management of the caves are mentioned within that plan, and are considered a part of this public commentary and comment period. Thank you for considering my recommendations, Sincerely, Matt Skeels Member of the Oregon High Desert Grotto (central Oregon caving club)
11/15	Form (mail)	Daryl	Loveland	I am glad this land is finally being developed. However, I strongly urge the developer(s) to have a master plan that is strenuously enforced. The worst that could happen is to break this parcel into a patchwork of 40 acre plots with each developer only watching out for his own interests and profits. I'm also concerned about the placement of any industrial bordering 27th Street. Several expensive homes have been built west of 27th and would be degraded in value with adjacent industrial activities.
11/15	DSL website	Caroline	Ramoz	This beautiful and vibrant piece of land is a dynamic buffer along Bend's Eastside. It offers homes to wildlife, including coyote, deer, bats, lizards, birds of prey and more. As these animals are squeezed out of our growing town, they need this space! It is also a wonderful open area to walk, hike, explore and even snowshoe in the winter! My son and I often explore out there and he has had some really cool, unique discoveries there! Please leave this gorgeous piece of high desert land natural. Bend is being developed at an astonishing rate and we need these areas around to enjoy. Please leave this natural for the animals and us outdoor enthusiasts.
11/15	DSL website	Kristen	Boller	First of all, I want to thank you for the opportunity to comment on the land. I live in a subdivision directly across 27th Street, and the development of said land will greatly affect me. Since I moved to Ponderosa Estates, I have appreciated the natural and peaceful surroundings east of 27th. Because my neighborhood provides a safe, park-like setting with large property lots, I don't want to see crowded apartments or businesses across the street. Also, the amount of traffic and congestion on 27th is already a nightmare. Turning into and out of my neighborhood shouldn't be one. It's not the wall that defines my tranquil neighborhood--it's the open space and nature that have drawn many people to establish roots in this part of town. Please consider this when you set your building project parameters.
11/15	DSL website			I live right across from this tract of land, west of 27th Street in Bend. Please do not allow this tract to become overloaded with commercial real estate, especially right along 27th Street. I am not pleased with the state just selling land for the common school fund. According to the Oregon Encyclopedia

				(https://oregonencyclopedia.org/articles/urban_growth_boundary/): "Each urban area in Oregon is required to define an Urban Growth Boundary (UGB). Housing tracts, shopping malls, and other kinds of urban development are not allowed to sprawl past that boundary, while agricultural lands and open space outside a UGB are preserved." This looks like sprawl to me. Does the wildlife that lives in this tract get a vote? How about a game (open space) preserve instead of more commercialism and, heaven forbid, multi-story apartments?
11/15	Email	Dave	H	Safe place,very good for old people to walk.d.h.
11/15	DSL website	James	Tyler	I have placed written comments regarding the sale of this land in the mail postmarked Nov. 16, 2019. Please consider them in your decision making. Regardless of whether they arrive post-deadline or not, please consider the following: Both halves of the Stevens property receive daily on-going and valued use for hiking, mountain biking and off-leash dog walking. It is a rare piece of public land because it has an extensive trail system offering a wide variety of trail options sans resource damage and administrative burden. I view this land through the lens of a former recreation and trails manager at an upper management level. Personally using the area twice each day for the past 6 years has allowed me to watch a delightful user-built trail system be placed on the land and to watch its user groups grow without conflict among its users. Having managed an public/private ecosystem education program for several years, I value revenue to our schools and a strong school system. However, State land in or near urban communities is rare making me think there may be a better land choice for revenue accrual. I strongly object to the potential sale of this land merely because half of it was placed in the urban growth boundary for Bend. Including it in the UGB does not mean it should be developed or that development for housing is its highest and best use. Other uses have taken root and deserve equal consideration; especially given that they are flourishing with apparently little administrative drain of State resources. Please do not allow the politics of Bend's growth and the fiscal needs of the Bend LaPine School District to outweigh the demand for recreational use of State land in and near Bend. Please feel free to contact me if volunteers are needed to help with recreation management of this property.
11/15	DSL website	Teresa	Rozic	I trust that others will submit comments about potential impacts to traffic and the environment. I share their interest in these issues. My concern is that you contact the owner/operator of the two high pressure natural gas transmission pipelines that pass through this land. I think it is irresponsible for the city and the state to contemplate high density residential use in immediate proximity to 36" and 42" high pressure natural gas pipelines without input from the operator.
11/15	DSL website	Michelle	Ahrens-Reimers	I have lived in Bend for the last 10 years, and I have seen its growth cause substantial growing pains for the community. My concerns are very personal when it comes to the State land call the "Stevens Road Tract". Our home backs along 27th Street, and our neighborhood is the Ponderosa Estates. Ponderosa Estates is a very quiet, close net, large lot, and established neighborhood. I myself am apart of our HOA committee. What our residence love most about our neighborhood is that we have this land across our way that

				provides terrain views, and shelter from the city (a little bit of wilderness). This is why development is very concerning. Development will take away our ideal, quality of living. Our community has three concerns that must be addressed. 1st concern is the environmental impact on the ecosystem that calls this land home. A couple years ago we had a biologist from the US Wildlife and Forestry come out to do an evaluation on the Golden, and Bald eagles who use the land to feed on the abundance of rabbits. Also there is the concern for our deer, and bats. The deer use this land to safely migrate from one area to another. Meanwhile, the bats use the caves on the property for shelter. There is a whole ecosystem that will be totally destroyed. And let us not forget the people who use this land to walk their dogs, and ride their bikes. The quality of living for all will be disrupted in the name of development. 2nd concern is traffic congestion. Providing adequate roads to accommodate growing population has not been a practice of the City planners. Suggesting that humans would give up vehicles is absurd! And providing more public transportation provides all other kinds of issues, and cost the tax payers . During my studies of Criminology, research has shown that increase public transportation is not used by the masses. One study even shows that public transportation brings more crime to an area due to giving criminals mobility. I recently went to a community meeting about 40 people in the room. The question presented was how many people in the room used public transportation in the last year. Only! 3 people out of 40 had use public transportation in the last year! My third and last concern is the type of development. I have been told by the Mayor that only 320 of the acres will be developed . 100 acres for high and medium density homes; 100 industrial; and 100 commercial; (20 left for open space). Approximately 6,600 increase in population. This seems to be very concerning to me at many levels. For one, it will take away my quiet, secluded, neighborhood, and turn into an area of mass congestion! We are already seeing this with the traffic increase today! We have had four people from our neighborhood rear ended out in front on 27th. Making any turns into our neighborhood has become a danger to the people entering Wilderness Way. Compromising our safety and quality of living! Our lots in our neighborhood are very rare. We have 1/2 acre lots. This is getting very rare within our city of Bend. Lot sizes in new developments are quite small. Not exactly what my neighbors want to see. We would like to see more lot sizes that are cohesive to our neighborhood. And NO apartments or cheap homes that investors use for rentals. Renters bring a value of homes down. Our neighborhood is 95% homeowners. We would like to keep it that way!! A collaboration of all the neighborhoods who will be impacted is essential. The Old Farm District is an area where people choose to live because of the beautiful open spaces, and its wildlife. Given the choice of what goes on within the development of our community is important for the quality of our neighborhood. Thank you for giving us this platform to hear our concern's. Sincerely, Michelle Ahrens-Reimers; Ponderosa Estates
11/15	Email	Katy	Brooks	On behalf of the Bend Chamber of Commerce and its 1,300+ members we submit this public comment and urgent request to approve the sale of DSL owned land, Stevens Road Parcel.

				Like many parts of Oregon, Bend is in dire need of affordable housing. The Bend Chamber is working on this complex issue on multiple fronts with many community partners because the lack of affordable housing is a significant issue for local businesses trying to retain skilled team members or recruit new talent. Our housing crisis continues to have significant current implications and severe projected affects if we don't act now. Families, workers, and retirees are all in need of housing options and the Stevens Road Parcel can alleviate some of that pressure. Over one year ago, the City of Bend provided a letter on October 18, 2018, updating you on their progress towards implementing its recently approved urban growth boundary expansion. The Bend Chamber followed up with a letter on January 17, 2019 expressing support for the City's request and agreement with the sense of urgency to see that Stevens Road is developed as soon as possible to meet our community's rapidly growing needs. As noted in previous letters, "Any efforts to get land developed for a mix of housing is key to providing a solution to those needs and the DSL land provides a great opportunity for a mix of housing needed in Bend." UGB expansion key metrics estimate the Stevens Road Parcel has potential for 1,001 housing units which is nearly 20% of the UGB expansion total. We desperately need housing to avoid further workforce, economic, safety and security issues. Please approve the sale of the Stevens Road Parcel in Bend, Oregon. Thank you for your attention and consideration of this request.
11/15	Email	Antony Jason	Levinson Boone	On behalf of the Central Oregon Association of REALTORS® (COAR) – representing more than 2,000 real estate professionals – thank you for the opportunity to comment on the potential sale of the Stevens Road Tract in Bend. The Stevens Road Tract represents a critical component of Bend's 2016 UGB remand, comprising nearly 400 acres of land within the UGB zoned for the development of housing. We urge the State Land Board to move forward with the sale of this property. Bend is currently in the midst of a housing crisis due largely to an inadequate supply of housing. Six months is generally considered a healthy supply of housing. Multiple Listing Service of Central Oregon (MLSCO) data shows that as of November 2019, the current housing supply for all residential property types within the City of Bend is 3.9 months. In the more affordable segments of the market, the supply picture is even more bleak – in the $288,000-$428,000 price range, 2.4 months of inventory is available. This lack of inventory is impacting the affordability of the community, as many residents are housing cost burdened. The Stevens Road property can play a key role in helping to alleviate some of the pressure on Bend's housing market through the creation of more than 1,000 housing units. We encourage the State Land Board to work toward a swift sale of this important property. Thank you for your consideration.

11/15	Email	Karna	Gustafson	On behalf of the Central Oregon Builders Association's (COBA) 700+ members and their thousands of employees, we submit this critical request to expedite the sale of DSL owned land, also know as the Stevens Road property. The sooner the property is sold and developed, the sooner the benefits for Bend 's housing market can be realized. Bend 's housing crisis is severe. The scarcity of housing is part to blame for the increasing prices. The DSL property is slated for over 1000 housing units. The DSL sale will help in solving the housing affordability issues in Bend. COBA is urging the Land Board to vote at its December meeting to move forward with the sale of the property as soon as possible. Thank you for your consideration.
11/14	Email	Moey	Newbold	Central Oregon LandWatch (LandWatch) is a conservation organization which for more than 30 years has worked to protect what people love most about Central Oregon: our forests and high desert, our rivers and springs, our fish and wildlife, and well-designed communities. We are strong advocates for Oregon's visionary land use planning system because it upholds the values of Oregonians and gives us the framework to plan for growth in an orderly and carefully considered manner. Thank you for the opportunity to comment on the proposed sale of the Stevens Road Tract. Bend is marked by extraordinary growth and the concomitant challenges to housing affordability, efficient transportation, access to services, and maintaining the quality of life that attracted that growth to begin with. As a large, publicly-owned, undeveloped parcel, the Stevens Road Tract presents an outstanding opportunity to address these challenges, literally from the ground up. We encourage DSL to facilitate development of this property in accordance with Bend's Comprehensive Plan and take action to support affordable housing as a part of future development. DSL TRACT IN BEND'S COMPREHENSIVE PLAN The City of Bend's Urban Growth Boundary (UGB) plan, acknowledged by the State of Oregon in 2016, was unanimously approved by the City Council and Deschutes County Commissioners with broad support from the public because it created more capacity for growth while reducing urban sprawl into our natural surroundings. The plan called for increased density in Opportunity Areas within the existing city boundaries as well as Expansion Areas to add more land to the UGB. The UGB planning process projected a need for 13,770 additional housing units by 2028, and the City of Bend has been working hard with community partners to reach that goal. Several other Expansion Areas have already been annexed and are in varying stages of the process for being developed. As you know, one of those Expansion Areas is 320 acres of the Stevens Road Tract, which is envisioned to become a "new complete community that accommodates a diverse mix of housing and employment uses." As we enter the year 2020 – fewer than 10 years away from the end of the planning period – it is essential for DSL to take all actions necessary to facilitate speedy development of the DSL Expansion Area in a manner

				consistent with Bend's Comprehensive Plan. For instance, DSL might consider selling the parcel of land within the UGB first if that would expedite the process of building out the Expansion Area. Development on this parcel is necessary to provide the needed residential, employment, and industrial land for the entire community of Bend. Bend's Growth Management policies that specifically apply to this Expansion Area are: "11-65 Master planning is required for this area. The master plan must be consistent with both master plan standards in the development code and policies 11-66 through 11-74, below. 11-66 The overall planning concept for the DSL property as identified in Figure 11-4 is for a new complete community that accommodates a diverse mix of housing and employment uses, including the potential for a large-lot industrial site. 11-67 This area shall provide for a mix of residential and commercial uses, including 163 gross acres of residential plan designations, 60 gross acres of residential and/or public facility plan designations, 46 gross acres of commercial plan designations, and 93 gross acres of industrial plan designations, including one large-lot industrial site. (Gross acreages exclude existing right of way.) 11-68 In order to provide sufficient housing capacity and mix, the residential plan designations shall include 196 gross acres of RS, 9 gross acres of RM, and 19 gross acres of RH. Acreages exclude existing right of way. The acreage of RS includes roughly 21 acres for an elementary school site and up to 35 acres of parks and public open space, which may be designated PF if land has been acquired by the school or park district at the time of the master plan. Alternatively, the master plan may demonstrate that this area will provide capacity for a minimum of 1,000 housing units, including at least 11% single family attached housing and at least 41% multifamily and duplex/triplex housing types. 11-69 Subsequent planning for this area shall address preservation of at least 50 acres for a large lot industrial site in compliance with the policies in Chapter 6. 11-70 Coordination with the Bend-La Pine School District is required in order to identify a suitable site for an elementary school within this area. 11-71 Coordination with Bend Park and Recreation district is required in order to address provision of parks and/or trails within this area. 11-72 Coordination with other special districts and utility providers is required within this area. 11-73 Bat habitat shall be mapped and potentially added to the City of Bend's Goal 5 inventory. And [sic] Environmental, Social, Economic and Energy (ESEE) analysis shall be conducted to determine the significance of the resource and a management plan shall be provided as appropriate to protect the resource. 11-74 Trails should be provided along canal easements and through other open space wherever feasible." AFFORDABLE HOUSING

				Development of the Stevens Road Tract presents a unique opportunity to provide affordable housing because it is entirely publicly-owned. DSL must balance the need to generate revenue for the school fund with the critical need for affordable housing in Bend. We urge DSL to coordinate with state, regional, and local affordable housing agencies to explore all strategies available to provide desperately needed affordable housing on this parcel. Central Oregon LandWatch is a member of the Housing for All (H4A) project – regional housing consortium dedicated to supporting the full spectrum of housing for Central Oregon citizens and communities. H4A published the 2019 Regional Housing Needs Assessment (RHNA) for Central Oregon earlier this year. This report found that 39.3% of all Bend households have housing needs (cost burdened, overcrowded, lacking complete kitchen facilities, and/or lacking complete plumbing facilities) (RHNA, pg. 106). Approximately 80% of Bend households with an income level 0-60% of the HUD Area Median Family Income (HAMFI) have housing needs, and 54.2% of Bend households with an income level 61-80% of the HAMFI have housing needs (RHNA, pg. 116). These needs are projected to increase over the next ten years. Since it is difficult for the free market to provide housing that is affordable for households who earn 0-80% of the HAMFI, housing subsidies and deed-restrictions will be an important tool for providing affordable housing in Bend and elsewhere. Governor Brown launched an 'ambitious and historic' housing plan earlier this year. The plan encompasses six priority areas: equity and racial justice, homelessness, permanent supportive housing, affordable rental housing, homeownership, and rural communities. As a part of this plan, Oregon Housing and Community Services (OHCS) will triple the existing pipeline of affordable rental housing up to 25,000 homes and assist 6,500 households in becoming successful homeowners. DSL can assist with these goals by requiring affordable housing in the development of the Stevens Road Tract. Since Oregon law bars cities from mandating affordable housing in developments (unless a city has adopted inclusionary zoning, which can only be applied to multi-family developments), we strongly encourage DSL to encumber the land with requirements for affordable housing as a part of the sale. Central Oregon LandWatch looks forward to supporting development in the Stevens Road Tract that adds to Bend's quality of life. Sincerely, Moey Newbold Director of Urban Planning Central Oregon LandWatch
11/14	Form	Dick	Tobiason	BEND HEROES FOUNDATION PROVISIONS SHOULD BE MADE TO SET ASIDE ABOUT 15 ACRES, OR ABOUT 4% OF THE 380 ACRE TRACT (2 PARCELS: 60 AND 320 ACRES) AT THE INTERSECTION OF STEVENS RD. AND 27TH STREET PRESENTLY WITHIN THE BEND UGB FOR A FUTURE STATE VETERANS HOME OR SKILLED NURSING FACILITY (SNF) FOR VETERANS. THE 15 ACRE VALUE IS THE APPROXIMATE SIZE OF 2 EXISTING 150 BED OREGON VETERANS HOMES OPERATING AT CAPACITY IN THE DALLES AND LEBANON. BOTH WERE FUNDED LARGELY BY THE FEDERAL

				GOVERNMENT. SUCH A FACILITY ON THE STEVENS ROAD TRACT WOULD BE WITHIN 3 MILES OF THE BEND VA CLINIC (2.8 MILES), CENTRAL OREGON VETS CENTER (2 MILES) AND OTHER GOVERNMENT AND NON GOVERNMENT MEDICAL AND MENTAL HEALTH FACILITIES LOCATED IN BEND. INCLUDED WOULD BE A COMMUNITY CENTER THAT COULD ALSO BE USED BY "ON SCENE" SERVICE PROVIDERS AND VETERANS SERVICE ORGANIZATIONS. A VETERANS FACILITY THERE COULD BE USED TO HELP FORMERLY HOMELESS VETERANS WHO WOULD HAVE "GRADUATED" FROM THE CENTRAL OREGON VETERANS VILLAGE (COVV - FREE TEMPORARY TRANSITIONAL HOUSING) NOW IN THE PLANNING STAGE TRANSITION TO AFFORDABLE HOUSING JOINING SOCIETY WITHIN THE SELF CONTAINED MULTI USE COMMUNITY. THE TRACT COULD ALSO SUPPORT COVV OR A FOLLOW ON COW AS PART OF AN OVERALL STATE VETERANS HOME/SKILLED NURSING FACILITY. VETERANS MEMORIALS COULD BE INCLUDED ON LAND SET ASIDE FOR COMMUNITY PARKS.
11/14	DSL website	Kathleen	McDonald	Open spaces in close proximity to Bend are becoming very rare. I have walked and enjoyed the Stevens Road area for many years. There are at least a dozen caves that are culturally significant in this area. Unfortunately some are partially filled with garbage, trash, old building supplies, car parts, etc., and some likely toxic; in some garbage has been dumped from the time part of the area was a dump. I believe the Central Oregon Grotto (correct name?) has done some clean up of these caves. These caves should be protected. There are also some areas of beauty from the geological perspective ~ uprising of rock to form paths and vistas of the distant hills and mountains; wildflowers in Spring and early summer are stunningly abundant and colorful. I've seen so much of the town and surrounding area I moved to in 1976 disappear. Huge swaths of development taking every gorgeous old Ponderosa Pine, knarly contorted Junipers, and tall skinny Lodgepole pine, down. Truly breaks my 73 year old heart. Please consider preserving this area! Thank you for your attention.
11/14	DSL website	Wendy	Scholz	Stevens Road parcel. This parcel should NOT be valued based solely on Real estate potential. It is beautiful and natural, and contains some of the best High Desert habitat for native wildlife. It is currently fairly heavily used as a nature, walking trail. I run the trail system maybe once per week. The trails are well marked and from what I have seen, people and pets are respectful of the land and others (I don't know how the rumor of 'homeless people' got started, but I have covered pretty much the whole area, from the corner of Ward and Stevens to the CO Humane Society at the opposite corner, regularly for the past 17 years and have never seen any signs of homeless camps, bedding, etc.) It is the only extensive trail system on the south side of Bend. Please consider preserving this natural area for wildlife and our future generations. In the long run, it will make the surrounding residential areas and Bend more attractive to new home owners.
11/14	DSL website	Brian	Canady	While I fully understand and appreciate the need for additional land to be made available for development, the sale of this land and the subsequent development will have a tremendous impact on SE Bend. Infrastructure and services in the area are already lacking and the addition of a high number of homes and cars to this area will make matters worse if needed improvements are not in place before adding additional

				stresses to these systems. Bend seems to have a long history of build it first and figure the rest out later - by which time it's too little too late. I fear the same here. The loss of this open space for recreation will also be felt. I would hope that any potential sale and development of this land might include some vestige of an open space corridor. Big picture, the continued development of Bend spreading out to the east and west, without significant improvement to traffic corridors to connect the community, is already exacerbating a very real east/west divide in this community. Continued development on the edges of our community without infrastructure improvements already being in place is a serious concern that will continue to negatively impact the livability of our community.
11/14	DSL website	Beth	Larsen	This is a beautiful and important piece of land for the east side of Bend. The west side has Shevlin Park, the east, only this property. I understand we, as citizens, do not have a lot of say in what happens here, but I urge you to sell it thoughtfully, where it will have the least amount of negative impact on our community. The developers are ruining this beautiful town; please be mindful of what happens next. Thank you.
11/14	DSL website	Chelsy	McNeil	Please do not sell. Bend is already expanding the urban growth boundary to allow for affordable housing on 179 acres in NE Bend with 1100 housing units, a school and a neighborhood park. Don't sell under the guise it's necessary for affordable housing. Please keep that area intact for wildlife, lava tubes, hiking, etc. Thank you for your time.
11/13	Email	Bill	Parks	I am a property owner off of Ferguson road in Bend. While I am not of an anti growth mind set I do oppose this sale based on the fact that we do not have sufficient infrastructure in place to handle this huge increase in traffic during or after the build out is completed. Reed Market is already a world class nightmare traffic wise before the completion of many other housing developments already in progress that have not even begun to impact the traffic before you can evaluate the impact of this development. As is the case with these developments deals are made at top levels and the residents are left to bear the brunt. We have seen this played out too many times in Bend! Please reconsider and alternative use for this property. I am sure you have fielded many new ideas during this time.
11/13	DSL website	Erik	Ling	Development of the Steven's Road tract is inadvisable. Currently this land serves as a recreational area for residents of Bend. In addition the many caves and canyons on the property serve as refuge for wildlife species. As the population increases there are fewer and fewer undeveloped recreational areas parcels like this become more important to preserve the character of the area. Also developing this area only contributes to the urban sprawl and disregards the need to redevelop current areas that could be both increased in density and livability.
11/13	DSL website	Sarah	Bodo	The Bend Park and Recreation District (BPRD) would like to submit the following comments for consideration by any purchaser of the DSL property at Stevens Road Tract in Bend. For both tax lot 1700 (inside the UGB)

				and tax lot 1800 (outside the UGB): • BPRD is interested in discussing the provision of parks and trails on the property. • BPRD's adopted Comprehensive plan designates the gas line easement of the TransCanada Pipeline as a planned primary trail. • Additionally, the BPRD adopted Comprehensive Plan designates a planned trail from NE 27th Street through the property to the TransCanada Pipeline. • The property will eventually require annexation to the park and recreation district when master planned or subdivided. New residential development would be subject to park system development charges and property taxes once annexed to the district. • BPRD understands that there are caves with possible habitat value for bats, we encourage preservation or set asides for those in any future development plan. For tax lot 1700, inside the UGB, a few of the City of Bend's comprehensive plan policies relate to parks and trails. • Policy 11-68 indicates that approximately 35 acres would be reserved for parks and open spaces. • Policy 11-71 requires coordination with BPRD. • Policy 11-74 requires trails to be provided along canal easements and through other open space where feasible. • BPRD would support tax lot 1770 being sold to one owner, to streamline the development processes with the City of Bend, vs. trying to complete area planning with multiple owners. Thank you for your consideration, and please feel free to contact me with any questions. Sarah Bodo Park Planner, Bend Park and Recreation District
11/13	DSL website	Brian	Carpenter	Several assumptions concerning traffic and land use for the proposed development need to be reviewed. Traffic will INCREASE on Reedmarket and 27th street contrary to the proposal stating the residents will stay within the development boundaries. Reedmarket is already significantly impacted with current traffic levels. There will be negative impact to the surrounding community from this development proposal! Existing infrastructure needs to be in place and able to support possible development and increased impact to infrastructure needs to be paid for by developer. Open space with some minor development on the parcel is preferred.
11/13	DSL website	Ken	Scholz	I am a local resident just outside of Bend to the east. I would like to request that the State Dept of Public Lands consider setting aside a strip of this parcel parallel to Stevens Rd, deeding that strip to an appropriate entity (such as Deschutes Country) and stipulate that it be used for the future construction of a dedicated bicycle trail, similar to the bicycle trail that parallels Skyliners Rd on the West side of Bend. Such a trail would be a valuable connection from Reed Market Rd in Bend to the quieter country roads east of Bend that are highly valued by bicyclists. It would also serve as a future bicylce transportationn corridor, linking the existing bicycle routes along Reed Market Rd to areas likely to be developed in the future. The existing Stevens Road is dangerous, typically driven at high speeds by motorists, and unsuited for bicyling. An added idea is to dedicate some of the proceeds of the land sale to be used for construction of such a bicycle trail.
11/13	DSL website	Andrea	Sigetich	Please keep the Stevens Road land as rural wilderness. We need this land for walking our dogs am doing fir maintaining our rural environment.

11/13	DSL website	Karl	Reimers	As a long term homeowner that lives adjacent to this property, there are several concerns that come to mind. Our neighborhood is a well established community of nicer homes on large lots (1/2 acre average). We have a very active, committed homeoweners association for assuring the quality of our area is not compromised. With this in mind, anything that is built on this Stevens Road property adjacent to our neighborhood that is not compatable and in harmony with ours, and/or would degrade the quality of our lives is totally unacceptable. This means no apartments, cheap homes crammed on tiny lots, no commercial (specifically undesirable businesses such as gas stations, convenience stores, auto related businesses, industrial, et. al.) would be acceptable in any way. There are several good reasons to NOT develop this land at all: 1) It is one of the few remaining open spaces this close to town, and is relied upon by many users for for recreation such as dog walking, horseback riding, cycling, trail running, etc. As such, many people have been actively engaged in helping to maintain the area and keep it clean. It is like having a park that has no maintenance costs involved. 2) Infrastructure in the area is not even close to being adequate to support more growth to the immediate area. There is no sewer and no easy solution to bring it into the immediate area, the water system is already being taxed and likely would not adequately support this much more demand. 3) The traffic in the area is already at a critical mass, to where the road system is unable to tolerate much, if any more traffic. The city already has a track record of failing the citizens terribly on planning for, and imlementing, any sort of infrastructure projects that support the very growth that theyhave been predicting for the last several years; and the growth has actually exceeded their predictions! There have already been 4 traffic crashes that I know of at the intersection that is the entrance in/out of our neighborhood; in the 10 years prior to 2015, there had been one. The number of homes in our neighborhood during this time has increased by exactly 1! This is the kind of danger we have been put in by the lack of planning/infrastructure that, as citizens, we have been subjected to by the lack of proper action by our government entities. I know my neighbors all around me would agree, we all chose where we live for the peace and lifestyle that this area provides, anything that may be developed adjacent our homes that degrades this is 100% unacceptable. Thank you for this opportunity to provide my input. Regards, Karl Reimers
11/12	DSL website	Shannon		Bend has a dearth of affordable housing so part of this plan should include residences where those that literally serve this community (retail & restaurant workers, home care workers, etc.) can live without undue financial stress. Also, given how far this tract of land is from downtown/Old Mill, public transit should be a priority. Additional housing, industrial, & commercial within that tract of land is going to put further traffic strain on the minimal east-west through-ways in town. Further burden is likely to be placed on Reed Market, which is already a traffic nightmare. Lastly, please be true to the spirit of Bend & retain a significant portion as open space or, at the very least, a large park as there are limited opportunities to experience nature on the east side. Thank you.

11/12	DSL website	Mike	Hollern	Having followed DSL's plans and statements about the Stevens Road Tract for many years, we believe it will be in the best interest of DSL, the Common School Fund, the Bend community and the citizens of Oregon, to sell the entire property to a qualified master developer as soon as possible with as few strings as possible. The City's comprehensive Plan already dictates many specific requirements for the property and adding more will make it more challenging to develop and decrease the property's value to the Common School Fund.
11/12	DSL website	Claire	Gibson	My husband and I are homeowners in the Old Farm District of Bend. We have lived and raised our family here since 1992. We are very concerned about the potential adverse impacts of the sale of this tract for development purposes. Before rushing into a decision sell and develop (be it by one company or multiple companies), can we back up and address such issues as the number of vehicle trips that will be added to an already overstressed road system, the additional demands on water and sewer needs, and other infrastructure costs and impacts? This land has been used as a natural buffer zone to the construction frenzy that is occurring throughout out town. People have enjoyed this parcel as a quiet place to walk, bring their dogs, even x-country ski when conditions permit. If the land is to be sold, perhaps the Bend Parks and Recreation District would be a more appropriate buyer to consider--or maybe it can just be left as an undeveloped remnant of the Central Oregon landscape that is being so rapidly transformed.
11/12	DSL website	Mary	Fleischmann	I would like to comment on the sale of land on the Stevens Rd. Parcel in Bend Oregon. I live within walking distance of this acreage and have used it for walking whether by myself or with my dogs. This parcel is unique in that it is one of the few open spaces on the east side of town, along with the wonderful ponderosa trees and caves. I understand that State Lands would want to sell this parcel so it is one less thing they have to oversee, especially given in the past the issues with homeless folks living there - that issue has taken care of itself. My main concern with the sale of the parcel is the kind of development that might happen. While I know housing is an issue in Bend, I do not think that would be a good use of this property. I live off of 27th st. and Reed Market. Any major development here will have a HUGE impact on traffic. Traffic on Reed Market is already at capacity, in fact many times it can take me 10 to 20 minutes to even turn onto Reed Market, especially heading west Putting more development for housing or commercial will have a major impact on everyone who lives in this area.. What would be a better use of this parcel would be for it to remain the same or have some development as a natural park setting. I am not sure if State Lands can make a request as to what kind of sale can happen here, but please take this into consideration. Sincerely, Mary Fleischmann
11/12	DSL website	Lauralyn	Eimans	Please reconsider the sale and developing of this parcel of land. As Bend grows areas of wild and natural areas for its citizen to go and recreate and play in are being pushed further and further away. We need to preserve as much open area as we can for wildlife also. This is a refuge area for our deer who are getting

				unhealthy by eating the non-native plants being planted in the city. Here they can forage on native grasses and shrubs and hopefully keep there diet.
11/11	DSL website	Laurie	LePore	Bend is a place that people gravitate to because of its natural beauty. We need to preserve our green spaces within the city limits. The land bordering Stevens and 27th has its own ecosystem providing a place for native flora and fauna. It is also a place for Bendites to wander, hike and bike recreationally as it provides a beautiful setting all times of the year. Traffic on Reed Market Road is already on overload and adding housing to this property will increase an already stressed area. The Old Farm District is seeing lots of new construction off Brosterhaus and Alstrup at this time. Let's slow down and see what impacts are made when the houses currently under construction are completed. We certainly do not want to compromise our quality of life by growing too rapidly. I think it is important that Bend be mindful of the balance of its natural spaces which make Bend so desirable and the need to provide housing for those who want to make it their home. Let's slow down.
11/11	DSL website	Dirk	Renner	To whom it concerns, Thank you for taking my comments on the sale of the Stevens Road Parcel in Bend Oregon. I am a neighbor who uses this area several times a week. In our area of Bend there are no near by park areas to use and the Steven Tract has an amazing array of trails for biking, running, dog walking and exploring. Please seek to maintain this opportunity as part of the sale. I understand that the sale of this property will mostly likely happen. Please ensure that it is not broken into multiple parcels for sale to different developers. Sell the entire area as one so that it will have to go through a master planning event with the city. A Master Plan for this area should have a variety of land uses, housing of all types, not just low income, commercial and park space. It would be great if it incorporated a trail system and finds ways to protect the large ponderosa trees and caves of the areas. Ideally some of the area (Some area may not be develop-able anyways) was ceded to the Bend Parks and Rec Department to provide a large park for this part of Bend. A Master Plan will also have to do traffic management for 27th and Reed Market roads that will be heavily burdened by more development of this area. The 2007 Conceptual Master Plan is what we thought would occur to the property and we support the ideas put forth in that plan. It is of critical importance to our family that something along those lines is implemented. To reiterate, please sell the tract in such a manner as it will have to go through a master planning process with the City to meet the goals described above. Additionally, I am concerned that now is not the right to sell the property. The U.S. economy is showing significant warning signs of a recession occurring soon (see inverted yield curve). I am worried that either the tract won’t sell for what it’s worth which would be a loss to the school fund when the recession hits. Or that the developers who buy it will not be able to complete their master planning and may see the property foreclose. For this reason there needs to be a contingency of some type that if the next owners go into default the property still has to go through the master planning with the city. Thank you for considering my comments and please add me to all outreach regarding the sale of this property.

11/11	DSL website	Ernie & Judy		After reviewing the proposed changes for the entire property East of 27th Street between Stevens Road and Ferguson Road, we are extremely disappointed about the promotion of low income housing for that area. Currently, Bend seems to be concentrating on several areas for low income housing and continuing with this type of housing will eventually be detrimental to our beautiful city of Bend. We are saying this because we have seen low income housing in Southern California bring lower class individuals which eventually results in the deterioration of housing areas and gradually increases crime, thus making cities undesirable. It does help people to afford housing and is needed, but continuing with such a high rate of low income housing is going overboard and will definitely be detrimental in may ways to our area. We can understand commercial areas, such as shopping centers, but industrial, especially if it is heavy industrial would seem inappropriate near concentrated housing. It seems that a well planned community should include several parks and community areas that would be beneficial and needed more than industrial. Instead of strip malls, well planned shopping areas that have a community feeling would benefit not only the local housing, but also draw people from surrounding housing developments to the community. A good example of an extremely inviting shopping area is Victoria Gardens Mall in Rancho Cucamonga, California. We enjoy Bend and would hate to see the area decline by drawing residents for low income housing. Currently house prices are climbing because so many people are drawn here due to the city being very attractive. Lower income housing will eventually lower the value of all of the housing in the community. Therefore, the future may end up with Bend not looking so inviting as it is now. Please strongly consider our suggestions pertaining the future of Bend. We have a wonderful community, may we please keep it that way. Thank you.
11/11	Email	Marla	Hacker	Dear Stevens Road Development Planners, The purpose of this email is to provide input concerning the Stevens Road development project in Bend, Oregon. I'm a community member and a volunteer at the Humane Society of Central Oregon (HSCO). The HSCO is an 5 acre and 29 employee organization (52 employees at all locations) located adjacent to the proposed Stevens Road development project. My input is to request that HSCO be involved in the development of the master plan, so that potential long-term issues can be minimized in the design process. Ideas would include possibly designating industrial purposes or park space in the SW corner of the tract directly adjacent to the HSCO.
11/11	Email	Renee	Hamilton	To Whom it May Concern,

				It has come to my attention that the property on Stevens Road in Bend may be put up for sale. As a citizen of Bend (for 19 years), I implore you to NOT put Stevens Road up for sale. I have enjoyed this piece of land for 11 years and feel grateful that there is a little bit of ¨Wild¨ left in the city. During the past 11 years, I have seen an abundance of wildlife that live and thrive on this piece of land. I have seen deer, coyotes, jack rabbits, cottontail rabbits, a weasel, a porcupine, a rubber boa snake, bald eagles, golden eagles, red tail hawks, ravens, magpies, various song birds, cave bats, quail, field mice and lizards. These are just the animals I have seen and who knows what else lives out there. It is very disheartening to know that all these species could lose their home due to the perceived need for growth and development. As it is, there is too much traffic on 27th and Reed Market. Have any of you been on either of these roads between 4 and 6PM? There is a steady line of traffic on both of these roads during these times and I can not imagine what this will look like IF Stevens Road is developed. First, the animals will be killed or displaced if the land is developed and for those species that do survive, now they will have to struggle even harder to survive within the city limits due to increased traffic. I write to be a voice for the animals that live on the land on Stevens Road. Development can not always win, nor should it because it is not always about the money.
11/10	Email	Kayla	Rotunno	I am writing to provide input regarding the Stevens Road development project in Bend, Oregon. I am a local resident and Board Member of the Humane Society of Central Oregon. The Humane Society is located directly next to the proposed development (SW corner). I am asking that the Humane Society be included in the design process in order to mitigate issues for developers, home owners, and the Humane Society itself. I'm sure we all share a common goal to peacefully co-exist. Various aspects of the Humane Society (lights, barking dogs, cremation, etc.) could be unsightly for close neighbors, but are necessary parts of operating a successful animal shelter that is saving lives and providing a vital service to the entire community. A green space or some other buffer zone seems to be a mutually beneficial solution that I hope will be strongly considered.
11/9	DSL website	Linda	Zivney	RE: Stevens Rd., Bend land sale. This section of land is being slated for sale to the city of Bend and subsequently developed. This is one of the only tracks of open land left in the city to be able to walk and bike ride through without the incumbrance of a housing development. In addition, there are historic caves on the property which would be destroyed or at the very least, overused and developed to death. This site is also used by bats for habitat and that would be destroyed as well. I, along with many other people, have been

				using this area to walk my dog for the past 25 years and would be extremely disappointed to see it turn into yet another soul-less housing development that would destroy the land. I realize Bend needs to add additional housing but not at the expense of the city itself. Please do not sell this tract of land to the city, but retain it as open land so all of the population of Bend can enjoy it for what it is now - a peaceful, serene place to escape the city for a short period of time. Thank you.
11/8	DSL website	Julie	Naslund	While I understand that the Stevens Road parcel is included in the Common School Fund inventory and, as such, you are mandated to produce funding for education from the sale of this property, I would ask that you consider certain factors as you do so. Just because a piece of land can be developed, does not mean that it should be. Many factors are at play here. The presence of hibernation and nursery sites for Townsend's big-eared bats, a state listed sensitive species; the very real, measurable value of dark nights to human, mammal, insect, and other species' health; and the unquantifiable value of undeveloped, open space in close proximity to a fast-growing urban center. Yes, you can require buffer zones around the bat caves but these really do nothing more than enclose them. As the area around the buffer is developed, the supporting habitat is extinguished and the bats will ultimately be forced to find other sites, if they can. Yes, you can develop lighting standards that require that lights are directional or below a particular lumen, but light is, after all, light, no matter the direction it points. It alters the night landscape, it alters our internal clocks, impairs numerous animal and insect species' ability to orient and navigate. To come to the east side of Bend at night is to pass into a dark and, ultimately, grounding landscape. Let us protect the integrity of our dark nights. Finally, the value of this property as open space cannot be emphasized enough. It acts as a physical and emotional buffer to the burgeoning city that Bend has become, and is used daily by numerous folks to run, walk their dogs, bicycle, even ride horses. The city of Bend is growing at a rapid pace, rabid even. As it does so, its livability declines in direct proportion to the rate of its growth. There are numerous opportunities for growth within the established Bend city limits, opportunities for infill and upward growth, without sacrificing open space, habitat, and dark nights. These resources cannot be replaced by managed landscapes. While I understand that this is not a pristine landscape it provides habitat for many species that will not, or cannot flourish in a developed landscape. It seems inevitable that this land will be sold but I would encourage you to search for a buyer who may be willing to leave it undeveloped, who will not apply to have it brought within the city limits, who will allow it to remain as a dark and quiet landscape, an investment in the livability of our town, and an antidote to the exponential growth occurring in the area.
11/7	Email	David	White	Good afternoon. I'd like to request that the Humane Society of Central Oregon (located near the Stevens Road development project) be included during discussions and development of the project so that agreements can be made regarding potential land use and proximity issues can be minimized for both parties.

				Thank you for allowing input from the community. I have been involved with HSCO for many years and am encouraged to see its continued growth and success in the community.
11/7	Email	Gordon	Phillips	To Whom It May Concern, The purpose of this email is to provide input concerning the Stevens Road development project in Bend, Oregon. I'm a community member in Bend and a volunteer at the Humane Society of Central Oregon (HSCO). The HSCO is a 5 acre and 29 employee organization specializing in animal welfare. HSCO's animal shelter is located adjacent to the proposed Stevens Road development project. My input is to request that HSCO be involved in the development of the master plan, so that potential long-term issues can be minimized in the design process. Ideas would include possibly designating industrial purposes or park space in the SW corner of the tract directly adjacent to the HSCO to help prevent conflict between the operation of the shelter and future housing.
11/5	Email	Anna	Menanno	Regarding the above property; my feelings about the sale are that making it a little community such as NWX in Bend OR would be great. The issues with any building and/or expansion in Bend OR is that NO one expands the existing roads or infrastructure. I've been here in Bend since 1982 and watched it grow enormously to where it's at now; backed up traffic at every light waiting for 2-3 lights to get through even during the day but worse at early morning and go home traffic times. Even with a Reed Market Road expansion we got no more driving lanes then what was already there. What a waste of taxpayers money! We need more 4 lane roads here in Bend OR. If any projects are considered; the contractors and city officials need to think about the impact of people and CARS on our city roads. We need increased lanes on our roadways in order to encompass all the building. Thank you,
11/4	DSL website	Joan	Lundberg	Please reconsider releasing this area for development that would eliminate the open space used for hikers, runners and dog walkers. Preserving areas like this are what makes Central Oregon unique and making a conscientious effort to maintain these types of area are critical to the continued appeal of the area for residents and visitors alike. This particular tract is one the few - if not only - remaining areas that provides an "urban" setting. Think of Forest Park in Portland but in a Bend eco-setting. PLEASE don't overdevelop this area.
11/4	Form	Patrick & Vicki	Murray	1. Our beautiful home backs up to 27th. Already the traffic is noisy, heavy and there is ONE existing exit at our neighborhood. Any development of the Stevens Road Tract <u>MUST</u> have limited access/egress on to 27th, out safety and significant financial investment are at risk otherwise. (4 MVAs already this year, 2019) 2. A sole buyer (or very limited buyer) will make a <u>master plan</u> feasible for this development.

				3. Our biggest financial investment is in our home which we love, retired into, and hope to stay in for many years. We implore any developer to consider this and understand our social and financial loss if we look out our windows to a 7-11 or gas station. Move those away from existing small estates on 27th please!
11/3	Email	Sandy	Kohlmoos	I've lived in Bend since 1999, and I'm also a Realtor. I think developing the Stevens Road Tract will be a good thing for Bend overall, providing a great opportunity for new home construction in a well planned community. However, I have major concerns about the increased traffic, along with other infrastructure elements, and the City of Bend's plans (or lack of plans) to deal with it. I think the City, and the developers, need to realistically evaluate the increased traffic and transportation needs, and design a fully vetted plan, before any land development is commenced. How will the local traffic leave and enter the new neighborhood, what changes need to be made to Stevens Rd and Bear Creek? There will be increased traffic along all the eastside roads, including of course, the Bear Creek/Hamby Rd intersection on Hwy 20, 27th St, and Reed Market. The Reed Market improvements were great, but the road already has intense congestion problems. Can 27th St be widened with more lanes and better turning lanes? I believe there are plans for improving the Bear Creek/Hamby Rd intersection, but will the current improvement be sufficient for the increased traffic coming from Stevens Tract and other SE Bend developments to reach shopping, restaurants & the medical facilities? Bike riding and walking are good options during the summer (bike lanes and sidewalks need to be built into the road system), but are impractical for winter and cooler seasons. Bend's bus system is continuing to improve (it was non-existent in 1999). One of the main problems is how far the bus routes are from many of the homes, so driving a car continues to be the only option for most of Bend's residents. Thanks for reading and considering my thoughts and concerns.
11/2	Email	Linda	Hansen	We live west of Pettigrew and so of Bear Creek. We have walked our dog through Stevens Road tract for about 6 years. We knew it was owned by the state and was to be developed at some future time. As a homeowner in this area, we would like to see some enhancements to the neighborhood. 1. Traffic: there are only 3 main roads out of Stevens going toward town as you know. The closest being Reed Market. I believe this is the most congested road in Bend except for the shopping center by Target,

				Home Depot, etc. There needs to be some realignment of trafffic conditions if you are adding 200 or more residents to area. 2. We need another shopping center including an additional market, nice restaurant, retail stores. 3. This area is all one or two story homes. I think hi-rise apartment buildings of 3 or 4 stories would not blend into the area. I have no problem with condos or diversification in housing just not some unly looking square 3 or 4 story buildings. 4. Those of us with dogs are hoping the remaining acreage would be open trail use similar to what is presently there. We look forward to hearing about your plans once the financial transactions are complete.
11/1	DSL website	Joann	Jacobs	We would like the 2007 Plan because it looks like a walkable community. We would like to improve the quality or uprade of the homes and buildings in SouthEast Bend where streets are landscaped and roads have plenty of room and have off road bike lanes. At one time the University of Oregon wanted to come here. We hope the remaining 320 acres that are not in the UGB could go for the development of a U of O campus. We need to concentrate on bringing high paying jobs to this community instead of Service and Retail employments, and this may help.
10/31	Email	R	M	Dear Mr. Bill Ryan, It appears that one option for the Stevens Road Property in Bend would be for the Land Board to create a master plan for the parcel. This makes the most sense for the community of Bend given developments in Bend have favored developers (including multiple variances) rather than affected members of the community who have raised reasonable concerns which has been repeatedly ignored. Bend City Hall has a long history of putting in developments and ignoring community concerns over the collateral effects impacts on livability in the community. The State of Oregon has much higher standards for their communities which should come into play in this important parcel of land affecting Bends future and future generations. Thank You
10/31	DSL website	Kelly	Fleming	For those families and individuals that live across from Stevens road parcel on the other side of 27th, this land is very important to us. It is the ONLY 'park' we have walking distance to our homes! If it becomes commercial, industrial, low income housing, etc... we have nothing. There are not even sidewalks that connect us to anything! I propose a 'pine nursery' type of area or something of that sort. At least keep the majority of the land for something like this! Also 27th is busy enough to turn on to out of our neighborhoods

				at certain times of day, that more housing, etc...would cause more congestion and the need for round abouts, etc would have to be taken into account for future. I live on Wilderness way in ponderosa estates and just needed to say my peace. Thank you for considering my comments!
10/30	Email	Mike	Shermer	I am hoping this email finds Vicky Walker. Hi my name is Mike and I reside in Bend OR. After hearing of the potential to sell the land along Stevens Rd not being able to attend the hearing it is very concerning. We understand people are moving here but enough is enough. We need slow growth not more development and houses. This town is busting at the seams and no one likes it. There is nothing that will help traffic. This town was never meant to be this big. Towns that have master plans tend to do better with growth. That's not Bend. There are already several huge developments in the works and selling off Stevens to get developed will only make things worse. I live off of 27th street just past Reed and we cannot safely pull out onto 27th the majority of the time. Too many cars. Bend is out of realistic solutions for transportation. We don't want anymore traffic. We don't want Portland. You can't even go out and get a meal at a restaurant without waiting an hour or more most of the time. Bend is no longer unique. It has been a playground for a liberal progressive takeover and even the liberals here are sick of it. What would be nice is instead of being money hungry, you could donate the land to the people! Isn't it technically the people's land? We could start a coalition to upgrade and maintain the land. It is an natural open space and should remain that way. The majority of people would rather see it that way and it should be voted on. This town doesn't want anymore people. If you can't get here tough shit! We need to conserve some areas around town. Stop being so progressive. All it does is create problems down the road. Respectfully
10/30	DSL website	Gordon	Baker	I live in Ponderosa Estates off 27th Street, just west of the proposed sale of the Stevens Tract to the City of Bend for development. There is a very high probability that the City will own and develop this tract. Therefore my major concern is the safe management of the increase in traffic in this area. I have one suggestion for consideration that has several parts to it. Extend Reed Market Road east of 27th street to the eastern extent of the tract. Establish a north-south road at the eastern most side of the tract that reaches the extended Read Market Road. This would entail building a bridge over the irrigation canal. It would be nice if the City of Bend would be required to add safe turning lanes into Ponderosa Estates and the Stevens Tract off 27th street. PS I am 82 years old, retired in November 1995. I have a masters degree in geology and worked for Mobil Oil for 31 years. Of those 31 years, 16 years were in Exploration working in many different countries. The last 15

				years were in managing oil field development and lastly managing a research unit. I am also an environmentalist, conservationist, and artist.
10/29	DSL website	Suzanne	Linford	Re. the proposed land sale on Stevens Rd. in Bend, I submit the following: To date land use in Bend has been predominately directed toward development and unregulated recreation, 24/7. It has been assumed that there are ample provisions for wildlife habitat and corridors, yet there are not. There are up to 5,000 animal/vehicle collisions per year, every year, on Highway 97, feeder roads in the Stevens Rd. area in SE Bend, NE Bend, and in the City of Bend. Mule deer and other species are being barred from moving between summer ranges across these highways and roads. Their survival depends on this. In many western cities, measures to allow for green space within the Urban Growth Boundary (or its equivalent) are being planned for both wildlife passage and for human use and enjoyment. There are many parks in Bend, but few in the SE part of the city. Twenty Seventh Ave., has been over developed, without trails, safe walking paths, or green spaces for humans or wildlife. The parks that do exist on the east are specialized for sports and unleashed dogs. They do not link to any residential areas, nor do they assist elderly, disabled or youth to walk in undeveloped space. Bend is long over due for an update of its Comprehensive Plan which involves community input on how resources are allocated, including land use. This is beginning to be discussed, as city and county planners grapple with applications for waivers of zoning in wildlife combining zones (Goal 5), based on inventories that date from 1990. Until this process occurs, I respectfully ask that you postpone this land sale until there is an updated Comprehensive Plan that will include broader community input on how land resources are allocated. Many, many residents, feel that the growth in Bend is negatively affecting the reasons they live here. Thank you for your consideration, Suzanne Linford 1328 NW Constellation Dr. Bend, OR 97703
10/29	Email	Aimee	Graves	Hello! I am writing you to about the Stevens Road Tract property that is up for discussion. I am not in favor of selling this parcel. The East side of Bend has a serious lack of the trail network that the West side has to offer. The Stevens Tract gives the East side an open space to walk and ride without having to drive across town everyday. Selling this parcel will only increase traffic heading to the west side to enjoy nature and trails which we all enjoy. Part of Bend's soul is an active outdoor lifestyle. It's why so many people are moving here, because the city recognizes what the people of Bend and the countless tourists are seeking, life outside! The city of Bend has done an amazing job of maintaining this outdoor lifestyle through trails and parks, however, the East side is definitely lacking in a trail network. The city of Bend should view the Stevens Road Tract as an opportunity to embrace its roots as an outdoor community and vote for trail improvements not destruction.

				I realize that there is a need for affordable housing, not only in Bend, but in the state as a whole. But, when you take away what makes Bend , Bend...what are you left with? Increased traffic going across town in search of trails and a “every town USA” feel in the East side. I implore you to really analyze the long term value of destroying our open space versus embracing the fundamental reason Bend is growing so quickly in the first place. I appreciate your consideration in keeping Steven Road Tract,
10/29	DSL website	Michael	O'Casey	Dear State Land Board, Bend is a city of surging growth that few other cities can rival throughout the country. This growth has been good for the economy of Central Oregon in many ways, but as we all know, growth does not come without associated costs to both humans and wildlife. The cost of living in Central Oregon has increased substantially in the past decade and open space where wildlife can roam within the Urban Growth Boundary decreases every year. The city of Bend is in the heart of mule deer winter range and the Stevens Road parcel offers a square mile of intact sagebrush-bitterbrush habitat that's increasingly hard to find in town. I've gone on many runs through this parcel and have long wondered what the long term fate of this high-value land will be. In many ways, Bend has built its reputation as a desirable place to live due to the close proximity to public lands and open space. Bends incredible Parks and Recreation District has strategically created open spaces and parks throughout our city that are world-class and offer residents of all abilities and incomes opportunities to enjoy recreation and nature within the city limits. The recently developed Riley Ranch Nature Preserve owned and managed by Bend Parks and Recreation is one example of an opportunity for the Stevens Road Parcel being considered for sale. Riley Ranch offers recreationists an opportunity to walk and run along the Deschutes River corridor, but they also considered wildlife during the development. The park contains habitat for native wildlife and maintained the integrity of the landscape during development rather than creating an artificial park environment. As you consider the sale of the Stevens Road Parcel, I urge you to take the long view for the residents of Bend in 50 years and the wildlife that needs open spaces to co-exist. Are more homes throughout the entire 640 acres most appropriate? Would it make more sense to create a balance and offer the land within the Urban Growth Boundary for sale to developers while simultaneously selling the remaining tract to Bend Parks and Recreation District for another nature reserve to highlight the unique ecotone where the ponderosa forests transition to sage and juniper? As you consider the sale of the property, I also urge you to think of those families that struggle to make ends meet and see the effects of affluence spreading to all edges of the city. The sale of the property to a developer for low and middle-income families where they could walk to one of Bend's newest nature reserves is just one creative idea that would far outweigh the short-term gains of selling to a developer who will market half a million-dollar homes. Finally, Given that the State Land Board is required to produce income through the Common School Fund Lands, consider offering the land to the Bend-Lapine School

				District as a mixed-use parcel that holds new schools, sports fields, and a natural space for students to learn and appreciate the wonder and value that open space offers. Thank you for your time and consideration of how best move forward with one of Bends largest open spaces remaining within city limits.
10/29	Form	Sean Krista	Charlton Middleton	We would like to see park land on the far East side of this property that would provide an easement for the power lines and a buffer between buildings (houses, schools, commercial) & the properties on the other side of the power lines.
10/29	DSL website	Steven	Meyers	Please do not sell the Stevens Road tract. It should be preserved as open space. Bend continues to grow at an alarming pace and there are so few unrestricted, undeveloped open areas that are large enough for Bend citizens and their pets to enjoy without having to drive a considerable distance. If we really want to preserve our planet and address climate change we need to stop making development decisions that result in more and more people driving farther and farther to access what they want, which includes larger areas of open space that are dedicated for unrestricted enjoyment. Thank you.
10/28	DSL website	Elaine	Cheek	It would be a shame to have Stevens Road Tract be converted to housing & business lots. The Stevens Tract is one of the few areas SE Bend has quick access in town to enjoy a hike in the high desert, as well as wildlife having some refuge within/near the city of Bend. Continued expansion is inevitable, but having an available green space within/near SE Bend would be an excellent opportunity in this case.
10/28	DSL website	Kim	Meyers	I think this tract should be preserved as open space for the enjoyment of people in the Bend area. As Bend keeps growing there is less real open space available without driving way out of town. A preserve that is close in would be a wonderful thing for current and future residents.
10/26	Email	Michelle	McIver	To Whom it May Concern: The tract of land owned by the state and located at 27th and Stevens Rd in Bend is for sale. As a resident and nearby homeowner, I strongly object to the sale and development of this property. The southeast side of Bend receives far different treatment in land use decision making than the other quadrants. While green space is valued and protected on the west side and north east, the southeast is developed without meaningful consideration. This tract of land is used by hundreds of nearby residents for long walks, bike rides, dog walks, and General value of undeveloped land without light pollution. This is a community asset whose as-is value should not be overlooked. Not only that, but the over development of this southeast area has already created miserable traffic consequences. In the last year, 27th has shifted from a reasonable traffic stream even during rush times, to a bottle neck back log. But that pales in comparison to the traffic disaster that is Reed Market (which Stevens is essentially the continuance of). Development of this tract will aggravate an already ridiculous traffic conundrum that is the direct result of careless southeast planning. Thank you for taking the time to consider this objection.

10/26	DSL website	Janet	Baum	I wish Bend's city planning would grow up as fast as buildings go up. Currently there are multiple areas along Reed Mkt being developed without the infrastructure to support them. Reed Mkt was under construction RECENTLY for 3 yrs and the outcome has been a disaster for traffic flow. It remains ONE LANE in each direction, has frequent train traffic and is backed up through the round about twice a day. Adding another 600 houses, (1200 cars) sounds like a nightmare. The neighborhoods surrounding this area use this for hiking and running dogs off leash and it is not fair that we should have to travel across town out to Rimrock park for that. We need a neighborhood place to exercise us and our pets. We used to run on the irrigation canals, now the owners fence their "areas" off and threaten to call the sheriff off you go there. The traffic has made road running unsafe and we, who have lived here for many decades want access to the outdoors without having to drive to it. The city's debacle of the sewer system In this area leaves us wondering if there is ANY CITY PLANNING GOING ON?? Please make plans that support your city and it's members, not just add more housing that stresses an already stressed area. Janet Baum
10/25	DSL website	Richard	Baum	My wife and I both use the Stevens Road property extensively for hiking with our dogs, trail running and mountain biking. Please don't Allow it to be turned into yet another subdivision, which will only exacerbate the severe traffic problems in South Bend.
10/23	Email	David	Hopper	Thank you for the opportunity to submit comment on this important event. I am a resident of the City of Bend. The sale of this land for the purposes of urban development does provide the City with significant opportunity to increase the housing supply in a market that needs it. However there is a deeper issue that must be considered. All lands held by the state and by private interests are ultimately stolen from the indigenous tribes that lived here before European colonization. To sell off this plot of land without first asking the Confederated Tribes of Warm Springs for their input is irresponsible and immoral. Please contact tribal elders and give them the option to determine the future of this plot, as well as an opportunity to receive some sort of benefit, be it financial or otherwise, from the conversation surrounding this event. Our ancestors stole this land. If we do not return it, we are as guilty of our ancestors crimes as they were.
10/22	DSL website	Sheila	Mawdsley	Please don't make Bend like every other city with no open, undeveloped space. Open space with trails in town is important to our way of life. We don't always have time or the means to get up to our mountain trails so easy access means healthier individuals which means nicer people.
10/21	Email	Karon	Johnson	Dear Sirs,

				I received your notice of proposed sale by the State Lands division. It asks for comments, but it is not clear to me, what are the comments to be based on? I.e., approval or objection to selling the lands?
10/18	Email	Sabrina	Slusser	I see that the Steven's Road Tract just north of HSCO will be going up for sale. While I am all for development, I am concerned about houses being built close to the shelter and future complaints of noise coming from future homeowners. I am wondering if there is any way to carve out a buffer to the north of the shelter as a donation of land from the state? I do know of other shelters that were once considered "remote" and on the outskirts of town and now sit in the middle of housing/mixed use development. If you are not the right person to discuss this with can you point me in the right direction? Executive Director, Humane Society of Central Oregon
10/18	DSL website	Isiah	Hussey	Stevens road provides easy access to Central oregons beautiful scenery, you can easily enjoy the high desert without going out of town. Selling this land for profit is a shame on the state of Oregon. You would be selling it to the highest bidder that just wants to develop and put more houses no one can afford. NO ONE. Bend is already developing just fine, we don't need more 400+ thousand dollar homes. How about instead of selling this piece of land that many many people enjoy in Bend. You start focusing on the real problem; housing. Build skyscrapers instead of expanding the city constantly. Bend needs to adapt into a city going upwards not side to side. This town only cares about profit, and caters to wealthy people. By selling Stevens road you are allowing more and more rich people that are NOT Central Oregon natives, to come in. While the working class suffers, and has to move to Redmond or prineville because they cannot afford bend. PLEASE KATE BROWN DO NOT SELL THE STEVENS ROAD LAND. I am a college student and my dogs and I have been going out there for years. And I know other members of our community that are from Central Oregon are also in resentment because they too have spent years walking their own dogs. Thank you.
10/18	DSL website	Richard	Newman	Deschutes County is asking for comments,,, I think this parcel is very close to Knott Landfill, possibly Deschutes County could look into a 200 acre +/- land purchase for landfill expansion. Thank you

Oregon
Kate Brown, Governor

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State Land Board

Kate Brown
Governor

Bev Clarno
Secretary of State

Tobias Read
State Treasurer

State Land Board

Regular Meeting
December 10, 2019
Agenda Item 4

SUBJECT

Request for adoption of changes to the administrative rules governing the recreational use on state-owned land (Oregon Administrative Rules (OAR) 141-088-0210 and 141-088-0220).

ISSUE

Whether the State Land Board should adopt to impose restrictions on the public recreation use of state-owned banks and islands on the Willamette River within the City of Eugene and in Portland around the Swan Island area from River mile 1 to 11, including the Swan Island Lagoon.

AUTHORITY

Oregon Constitution, Article VIII, Section 5, specifies that the State Land Board is responsible for managing lands of this state under their 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.

Oregon Revised Statute (ORS) 274.025; describing state jurisdiction over submersible and submerged lands generally.

ORS 273.041 to 273.071; authorizing the Department of State lands to exercise the administrative functions of the State Land Board; relating to the general powers and duties of department and board.

OAR 141-088-0000; relating to the purpose and applicability of public recreational use of state-owned property.

OAR 141-088-0004; relating to restriction of the use of state-owned lands that pose a significant risk of harm or damage to the natural resources of the land or to the public.

BACKGROUND

On April 9, 2019, the State Land Board authorized the Oregon Department of State Lands (Department) to amend its rules for imposing restrictions on state-owned land in Lane County. On June 11, 2019, the State Land Board authorized the Department to amend its rules for imposing restrictions on state-owned land in Multnomah County. The purpose of these rulemaking efforts was to impose restrictions on the public recreational use of state-owned banks and islands on the Willamette River within the city limits of the City of Eugene in Lane County, and on the banks of the Willamette River between river mile 1 and 11 within the city limits of the City of Portland in Multnomah County.

After the August 2019 rulemaking advisory committee (RAC) meeting in Portland regarding the Swan Island area closures, the Department received another request from the Port of Portland for additional river miles to be closed on the Willamette River that extended from the area around Swan Island. In an effort to preserve public trust values for all Oregonians, and to be as efficient as possible, the Department decided to combine the August request for the portion of the Willamette River that was already discussed with the current proposed rules by extending the river miles to be between river mile 1 and 11 instead of between river mile 9 and 10. The RAC was notified of this change and there was consensus to extend the miles of the proposed rules they had discussed during the RAC meeting that was held in Portland. The remainder of the Port of Portland's request that was received in August was approved by the State Land Board at the October 2019 meeting to initiate rulemaking in 2020, after these rules become effective.

PUBLIC INVOLVEMENT

Rules Advisory Committee

A RAC was convened for the Eugene area rulemaking in June and July 2019 to review and make comments on the proposed adoption to the "Public Recreational Use of State-Owned Property" rules. Members of the RAC consisted of:

- Margaret Hoff, U of O
- Jim Neu, Community Member
- Jenny Ulum, Public Affairs Counsel, Obie Companies
- Michelle Emmons, Willamette Riverkeepers
- Ryan Turner, City of Eugene
- Norman Riddle, White Bird Clinic
- Roxann O'Brien, Lindholm Service Center, St. Vincent de Paul
- Robert Brack, Riverhouse Outdoor Center
- Ryan Sparks, Oregon Parks & Recreation Department
- Lt. Craig Heuberger, Oregon State Police
- Joy Vaughan, ODFW
- John Brown, Community Member
- Susan Macomson, Community Member
- Michael Carrigan, Community Alliance Lane County
- Kris McAllister & Arwen Maas, Carry It Forward

A RAC was convened for the Swan Island area rulemaking in August 2019 to review and make comments on the proposed adoption to the "Public Recreational Use of State-Owned Property" rules. Members of the RAC consisted of:

- Stan Tonneson, Waterfront Organizations of Oregon (WOOO)
- Todd Hoodenpyl, Oregon State Police
- Nicole Miranda, Port of Portland
- Travis Williams, Willamette Riverkeepers
- Mary Jaron Kelley, City of Portland and Multnomah County Joint Office of Homeless Services
- Willie Levenson, Human Access Project
- Vicente S. Harrison, Portland Parks and Recreation
- Matthew Markstaller, Daimler

Public Notice

A Notice of Proposed Rulemaking Hearing was sent to interested parties and stakeholders and posted on the Department's website along with a news release sent to the Department's listserv participants and local media outlets for the perspective areas. Furthermore, the Statement of Need and Fiscal Impact required by the Oregon Secretary of State was presented to the Rules Advisory Committee for their review and comment during the RAC meeting.

Public Hearings

The Department held a total of three public hearings on the proposed rules. The hearings were held in Eugene for the Eugene Islands on October 16, in Portland for the Swan Island area on October 21, and for both Eugene and Swan Island in Salem on October 22, 2019. The Eugene hearing had nine people in attendance and six people provided comment on the proposed rules. The October 21 and 22 public hearings had no one in attendance. There were 82 comments received from the online submittal process. Of those received online, five of the comments received were against the restrictions becoming permanent. These comments are available through the public records request process.

RECOMMENDATION

The Department recommends that the Land Board adopt the proposed changes to the Oregon Administrative Rules for Public Recreational Use of State-Owned Property in Lane and Multnomah counties under OAR 141-088-0210, and OAR 141-088-0220 to be effective on January 1, 2020.

APPENDICES

A. Final Public Recreational Use of State-Owned Property Rules for Land Board Consideration (page 14 & 15)
B. Notice of Proposed Rulemaking including Statement of Need and Fiscal Impact, and Draft Public Recreational Use of State-Owned Properties in Lane and Multnomah counties for Review and Public Comment

Department of State Lands
Chapter 141

Division 88
RULES GOVERNING THE ESTABLISHMENT OF RESTRICTIONS ON THE PUBLIC RECREATIONAL USE OF STATE-OWNED LAND

141-088-0000

Purpose and Applicability

These rules:
(1) Govern the establishment of restrictions on the public recreational use of state-owned Trust and Non-Trust Land managed by the Department of State Lands (Department).
(2) Are in addition to those contained in OAR 141- 082 (Rules Governing the Management of, and Issuing of Leases, Licenses, Temporary Use Permits and Registrations for Structures on, and Uses of State-Owned Submerged and Submersible Land) which govern the imposition of restrictions on the use of, and closures of state-owned submerged and submersible land for activities subject to authorization by the Department.
(3) Identify areas of state-owned land managed by the Department for which restrictions on public recreational use have been established by rule.
(4) Do not govern the establishment of restrictions on, or closure to the public recreational use of state-owned land administered by the Department of State Lands within the South Slough National Estuarine Research Reserve.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09
DSL 2-2004, f. & cert. ef. 6-11-04
DSL 9-1998, f. & cert. ef. 10-15-98

141-088-0002

Definitions

(1) “Asset Management Plan” is the plan adopted by the State Land Board that provides the policy direction and management principles to guide both the short and long-term management by the Department of the Common School Fund’s real estate assets.
(2) “Department” means the Department of State Lands.
(3) “Director” means the Director of the Department of State Lands or designee.
(4) “Emergency” means a human created or natural event or circumstance that causes or threatens:
(a) Human life, health or safety;
(b) Loss of, or damage to property;
(c) Loss of, or damage to natural, historical, cultural or archaeological resources; or
(d) Damage to the environment.
(5) “Firearm”, as defined in ORS 166.210(3), means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder.
(6) “Limited Duration” means a public recreational use of state-owned land that does not exceed 30-calendar days in the same location.
(7) “Non-Trust Land” is land owned or managed by the Department other than Trust Land. Examples of Non-Trust Land include state-owned Swamp Land, and state-owned submerged and submersible land (land below ordinary high water) under navigable and tidally influenced waterways.

(8) “Person” includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, public corporation, public authority, or Indian Tribe.
(9) “Public Recreational Use” or “Public Recreational Uses” are those recreational activities that a person may conduct on state-owned land managed by the Department without having to obtain a prior authorization from the Department as required by these or other administrative rules adopted by the State Land Board. Such uses include, but are not limited to, limited duration hunting, fishing, sightseeing, wildlife observation, hiking, boating, swimming, camping and picnicking.
(10) “Removal” means a removal as defined in ORS 465.200.
(11) “Remedial Action” means a remedial action as defined in ORS 465.200.
(12) “State Land” or “State-Owned Land” is land owned or managed by the Department or its agents and includes Trust and Non-Trust Land.
(13) “Submerged Land” means land lying below the line of ordinary low water of all title navigable and tidally influenced waters within the boundaries of the State of Oregon.
(14) “Submersible Land” means land lying above the line of ordinary low water and below the line of ordinary high water of all title navigable and tidally influenced waters within the boundaries of the State of Oregon.
(15) “Trust Land” or “Constitutional Land” is all land granted to the state for the use of schools upon its admission into the Union, or obtained by the state as the result of an exchange of Trust Land, or obtained in lieu of originally granted Trust Land, or purchased with trust funds, or obtained through foreclosure of loans using trust funds.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0004
General Provisions
(1) All Trust and Non-Trust Land under the jurisdiction of the State Land Board and the Department is open and available for public recreational use provided that such use:
(a) Is legal under local, state and federal law;
(b) Is allowed under the Department’s Asset Management Plan;
(c) Does not, due to the nature or duration of the use, unnecessarily prevent other persons from using the same state-owned land; and
(d) Does not, as determined by the State Land Board or the Department:
(A) Substantially interfere with the use of land by persons holding a written authorization from the Department to use the subject site(s), parcel(s) or area(s);
(B) Pose a significant risk of harm or damage to the natural, cultural and archaeological resources of the land or to the public; or
(C) Substantially interfere with tribal treaty rights.
(2) Any person may request that the Department impose restrictions on public recreational use of state-owned land, or close state-owned land managed by the Department to public recreational use. A request must be in writing and must clearly state the reasons such a restriction or closure is necessary.
(3) The Department may also identify state-owned land on which it believes public recreational use should be restricted or that should be closed to public recreational use.
(4) Restrictions or closures by the State Land Board or the Director will be:
(a) Based on a determination that the action is necessary to:

(A) Protect human life, health or safety;
(B) Prevent loss of, or damage to property;
(C) Prevent loss of, or damage to natural, historical or archaeological resources;
(D) Prevent damage to the environment;
(E) Facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA);
(F) Fulfill an objective of an area management plan developed by the Department; or
(G) Meet other land management objectives or terms of any use authorization granted by the Department.
(b) As limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
(5) All restrictions or closures will be promulgated by the State Land Board except that the Director may impose a restriction or closure when the Director determines that:
(a) The restriction or closure is necessary to address an emergency; or
(b) The restriction or closure is necessary to facilitate or protect a removal or remedial actions undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0005
Restriction or Closure Request and Review Process
(1) Upon receipt of a request to impose restrictions on, or close state-owned land to public recreational use, the Department will review the request to evaluate the need for the restriction(s) or closure.
(2) As a part of its review, the Department may:
(a) Determine if feasible alternative approaches exist to address the problem(s) for which the restrictions or closure is requested; and
(b) Contact, persons or groups likely to be impacted by the proposed restrictions or closure including, but not limited to, law enforcement officials, users of the subject site, area or parcel, and adjacent landowners.
(3) Following its review of the request, the Department will make a recommendation to the Director concerning whether to place the requested restrictions on the public recreational use of, or to close to such uses the state-owned land.
(4) Upon receipt of the Department's recommendation, the Director will determine whether the restriction or closure must be promulgated by the State Land Board pursuant to OAR 141-088-0006, or may be imposed by the Director pursuant to either OAR 141-088-0007 or 141-088-0008.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0006
Restrictions or Closures Adopted by the State Land Board
(1) All restrictions or closures by the State Land Board will be promulgated as rules in accordance with ORS 183.310 to 183.410.

(2) The State Land Board will adopt the proposed restriction or closure to public recreational use if the Land Board determines:
(a) That the restriction or closure is necessary to:
(A) Protect human life, health or safety;
(B) Prevent loss of, or damage to property;
(C) Protect natural, historical, cultural or archaeological resources;
(D) Prevent damage to the environment;
(E) Facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA) in pursuit of identifying and remediating contaminated soil or sediments on state-owned land;
(F) Fulfill an objective of an area management plan developed by the Department; or
(G) Meet other land management objectives or terms of a use authorization; and
(b) That there is no feasible alternative to accomplish that objective without imposition of a restriction or closure.
(3) Restrictions or closures adopted by the State Land Board will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
(4) If the State Land Board adopts a restriction or closure by rule the Department will:
(a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
(b) Post a notice of such proposed public use restrictions or closure at least four weeks before the time that the restrictions or closure is to take effect:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area in which the proposed restriction or closure is to occur; and
(B) On the Department's website upon imposition of the restrictions or closure at http://www.oregon.gov/DSL
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0007
Restrictions or Closures Imposed by the Director to Address an Emergency
(1) The Director may impose a restriction or closure in the event s/he determines that the restriction or closure is necessary to address an emergency.
(2) Restrictions or closures imposed by the Director to address an emergency will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
(3) If the Director imposes a restriction or closure, the Department will:
(a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that the Department believes might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
(b) Post a notice of such proposed public use restrictions or closure:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area of the subject restriction or closure within two weeks after the restrictions or closure take effect; and

(B) On the Department's website upon imposition of the restrictions or closure at http://www.oregon.gov/DSL
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0008
Restrictions or Closures Imposed by the Director to Facilitate or Protect Removal or Remedial Actions
(1) The Director may impose restrictions on, or close state-owned land if the Director determines that the restriction or closure is necessary to facilitate or protect any removal or remedial action undertaken by or pursuant to an order issued by DEQ or EPA.
(2) Restrictions or closures imposed by the Director will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
(3) Before imposing a restriction or closure, the Department will provide a 30- calendar-day public comment period on the proposed restriction or closure. An affected party may request a public meeting with agency staff to be held during this 30-day period to discuss the proposed action.
(4) Notice of this public comment period and the opportunity to request a public meeting with agency staff will be:
(a) Sent to affected local, state and federal government agencies and tribal governments, as well as other interested persons that have indicated that they want to be notified of such actions; and
(b) Posted:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area one week before the start of the public comment period; and
(B) On the Department's website upon imposition of the restrictions or closure at http://www.oregon.gov/DSL
(5) A restriction or closure imposed by the Director will not take effect until a date to be determined by the Director which must be at least four weeks following posting of a notice of the restriction or closure.
(6) If the Director imposes a restriction or closure the Department will:
(a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons that have indicated that they want to be notified of such actions; and
(b) Post a notice of such proposed public use restrictions or closure at least four weeks before the time that the restriction or closure is to take effect:
(A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area before the start of the restrictions or closure is to take effect; and
(B) On the Department's website at http://www.oregon.gov/DSL
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0009
Unauthorized Uses and Penalties
(1) The unauthorized use of state-owned land managed by the Department constitutes a trespass.

(2) In addition to any other penalties provided or permitted by law, the Department may pursue whatever remedies are available under law to ensure that any use that is in violation with these rules is either brought into compliance with the requirements of these rules or other applicable law, or ceased or removed.
(3) In addition to any other penalty or sanction provided by law, the Director may assess a civil penalty of not more than $1,000 per day of violation for violations of any provision of these rules or ORS 274 that occurs on state-owned submerged or submersible lands pursuant to ORS 274.992.
(4) The Director will give written notice of a civil penalty incurred under OAR 141-088-0009(3) by registered or certified mail to the person incurring the penalty. The notice will include, but not be limited to the following:
(a) The particular section of the statute or this rule involved;
(b) A short and clear statement of the matter asserted or charged;
(c) A statement of the party's right to request a hearing within 20 calendar days of the notice;
(d) The time allowed to correct a violation; and
(e) A statement of the amount of civil penalty which may be assessed and terms and conditions of payment if the violation is not corrected within the time period stated.
(5) The person incurring the penalty may request a hearing within 20 calendar days of the date of service of the notice provided in OAR 141-122-0130(3). Such request must be in writing. If no written request for a hearing is made within the time allowed, or if the party requesting a hearing fails to appear, the Director may make a final order imposing the penalty.
(6) In imposing a penalty under OAR 141-088-0009 of these rules, the Director will consider the following factors as specified in ORS 274.994:
(a) The past history of the person incurring a penalty regarding other trespasses on state-owned land manager by the Department;
(b) Any prior violations of statutes, rules, orders and authorizations pertaining to submerged and submersible land;
(c) The impact of the violation on public trust uses of commerce, navigation, fishing and recreation; and
(d) Any other factors determined by the Director to be relevant and consistent with the policy of these rules.
(7) Pursuant to ORS 183.090(2), a civil penalty imposed under OAR 141-088-0009 will become due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal.
(8) If a civil penalty is not paid as required by OAR 141-088-0009, interest will accrue at the maximum rate allowed by law from the date first due.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 5-2009, f. & cert. ef. 6-23-09

141-088-0010
Restrictions for the State-Owned Property at Dibblee Point (Columbia River)
All state-owned land that is under the jurisdiction of the Department in the area known as Dibblee Point or Slaughters Bar, between Columbia River Mile 64.0 and Columbia River Mile 66.0, lying between the Burlington Northern Railroad and the left bank of the Columbia River, west of the Longview Rainier Bridge, in Sections 1 and 12, Township 7 North, Range 3 West, and Sections 7 and 8, Township 7 North, Range 2 West, Willamette Meridian, in Columbia County, Oregon, is closed to all uses between 10 p.m. and 5 a.m.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04
Reverted to LB 3-1989, f. & cert. ef. 5-18-89
DSL 5-1998(Temp), f. & cert. ef. 5-4-98 thru 10-28-98
LB 3-1989, f. & cert. ef. 5-18-89
LB 4-1988(Temp), f. & cert. ef. 11-7-88

141-088-0020
Restrictions for the State-Owned Banks of the McKenzie River Bar
All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and line of ordinary low water along the north bank of the McKenzie River across from Armitage State Park, between River Mile 6.5 and River Mile 7.2, located in Sections 9 and 10, Township 17 South, Range 3 West, Willamette Meridian, in Lane County, Oregon, is closed to overnight camping and motor vehicles, except watercraft, between 10 p.m. and 5 a.m.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04
LB 1-1992, f. & cert. ef. 3-9-92
LB 9-1991(Temp), f. 9-13-91, cert. ef. 11-1-91

141-088-0035
Restrictions for the State-Owned Banks of the Sandy River
All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water and on river islands on the Sandy River from River Mile 0.0 to 37.5 is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires at any time beginning May 1 and ending November 1 of every year.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0040
Restrictions for the State-Owned Banks of the Columbia River in the Vicinity of Dodson and Warrendale
All state-owned land that is under the jurisdiction of the Department in the vicinity of Dodson to Warrendale that is between the line of ordinary high water and the line of ordinary low water on the Columbia River from River Mile 139.5 to 142.5 is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires at any time beginning May 1 and ending November 1 of every year.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0050

Restrictions for the State-Owned Banks of the Chetco River

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to:

(1) All uses between 10 p.m. and 5 a.m. throughout the year, and

(2) Open fires at any time beginning May 1 and ending November 1 of every year, unless a longer period is ordered by the Coos Forest Protective Association.

Statutory/Other Authority: ORS 183, 273 & 274

Statutes/Other Implemented: ORS 273 & 274

History:

DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0055

Restrictions on Use of Motorized Vehicles in the State-Owned Bed and Banks of the Chetco River

(1) All state-owned land that is under the jurisdiction of the Department that is below the line of ordinary high water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to any and all use by motor vehicles within the wetted channel of the main stem of the river. Excepted from the closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used the in the launching or the retrieving of boats, vehicles operating under an authorization issued by the Department, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) For the purposes of this rule, “wetted channel of the main stem” means state-owned submerged and/or submersible land of the primary segment of the river that is inundated by the waterway at the time of use.

Statutory/Other Authority: ORS 183, 273 & 274

Statutes/Other Implemented: ORS 273 & 274

History:

DSL 2-2013, f. 8-12-13, cert. ef. 9-1-13

141-088-0060

Restrictions for the State-Owned Banks of the Willamette River in the Vicinity of Wheatland Bar Island and Willamette Mission State Park and Adjacent Upland

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Willamette River, and all state-owned upland that is managed by the Department that is also in the vicinity of, or that comprises Wheatland Island or Willamette Mission State Park is closed to:

(1) All uses between 10 PM and 5 AM throughout the year,

(2) Open fires at any time beginning May 1 and ending November 1 of every year, and

(3) All-terrain vehicles or other motorized vehicle uses except for those involved in the loading or unloading of recreational watercraft and parking during allowable use periods (i.e, 5 A.M to 10 P.M.).

Statutory/Other Authority: ORS 183, 273 & 274

Statutes/Other Implemented: ORS 273 & 274

History:

DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0070

Restrictions for the State-Owned Bed and Banks of the Willamette River in the Vicinity of the Former McCormick-Baxter Plant

All state-owned land that is under the jurisdiction of the Department that is on the north side of the Willamette River at about River Mile 7 and fronting and abutting the site of the former McCormick-Baxter Plant, the Burlington Northern Bridge, and Willamette Cove as described in easement EA-31530 is temporarily closed to all public uses during the construction period while a sand cap is being placed over contaminated sediments.

Statutory/Other Authority: ORS 183, 273 & 274

Statutes/Other Implemented: ORS 273 & 274

History:

DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0080

Restrictions for the State-Owned Banks of the Columbia River in the Vicinity of the Gary Island

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the south bank of the Columbia River in the vicinity of Gary Island between River Mile 123.5 and 124.5 is closed to any use without prior written authorization from the Department.

Statutory/Other Authority: ORS 183, 273 & 274

Statutes/Other Implemented: ORS 273 & 274

History:

DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0090

Closure of Sand Lake Estuary

(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Sand Lake estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).

(3) The elevation of Mean High Tide corresponds to a tide stage of 7.5 feet (Mean Lower Low Water Datum). The Head of Tide in the Sand Lake estuary extends to the upper limit of the lake. (Sections 19, 20, 29, 30, 31 and 32 of Township 3 South, Range 10 West, Willamette Meridian.)

Statutory/Other Authority: ORS 183, 273 & 274

Statutes/Other Implemented: ORS 273 & 274

History:

DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0100

Closure of Siltcoos River Estuary

(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Siltcoos River estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles

performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide state of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Siltcoos River estuary is approximately River Mile 3, at the Siltcoos Lake Outlet (Sections 32, 33, and 34 of Township 19 South, Range 12 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0110
Closure of Tenmile Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Tenmile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tenmile Creek estuary is approximately River mile1.1, at the Tenmile Lake Outlet (Sections 22, 23, and 14 of Township 23 South, Range 13 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0120
Closure of Tahkenitch Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Tahkenitch Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tahkenitch Creek estuary is approximately River Mile 1.2 at the Tahkenitch Creek Outlet (Sections 19 and 20, Township 20 South, Range 12 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0130
Closure of Berry Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Berry Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of the Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum). The location of Head of Tide on Berry Creek is approximately the same as the line of Mean High Tide on the beach.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0140
Closure of Sutton Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Sutton Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Sutton Creek is approximately River mile 0.4 (Section 28, Township 17 South, Range 12 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0150
Closure of Twomile Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Twomile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Twomile Creek is approximately River Mile 0.6 (Section 13, Township 29 South, Range 14 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0160
Closure of New River, Floras Creek and Fourmile Creek
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within New River and its tributaries, Fourmile Creek and Floras Creek, is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(a) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum).
(b) The Head of Tide in New River is approximately River Mile 3.1 (Section 15, Township 30 South, Range 15 West, Willamette Meridian).
(c) The location of Head of Tide in Fourmile Creek is approximately River Mile 0.7 (Section 2, Township 30 South, Range 15 West, Willamette Meridian).
(d) The location of Head of Tide in Floras Creek is approximately River Mile 0.2 (Section 5, Township 31 South, Range 15 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0170
Closure of Euchre Creek Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Euchre Creek estuary is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of the Mean High Tide corresponds to a tide state of about 6.6 feet, (Mean Lower Low Water Datum). The location of Head of Tide of Euchre Creek is approximately the same as the line of Mean High Tide on the beach.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0180
Closure of Pistol River Estuary
(1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Pistol River estuary is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
(2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
(3) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Pistol River is approximately River Mile 1.4 (Section 20, Township 38 South, Range 14 West, Willamette Meridian).
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2004, f. & cert. ef. 6-11-04

141-088-0190
Restrictions for the State-Owned Property at Jones Beach (Columbia River)
All state-owned land that is under the jurisdiction of the Department in the area known as Jones Beach, between Columbia River Mile 46.0 and Columbia River Mile 48.0, lying north of River Front Road, in Sections 33 and 34, Township 8 North, Range 5 West, in Columbia County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) All-terrain vehicles as defined in ORS 801.190–.194 throughout the year. Excepted from these restrictions are Government-owned vehicles on official business, street legal class II all-terrain vehicles during open use hours, public and private vehicles performing company business, vehicles involved in rescue or emergency activities, district authorized persons and landowners inspecting or maintaining levees and fences.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 3-2013, f. 11-12-13 cert. ef. 12-1-13

141-088-0195
Restrictions for the State-Owned Property at Stevens Road
All state-owned land that is under the jurisdiction of the Department in the area known as the Stevens Road Tract, in Section 11, Township 18 South, Range 12 East, in Deschutes County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Any and all use by motor vehicles, and
(3) Open fires throughout the year, and
(4) Any and all discharge of firearms.
Excepted from this restriction are government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, Department authorized persons and adjacent landowners inspecting or maintaining fences.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15

141-088-0200
Restrictions for the State-Owned Property on the West Half of Juniper Canyon Parcel
All land west of Juniper Canyon Road that is under the jurisdiction of the Department in the area known as the West Half of Juniper Canyon Parcel, in Section 34, Township 15 South, Range 16 East, in Crook County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Any and all use by motor vehicles, and
(3) Open fires throughout the year, and
(4) Any and all discharge of firearms.
Excepted from this restriction are government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, Department authorized persons and adjacent landowners inspecting or maintaining fences.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15

141-088-0205
Restrictions for the State-Owned Property on the South Redmond Parcel
All state-owned land that is under the jurisdiction of the Department in the area known as the South Redmond Tract, in Sections 32 and 33, Township 15 South, Range 13 East, in Deschutes County, Oregon, is closed to:
(1) All uses between 10 p.m. and 5 a.m. throughout the year, and
(2) Open fires throughout the year.
Excepted from this restriction are government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, Department authorized persons and adjacent landowners inspecting or maintaining fences.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274
History:
DSL 2-2015, f. 5-6-15, cert. ef. 6-1-15

ADOPT:
141-088-0210
Restrictions for the State-Owned Banks and Islands of the Willamette River within the city of Eugene

All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and the line of ordinary low water along the Willamette River, including all islands between these areas, between River Mile 178 and River Mile 184, between the Randy Pape Beltline Road Bridge and the Interstate 5 Bridge, located in Sections 18, 29, 30, 32 and 33, Township 17 South, Range 3 West, and Sections 13, 24 and 25, Township 17 South, Range 4 West, Willamette Meridian, in Lane County, Oregon, is closed to:

(1) All uses between 10 p.m. and 5 a.m.
(2) The establishment of a campsite at any time. For purposes of this section, "campsite" means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack or any other structure.
(3) Fires at any time.

Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.
Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

ADOPT:
141-088-0220
Restrictions for the State-Owned Banks and Islands of the Willamette River within the boundaries of Swan Island inside the city limits of Portland.

All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and the line of ordinary low water along the Willamette River between River Mile 01 and River Mile 11 , including the Swan Island Lagoon, located in Multnomah County, Oregon, is closed to:

(1) All uses between 10 p.m. and 5 a.m.
(2) The establishment of a campsite at any time. For purposes of this section, "campsite" means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack, vessel or any other structure.
(3) Fires at any time.

Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.

Statutory/Other Authority: ORS 183, 273 & 274
Statutes/Other Implemented: ORS 273 & 274

OFFICE OF THE SECRETARY OF STATE
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SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 141
DEPARTMENT OF STATE LANDS

FILED
09/26/2019 2:05 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Revisions Governing the Establishment of Restrictions on the Public Recreational use of State-Owned Land

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/31/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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775 Summer St. NE Ste 100
Salem,OR 97301

Filed By:
Anne Friend
Rules Coordinator

NEED FOR THE RULE(S):

Revisions to the rules governing the establishment of restrictions on the public recreational use of state-owned land (Oregon Administrative Rules (OAR) 141-088) are needed to address illegal and nuisance activity on state-owned land. These activities include but are not limited to offensive littering and dumping; reckless burning and open fires; damage to riparian vegetation and wildlife habitat; interference with property; and damage to property.

To meet these needs, the Department of State Lands (the Department) is modifying OAR Chapter 141, Division 88 to include restrictions for state-owned banks and islands of the Willamette River within the City of Eugene and on the state-owned banks in Portland.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 273 and 274 are available on the Oregon Legislature's website:
https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx.

OAR 141-088 is available on the Secretary of State's website:
https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=353.

FISCAL AND ECONOMIC IMPACT:

The Department does not anticipate this rulemaking to pose significant fiscal or economic impact on surrounding businesses. The proposed rule seeks to address illegal and nuisance activities on state-owned land. There are no developed or authorized uses at these locations. The proposed rule language takes into consideration and makes

exceptions for “Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.”

The City of Eugene (the City) currently manages most of the riverfront properties along the Willamette River, where it flows through the City limits. Actions include patrolling areas for illicit activities (camping, dumping, trash, graffiti, etc.) and the posting of occupied encampments for removal. Camping is not permitted on City property, and when active camps are encountered on parkland, a posting is left notifying campers that the area is scheduled for cleanup. The City conducts these cleanup activities along the Willamette River in the interest of protecting riparian habitat and water quality.

The City has previously cleaned up camps and dumping on islands in the Willamette River as they had assumed it was City property and therefore their responsibility. However, these islands were formed after statehood and through accretion, making them state-owned. In a typical month, the City posts approximately 100 camps for cleanup throughout the City, approximately 1/3 of which are along the Willamette River. Between January 1, 2017 and July 18, 2018, the City Parks Division posted and cleaned up 44 camps on islands in the Willamette River.

Since July 2018, the Department has been monitoring these state-owned lands with the assistance of Eugene Parks Division staff, the Eugene Police Department and Oregon State Police.

Swan Island business residents have documented long-term camping on DSL land adjacent to their own property. These businesses receive frequent calls about the camps from Greenway Trail users including complaints about offensive littering, open fires, harassment, property interference, and damage to property. Daimler Trucks North America (DTNA) and the Port of Portland used to regularly use the Greenway Trail and Beach; however, the issues listed above have become so prominent that employees no longer use these areas as they are unsafe, unsanitary, and the problem is not improving with time. The Port of Portland has requested that DSL impose restrictions on public recreation including prohibiting overnight camping and any open fires on its Swan Island property abutting the Willamette river to increase enforceable policies and ensure that the beach and Willamette Greenway are available for everyone’s enjoyment.

The draft rule language is consistent with existing recreational restrictions in OAR 141-088, will protect state-owned lands from damage, and will assist the Department in the posting of occupied encampments for removal.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The Department does not believe that the proposed changes to these rules, if adopted, will have a significant economic impact on the public, or state or local government agencies. Possible economic impacts include, but are not limited to:

(1) Increased transportation costs experienced by the public in having to travel to other public land if this restriction is imposed;
(2) Increased costs to the Department for the manufacture and placement of signs, and the publication of public notices describing the restrictions on, or closure to public recreational use;
(3) Increased costs to state and local law enforcement as any restriction or closure is another activity that state and local law enforcement must monitor for. State and local law enforcement were informed of the restrictions and are in support of the proposed rule.

2. Cost of compliance effect on small business (ORS 183.336):
a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Only small businesses that use state-owned land for recreational purposes would be impacted by any restrictions or closures imposed on recreational use by the Director or the State Land Board – and only if such restrictions or a closure were imposed on a site, parcel or area of state-owned land which a small business has, or would want to use. It is not feasible to estimate the number of such small business. However, it is unlikely that there would be any significant cost on small businesses in order to comply with the proposed amendments to these rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The Department does not believe that the proposed changes to these rules, if adopted, will result in increased costs for reporting, recordkeeping and other administrative activities by small businesses.

c. Equipment, supplies, labor and increased administration required for compliance:

The Department does not believe that the proposed changes to these rules, if adopted, will result in increased costs for equipment, supplies, labor or administration.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Businesses that are in the surrounding area that could be affected, were contacted. Some of those businesses were invited to sit on the rule advisory committee. Rule Advisory Committee meetings were held in Eugene on June 18 and July 17, 2019, to address the Eugene area. A rule advisory committee meeting was held on August 7th at Green Works in Portland to address the Swan Island area.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
141-088-0210, 141-088-0220

ADOPT: 141-088-0210

RULE SUMMARY: Placing restrictions for the state-owned banks and islands of Willamette River within city limits of Eugene.

CHANGES TO RULE:

141-088-0210
Restrictions for the State-Owned Banks and Islands of the Willamette River within the city of Eugene
All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and the line of ordinary low water along the Willamette River, including all islands between these areas, between River Mile 178 and River Mile 184, between the Randy Pape Beltline Road Bridge and the Interstate 5 Bridge, located in Sections 18, 29, 30, 32 and 33, Township 17 South, Range 3 West, and Sections 13, 24 and 25, Township 17 South, Range 4 West, Willamette Meridian, in Lane County, Oregon is closed to:¶
(1) All uses between 10 p.m. and 5 a.m.¶
(2) The establishment of a campsite at any time. For purposes of this section, "campsite" means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack or any other structure.¶
(3) Fires at any time.¶
Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.
Statutory/Other Authority: ORS 183, ORS 273, ORS 274
Statutes/Other Implemented: ORS 273, ORS 274

ADOPT: 141-088-0220

RULE SUMMARY: Restrictions for the State-Owned Banks and Islands of the Willamette River within the boundaries of Swan Island inside the city limits of Portland.

CHANGES TO RULE:

141-088-0220
Restrictions for the State-Owned Banks and Islands of the Willamette River within the boundaries of Swan Island inside the city limits of Portland
All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and the line of ordinary low water along the Willamette River between River Mile 01 and River Mile 11 located in Sections 20 and 21, Township 01 North, Range 01 East, , Willamette Meridian, in Multnomah County, Oregon is closed to:¶
(1) All uses between 10 p.m. and 5 a.m.¶
(2) The establishment of a campsite at any time. For purposes of this section, "campsite" means any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove is placed, established or maintained for the purpose of maintaining a temporary place to live, whether such a place incorporates the use of any tent, lean-to, shack, vessel or any other structure.¶
(3) Fires at any time.¶
Excepted from this restriction are Government personnel on official business, public and private employees performing company business, vehicles and persons involved in rescue or emergency activities, and Department authorized persons and adjacent landowners inspecting or maintaining property.
Statutory/Other Authority: ORS 183, ORS 273, ORS 274
Statutes/Other Implemented: ORS 273, ORS 274