



Oregon

Kate Brown, Governor

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STATE LAND BOARD

Tuesday, December 8, 2015

10:00 am – Noon

Oregon Department of State Lands

Land Board Room

775 Summer St NE

Salem, Oregon

State Land Board

Kate Brown

Governor

Jeanne P. Atkins

Secretary of State

MEETING AGENDA

Ted Wheeler

State Treasurer

Consent

1. a. Request for approval of the minutes from the October 13, 2015 State Land Board meeting.
- b. Request for approval of the release of 560 acres of subsurface mineral and geothermal rights in Malheur County.
- c. Request for approval to grant an addendum to an existing permanent reciprocal access easement to cross state trust lands in Coos and Douglas Counties.
- d. Request for approval to initiate the review and determination of the sale of historically filled lands located near the City of Rainier in Columbia County.
- e. Request for approval to initiate the review and determination of the sale or exchange of up to fifteen (15) parcels in Klamath and Crook Counties.

Action

2. Request for approval of the sale of up to seven (7) parcels totaling 280 acres in Gilliam, Grant and Wheeler Counties.
3. Request for adoption of the 2015 update to the Department's Sustainability Plan.

Informational

4. Other.

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 Lorna Stafford at (503) 871-4323 or lorna.stafford@state.or.us at least two working days prior to the meeting.

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. Please bring 10 copies for distribution. 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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State Land Board

Kate Brown
Governor

State Land Board

Regular Meeting
December 8, 2015
Agenda Item 1b

Jeanne P. Atkins
Secretary of State

Ted Wheeler
State Treasurer

SUBJECT

Request from Rena Baughman to acquire the subsurface mineral and geothermal rights on property located in Malheur County.

ISSUE

Whether the State Land Board should authorize the release of mineral and geothermal rights held by the State Land Board located in Malheur County (Tax Lots 600 & 700, T13S, R40E, W.M., Section 16).

AUTHORITY

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

OAR 141-067-0320; relating to procedures for the sale, exchange, or release and transfer of mineral and geothermal resources.

SUMMARY

On March 14, 2014, DSL received an application from Rena Baughman for the release of approximately 560 acres of mineral and geothermal rights held by the Land Board (Appendix A). The surface ownership rights are owned by Ms. Baughman.

DSL requested an analysis of the mineral and geothermal potential by the Department of Geology and Mineral Industries (DOGAMI). DOGAMI found there was no or low potential for mineral and geothermal extraction on the site (Appendix B). DOGAMI also noted in its report that Oil and Gas potential is "unknown", but seems remote due to the geologic history of the region (p. 9). DSL staff followed up with DOGAMI staff and this opinion was confirmed. On this basis, the Department would recommend the release

and transfer of mineral and geothermal resources in the long-term, best interest of the Trust (Common School Fund).

DSL typically levies a \$10/acre charge for releases of mineral rights. This will be charged on the 560 acres for a sale price of \$5,600.

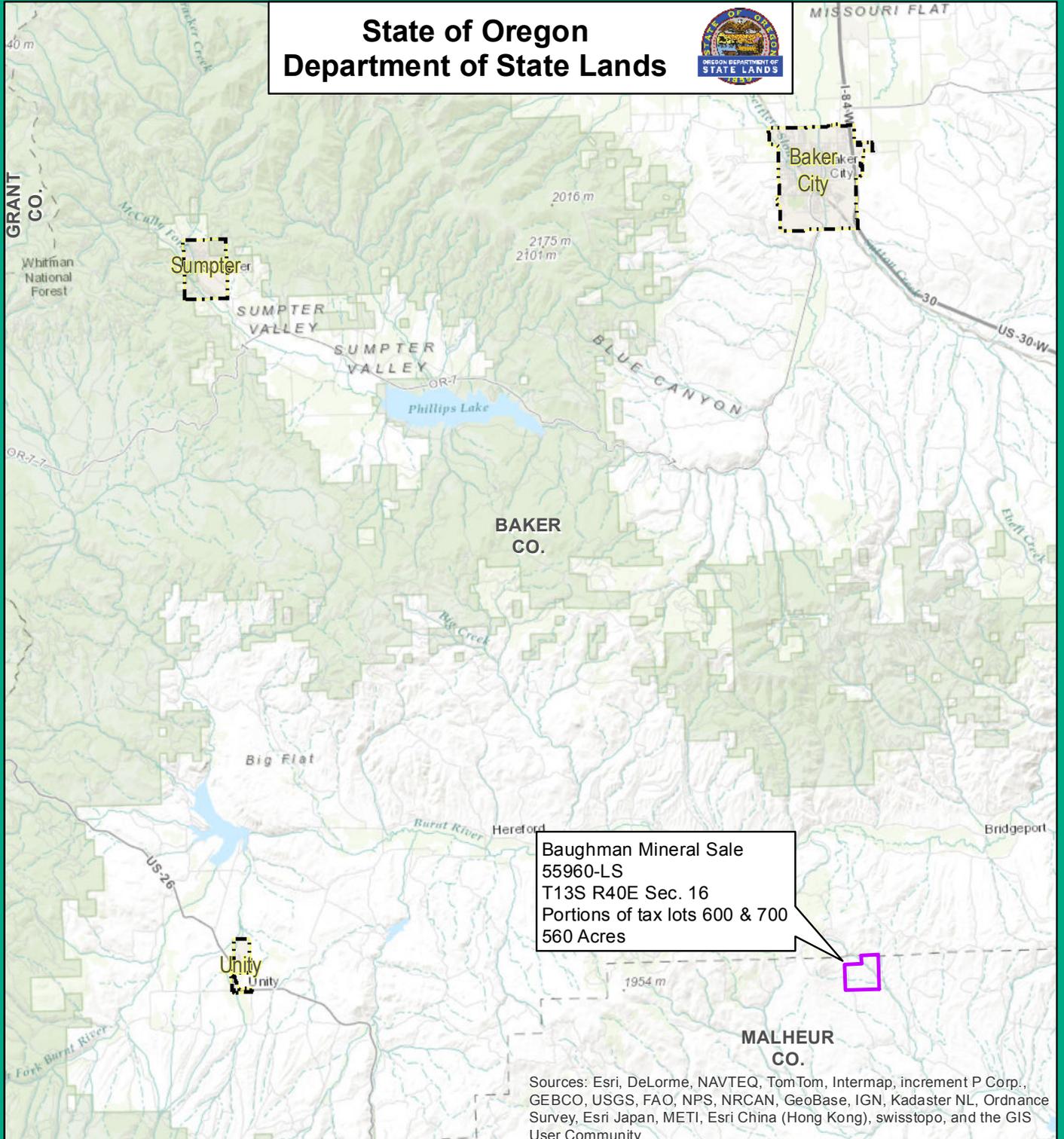
RECOMMENDATION

The Department recommends the State Land Board find that the release and transfer of mineral and geothermal resources for this property is in the long-term, best interest of the Trust, and authorize the release of mineral rights for this property located in Malheur County (Tax Lots 600 & 700, T13S, R40E, W.M., Section 16).

APPENDICES

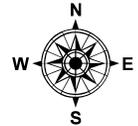
- A. Site map
- B. DOGAMI mineral scoping report

State of Oregon Department of State Lands



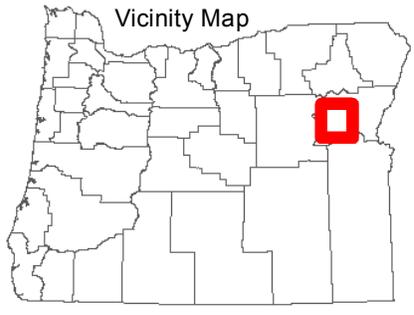
Baughman Mineral Sale
55960-LS
T13S R40E Sec. 16
Portions of tax lots 600 & 700
560 Acres

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community



0 2 4
Miles

1 inch equals 4 miles
Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet



Appendix A

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.

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Date: 8/21/2015

State of Oregon
Oregon Department of Geology and Mineral Industries
Vicki S. McConnell, State Geologist

Mineral Scoping Report
Baughman Mineral Release (55960-LS)
Baker and Malheur Counties, 13S 40E, Sec. 16, Tax Lot 600 & 700

by Clark Niewendorp¹

for

John Russell, Principal Real Property Planner, Oregon Department of State Lands



2015

¹Oregon Department of Geology and Mineral Industries, 800 NE Oregon Street, Suite 965, Portland, OR 97232

DISCLAIMER

The Oregon Department of Geology and Mineral Industries is not liable for any claimed damage from the use of this information.

This product is for informational purposes 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. This publication cannot substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from the results shown in the publication.

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SUMMARY

This document transmits the Oregon Department of Geology and Mineral Industries’ (DOGAMI) mineral scoping and its findings for the Baughman Mineral Release (The “Property”) described as ±560 acres in Tax Lots 600 & 700, T. 13 S., R. 40 E., W.M., Section 16 in Baker and Malheur Counties, Oregon. This study was conducted at the request of John Russell, Principal Real Property Planner with the Oregon Department of State Lands (DSL).

The purpose of this study is to characterize the mineral potential on and below the Property in advance of a possible mineral release. No attempt is made in this report to assess the development potential of any identified mineral resource either on or in the Property or surrounding area. DOGAMI is not aware of any mining activities currently underway or in the past that is associated with the Property.

The scoping procedure used here did not include a field inspection. Only a desk-top review was conducted; this consisted of reviewing information that describes the Property in terms of identified mineral occurrences, mineral resource potential, mining activity, and mineral setting (if applicable). Therefore, this scoping report and its findings should be considered as being equivalent only to a low-level assessment.

The Property’s mineral resource potential and certainty levels, as defined in this document (See Section 4), are summarized in the Table below.

Commodity Type	Resource Potential	Level
Sand and gravel (borrow/fill/topsoil)	Low	B
Crushed stone (cinders)	Low	B
Industrial minerals	No	
Metals (precious, base metals)	Low	B
Coal	No	
Uranium and thorium	No	
Geothermal	Low	B
Oil & Gas	Unknown	

Therefore, based on available geologic data, I see no conflicts or concerns related to the mineral release.

SECTION 1

Introduction and Layout of the Report

DOGAMI has conducted a mineral scoping of lands described as the Baughman Mineral Release (The, Property), 13S 40E, Sec. 16, in Tax Lots 600 & 700 in Baker and Malheur Counties, Oregon at the request of John Russell, Principal Real Property Planner with the Oregon Department of State Lands (DSL). While the focus of the assessment will be on the Property, the larger “Study Area” to be considered is approximately a 10 mi (16 km) radius area that borders the Property. A Study Area of this size provides a greater level of information about the identified occurrence of minerals and the mineral setting in relation to the Property.

For the convenience of the reader, this document is divided into the following four sections:

- Section 1 is a general introduction to the Property in terms of its overall setting.
- Section 2 is the assessment; this text describes the desk review of the Property’s potential mineral resources.
- Section 3 is a list of references, some of which may not be cited in the text body because they contained no information on the study area, but were nonetheless consulted as part of this review.
- Section 4 contains a brief description of the methods and limitations of the study, along with two reference tables: Levels of Resource Potential and Levels of Certainty. These tables provide a dual scheme that expresses the favorability of the subject area for a given resource and confidence from which the level of resource potential was assigned.

Location

For this scoping report, the outline of the Property was obtained from a tax lot map provided by DSL. As can be seen in Figure 1, the Property lies between the Burnt River to the north and Oregon U.S. Highway 26 to the south. Together the outline of both Tax Lots is roughly, “L-shaped.”

Physical and cultural features within a mile of the Property are also shown in Figure 1. The inset map accompanying this figure is an aerial photograph overlain with the shape of the Tax Lots in question. The inset map shows the landscape of the Property which is covered with sage and grassland; a grove of juniper trees are concentrated on the easterly facing slope into Alder Creek. This creek flows north-south diagonally through the upper third of Property. No structures or buildings can be seen on the Property. Elevation of the Property ranges from approximately 3980 ft (1213.1 m) above sea level to 4515 ft (1376.2 m) above sea level. Main access to the Property appears to be along Alder Creek by an unnamed gravel road from Porters Gulch Road.

The Study Area is sparsely populated with isolated hamlets and small towns along U.S. Highway 26 to the south and Oregon Highway 245 in the Burnt River floodplain to the north. The Study area overlaps portions of three 30’ x 60’ quadrangles; the northwestern corner of the Brogan 30’ x 60’ quadrangle covers most of the Study Area. The Property is centered in the Wendt Butte 7.5-minute quadrangle (1:24,000-scale). Land ownership in the Study Area is a mix of private, State-owned, and Federal-owned lands.

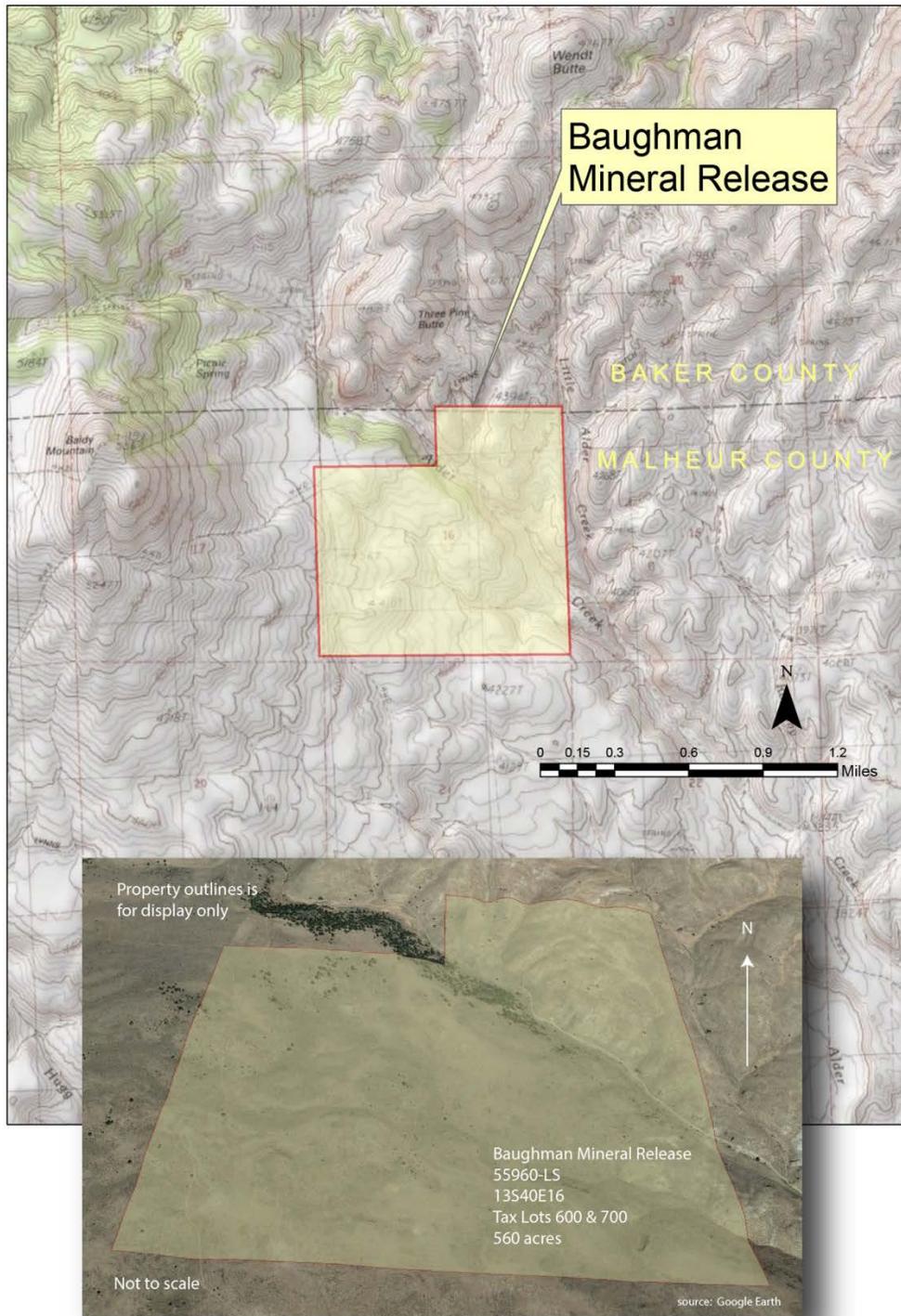


Figure 1. This map of the Study Area shows the location of the Baughman Mineral Release (red outline with yellow fill) in relation to surrounding physical and cultural features. Inset map: Please note that the shape of the Tax Lots is not intended to represent the Property's shape or its actual size. Image from Google Earth.

SECTION 2

Assessment

Below in Table 1 is a summary of the types of known mineral occurrences in the Study Area, including any that may be present on the Property. This information was queried from two spatial databases (see Section 4). The current status of each mineral occurrence was not determined.

Table 2.1. Summary of known mineral occurrences in the Study Area, including the Property.

Commodity Type	Study Area	Property
Construction Aggregate (sand and gravel, stone, borrow/fill/topsoil)	17 sites	0
Industrial Mineral (dimension stone, perlite, limestone, talc-asbestos, manganese)	28 sites	0
Metals (precious or base)	379 site	0
Coal	0	0
Uranium and Thorium	0	0
Geothermal	13 wells, 0 springs	0 wells, 0 springs
Oil & Gas Wells (abandoned)	0	0

The non-fuel mineral commodities evaluated for this review include: construction material (rock, sand and gravel), industrial minerals (clay, silica sand, and limestone), and metals (precious and base). Mineral fuel commodities evaluated are coal, uranium/thorium, geothermal, oil, and gas. Occurrences of other commodities (pumice, gem materials, dimension stone, other clays (bentonite), perlite, zeolite, manganese, titanium, zirconium, etc.) will be reported as industrial minerals when encountered as part of this evaluation.

Where this review indicates that a potential mineral resource might exist, it is important to understand what a “potential mineral resource” is and means. According to Bureau of Land Management (BLM) Manual Section 3031, it means the potential for the occurrence (presence) of a concentration of mineral resources and does not refer or imply there is potential for development or extraction of valuable mineral resources. The favorability of the Land for a given resource and confidence with which the level of resource potential is assigned as described in Section 4. Almost all emphasis is placed upon geologic evidence, parameters, and interpretation at the reconnaissance level, rather than upon an economic feasibility evaluation or other field parameters.

Status of Mineral Surveys

The Property has not been studied as part of a mineral survey by DOGAMI or the U.S. Geological Survey (or the former U.S. Bureau of Mines).

Mining Activity

DOGAMI does not maintain records pertaining to private mineral leases. As mentioned earlier, land ownership in the Study Area is a mix of State-owned, and Federal lands. The Bureau of Land Management (BLM) does make some records of mining claims on Federal lands easily available to the

public on its LR2000 (Land and Mineral Legacy database) website. Only certain types of mineral discoveries can be claimed; these minerals are broadly known as “locatable” (possessing a distinct and special value) and include such things as precious metals, gems, high-value industrial minerals, uranium, etc. Locatable minerals generally do not include construction aggregate, common industrial minerals, oil, gas, coal, or geothermal resources.

The LR2000 database was queried for active mining claims in the Study Area. No Active claims records were returned. However, an unpublished DOGAMI GIS file of historical mining claims revealed 34 Sections in a 5-mile-radius centered on the Property contain numerous closed mining claims. All of these Sections are located several miles east of the property, with exception of three Sections located to the northwest.

Mineral Setting

The same 5-mile-radius (Circle) was used as the maximum area for evaluating the mineral setting of the Property (Figure 2). The geology shown within the Circle is based on Brooks and others’ (1976) and Swanson and others’ (1981) geologic mapping. Ma and others (2010) compiled these maps into a spatial database. Because of the scale of this mapping (1:250:000), the use of their maps for this mineral scoping is problematic, and at best provides a crude characterization of the Property’s geology and mineral setting.

The Formations and rock units exposed in the Circle are given in order of their ages, beginning with the oldest: (1) Upper Jurassic-lower Cretaceous plutons with mixed sedimentary, volcanic, and intrusive/melange’ rocks (Units JTRs, Kdi, mr); and (2) Miocene Powder River Volcanic Field with basalt, andesite, and various tuffs (Units Tob, Tb2, Td [2, 3, 5, and 7], Tdt, Tgo); (3) Miocene Lake Owyhee Volcanic Field with andesite and rhyolite (Units Tr, Tst); (4) Miocene tuffaceous sedimentary rocks (Unit Tat); and (4) Pliocene volcanic rocks (center) of the Kivett Volcanics (Unit Tobc). Also, exposed in the circle is Quaternary (Pleistocene to Holocene) fanglomerate, alluvial and terrace deposits: (Units QTf, Qal, Qta); landslides (Unit Qls) are also present. The dominant structures within the circle are east-northeast trending faults and north-northwest trending faults (Figure 2).

As can be seen in Figure 2, the western half of the Property is underlain by Unit Tob (basalt, andesite, and various tuffs of the Powder River Volcanic Field), while the eastern half of the Property is underlain by Unit JTRs (plutons with mixed sedimentary, volcanic). The contact between the Unit Tob and Unit JTRs is unconformable; stratigraphically the former covers the latter.

Except for the granitic rocks, the rocks of the Olds Ferry terrane, which includes the rocks in Unit JTRs, are moderately to strongly deformed and metamorphosed to greenschist facies. Brooks and Vallier (1978) consider the rocks of Olds Ferry terrane as a permissive tract for gold mineralization.

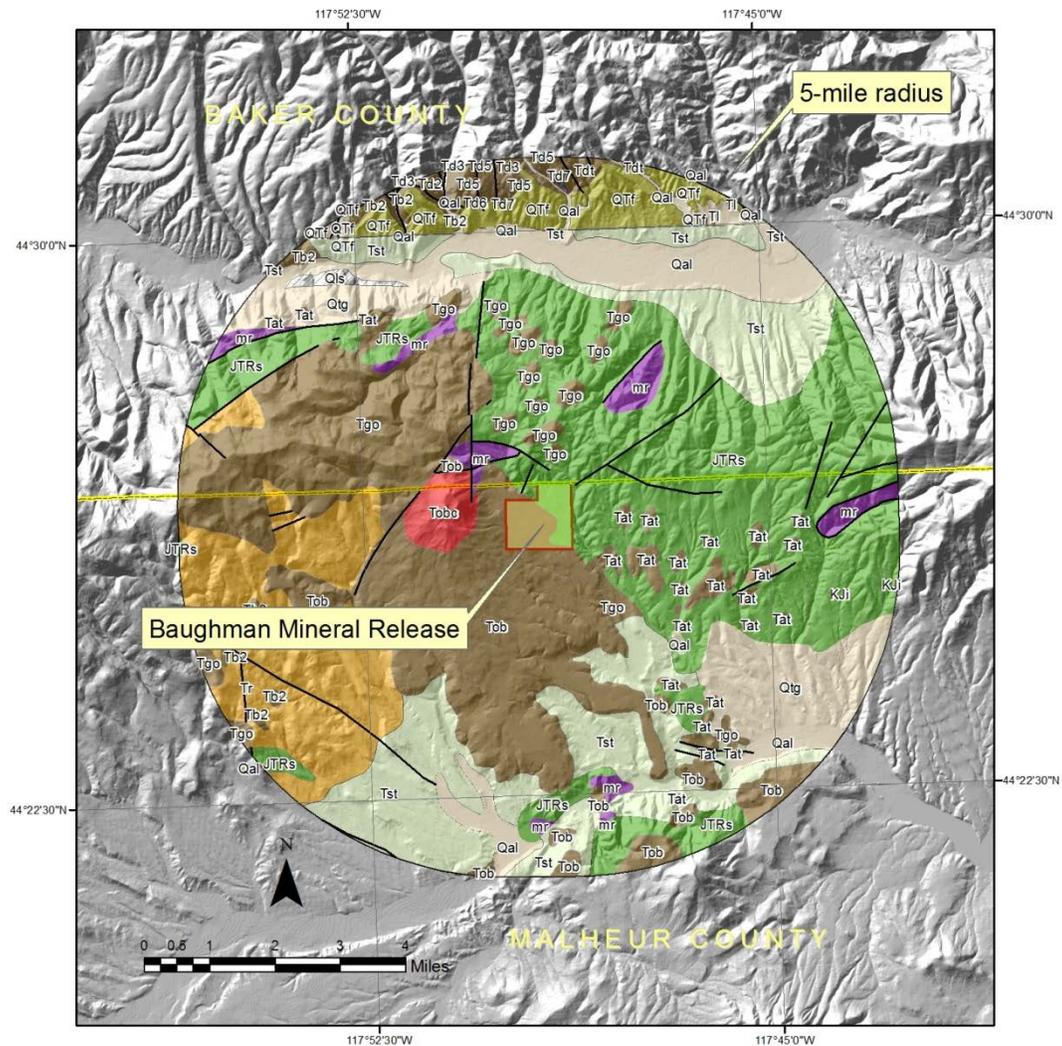


Figure 2. The geology for an approximately 5 mi (8 km) radius area that borders the Property (modified from Brooks, 1976 and Swanson, 1981). The map base is a 10 m hillshade and draped on it is the geology after Ma and others (2009). Major geologic units surrounding the Property include: Green = JTRs and Kdi, Upper Jurassic-lower Cretaceous plutons with mixed sedimentary, volcanic; Purple = mr, and intrusive rocks (melange’); Brown = Tob, Tb2, Td(2, 3, 5, and 7), Tdt, and Tgo, Miocene basalt, andesite, and various tuffs of the Powder River Volcanic Field; Orange = Tr, Miocene rhyolite and andesite of the Lake Owyhee Volcanic Field, Light green = Tst and Tat, Miocene tuffaceous sedimentary rocks; Red = Tobc, Pliocene volcanic rocks (center) of the Kivett Volcanics; Olive = QTf, Quaternary fanglomerate; Light brown = Quaternary Qal and Qtg, alluvium and terrace deposits; hatched = Qls, Quaternary landslide deposits. Faults = heavier black lines and County line = yellow line near center of image.

Identified Mineral Resources (known)

Figure 3 shows the locations of 424 known mineral occurrences along with geothermal wells (Niewendorp and Geitgey, 2010; Niewendorp and others, 2012). The types of commodities related to these mineral occurrences are summarized in Table 2.1.

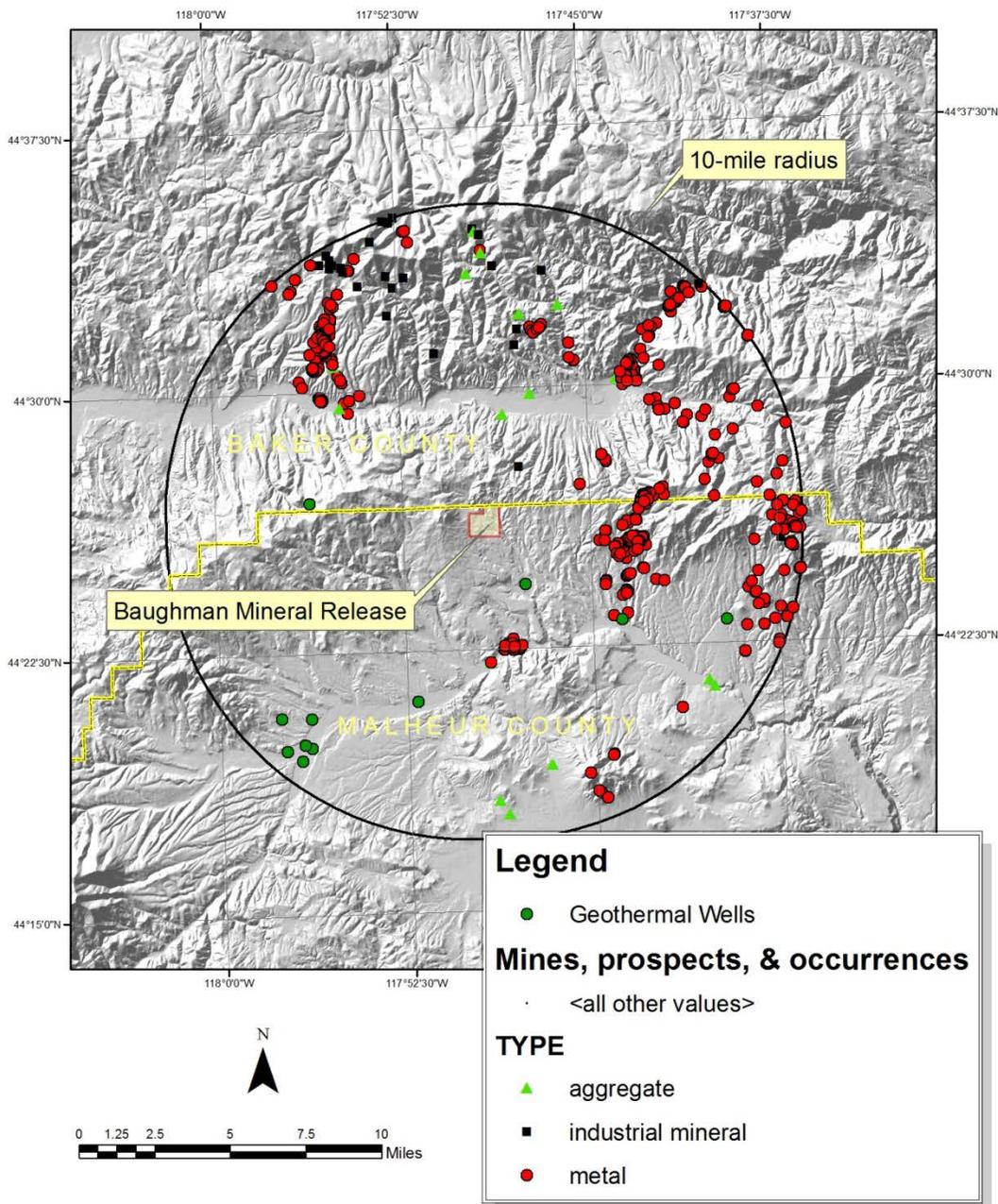


Figure 3. A historical resource map of the Study Area (black circle) showing the locations of identified mineral resources. Green triangles = construction aggregate (cinders; sand and gravel), black squares = industrial minerals (pumice), red circles = metal (prospect), yellow lines = county boundaries.

In the Study Area, aggregate is mined from surface mines and quarries that range from low volume dig and transport operations (Figure 3). No visual evidence exists that indicates that either the basalts or the mixed sedimentary rocks on the Property have been quarried. As can be seen in Figure 3, the Property is centered between several clusters of gold occurrences, notably the City gold placers near the ghost town of Malheur City about 4 mi to the east. Water from a group of springs at the headwaters' of

Alder Creek was carried by the Lynns Ditch to the gold placers near Malheur City. This area of historical gold mining along with the others in the Study Area are still of interest to recreational and commercial miners.

Thirteen water wells within the Circle contain water with temperatures equal to or greater than 68°F (20°C). No other geothermal features such as warm or hot springs are present in the area of study.

An asbestos occurrence is located just over 2 mi to the northeast of the Property and further north on the north side of the Burnt River are several perlite and dimension stone deposits. A cluster of manganese deposits are associated with the gold mineralization north-northwest of the Property near the edge of the Study Area.

No oil or gas wells have been drilled in the Study Area which includes the Property. I am not aware of any new leasing or exploration activities in this part of the county either for conventional oil and gas plays or for an alternative source of natural gas that targets coal, e.g., coal-bed methane.

Mineral Resource Potential (undiscovered)

The mineral resource potential of the Property is classified using the system set forth in BLM Manual 3031 (see Section 4). Under this system, the level of mineral resource potential is assigned to the Property where geologic, geochemical, and geophysical characteristics define an environment that is either favorable or permissive for a resource occurrence.

The Property is assigned a **Low** resource potential (B level certainty) for aggregate, i.e., crushed stone and sand and gravel. While a favorable geologic setting exists for both on and below the Property, there are no indications that either occurs as an economic resource at this time.

Also, the Property is assigned a **Low** resource potential (B level certainty) for the existence of a geothermal resource. Although it is possible that hydrothermal waters could be present below the Property, its likelihood is speculative at this point.

Based on the known distribution of existing resources, absence of related prospects, and current interpretation of the geology, the Property has a **LOW** resource potential for metals (precious or base) and **NO** potential for uranium/thorium, coal, or any of the other industrial minerals listed in Table 2.1. A resource determination cannot be made at this time for an oil and gas resource potential. However, the likelihood that an oil and gas play seems to be remote given the geologic history of the region. New subsurface geologic data would be required for an understanding of this potential. Therefore, the oil gas resource potential for the Property is viewed as **UNKNOWN**.

SECTION 3

Literature Sources

- Brooks, H.C., McIntyre, J.R., and Walker, G.W., 1976, Geology of the Oregon part of the Baker 1 degree by 2 degree quadrangle: Oregon Department of Geology and Mineral Industries Geologic Map Series GMS-7, 25 p., 1:250,000.
- Brooks, H.C., and Vallier, T.L., 1978, Mesozoic rocks and tectonic evolution of eastern Oregon and western Idaho, in Howell, D.G., and McDougall, K.A., eds., Mesozoic paleogeography of the western United States: Pacific section, Society of Economic Paleontologists and Mineralogists, Pacific Coast Paleogeography Symposium 2, p. 133-146
- Goudarzi, G.H., 1984, Guide to the preparation of mineral survey reports on public lands: U.S. Geological Survey Open-File Report 84-787.
- LR2000, 2013, Land and Mineral Legacy Rehost 2000 system website: Bureau of Land Management, www.blm.gov/lr2000/index.htm
- Ma, Lina, Madin, I.P., Olson, K.V., Watzig, R.J., Wells, R.E., Niem, A.R., and Priest, G.R., (compilers), 2009, Oregon geologic data compilation [OGDC], release 5 (statewide): Oregon Department of Geology and Mineral Industries Digital Data Series OGDC-5.
- Niewendorp, C.A., and Geitgey, R.H., 2010, Mineral Information Layer for Oregon, Release 2: Oregon Department of Geology and Mineral Industries MILO-Release 2.
- Niewendorp, C.A., Ricker, T. R., Rabjohns, K.W and Brodie, S.H., 2012, Geothermal Information Layer for Oregon (GTILO-2): Oregon Department of Geology and Mineral Industries Digital Data Series, <http://www.oregongeology.org/sub/gtilo/index.htm>.
- Oregon Department of Geology and Mineral Industries, Mineral Land Reclamation and Regulation database.
- Oregon Department of Geology and Mineral Industries, unpublished oil and gas drill hole files.
- Swanson, D.A., Anderson, J.L., Camp, V.E., Hooper, P.R., Taubeneck, W.H., and Wright, T.L., 1981, Reconnaissance geologic map of the Columbia River Basalt Group, northern Oregon and western Idaho: U.S. Geological Survey Open-File Report 81-797, scale 1:250,000.

SECTION 4

Method and Limitations

For mineral scoping reports, DOGAMI does not conduct site-specific work (a field examination) or related activity (e.g., systematic geological, geophysical, and geochemical and hydro-geochemical examination) as a basis for determination or confirmation that a mineral resource potential, deposit, or mineral occurrence exists. Statements in this mineral scoping report relating to geology and mineral resource potential are based on basic desk-top research, outcome of which is limited to the available literature sources – their deficiencies notwithstanding – as the means to profile the Land’s mineral potential.

For the desk-top research, heavy reliance is made on review of published and unpublished geology and mineral/material resource literature available at DOGAMI. Also, extensive use is made of four geospatial datasets: (1) Oregon Geologic Data Compilation, Release 5, (OGDC-5; Ma and others, 2009); (2) Mineral Information Layer for Oregon-Release 2, (MILO-Release 2; Niewendorp and Geitgey, 2010); (3) Geothermal Information Layer for Oregon-Release 2, (GTILO; Niewendorp and others, 2010); and (4) Mineral Lands Regulation and Reclamation’s (MLRR) database of mining operations permitted since 1972 and oil and gas drill hole locations.

Finally, there is one more area that is relevant to this statement of context – based on an inventory of mineral occurrences alone, it is not possible to accurately identify the concentration and occurrence of material in relation to its particular geographical controls, its inherent physical (volume of material present or removed, and reserves remaining) and chemical properties, the quantity of valuable mineral or rock that it contains, its applicable extraction and processing methods, and its geographic location with respect to the markets for its products. Nor can an inventory of mineral occurrences alone be used for appraisal or basis for other generally accepted industrial standard for valuing the property.

This report provides a low-level of detail for a mineral assessment. Users of this report are advised to consult with DOGAMI to gain a better understanding of the inherent limitations of the information herein and its scope of inference.

Provided below are the definitions for the levels of mineral resource potential and certainty of assessment after Goudarzi (1984).

Levels of Resource Potential:

<p>HIGH mineral resource potential is assigned to areas where geologic, geochemical, and geophysical characteristics indicate a geologic environment favorable for resource occurrence, where interpretations of the data indicate high degree of likelihood for resource accumulation, where data support mineral-deposit models indicating presence of resource, and where evidence indicates that mineral concentration has taken place. Assignment of high resource potential to an area requires some positive knowledge that mineral-forming processes have been active in at least part of the area.</p>
<p>MEDIUM mineral resource potential is assigned to areas where geologic, geochemical, and geophysical characteristics indicate a geologic environment favorable for resource occurrence, where interpretations of the data indicate high degree of likelihood for resource accumulation, where and (or) where an application of mineral-deposit models indicates favorable ground for the specified type(s) of deposits..</p>
<p>LOW mineral resource potential is assigned to areas where geologic, geochemical, and geophysical characteristics define a geologic environment in which the existence of resources is permissive. This broad category embraces areas with dispersed but insignificantly mineralized rock, as well as areas with obvious site limitations and little or no indication of having been mineralized.</p>

NO mineral resource potential is a category reserved for a specific type of resource in a well-defined area.

UNKNOWN mineral resource potential is assigned to areas where information is inadequate to assign a low, moderate, or high level of resource potential.
--

Levels of Certainty:

A. Available information is not adequate for determination of the level of mineral resource potential.
--

B. Available information only suggests the level of mineral resource potential.

C. Available information gives a good indication of the level of mineral resource potential.
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D. Available information clearly defines the level of mineral resource potential
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Oregon

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State Land Board

December 8, 2015

Agenda Item 1c

SUBJECT

Request for approval of an addendum to an existing perpetual reciprocal easement on and adjacent to the Elliott State Forest in Coos and Douglas Counties (Appendix A).

ISSUE

Whether the State Land Board should authorize the Department of State Lands (Department) to issue an addendum to one permanent reciprocal access easement to Weyerhaeuser Company.

AUTHORITY

Article VIII, Section 5 of the Oregon Constitution; requiring the Land Board to *“manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.”*

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

OAR 141-122-0010 to 141-122-0120; establishing procedures for granting easements and rights-of-way on trust and non-trust lands and requiring Land Board approval of easements granted in perpetuity.

SUMMARY

In 1957, the State Land Board along with the State Board of Forestry, entered into a mutually beneficial access agreement with Weyerhaeuser (Appendix B). The agreement allowed for a perpetual non-exclusive appurtenant right to construct, reconstruct, use and maintain future spur roads over and across Common School Fund trust property within the Elliott State Forest in Coos and Douglas Counties, in exchange for similar rights across Weyerhaeuser property. There were subsequent supplemental and amended agreements including additional access routes through the same general

area. The agreements were made between the state (State Land Board and Board of Forestry) and Weyerhaeuser in order to permit the orderly sale and removal of timber across the respective properties. The agreements created a road system of easements for both the state and Weyerhaeuser through Weyerhaeuser and state property. Recently, it has been discovered there are portions of the road system through state property that are not included in the easement creating gaps in the road system. This request would clear up the gaps in the road system.

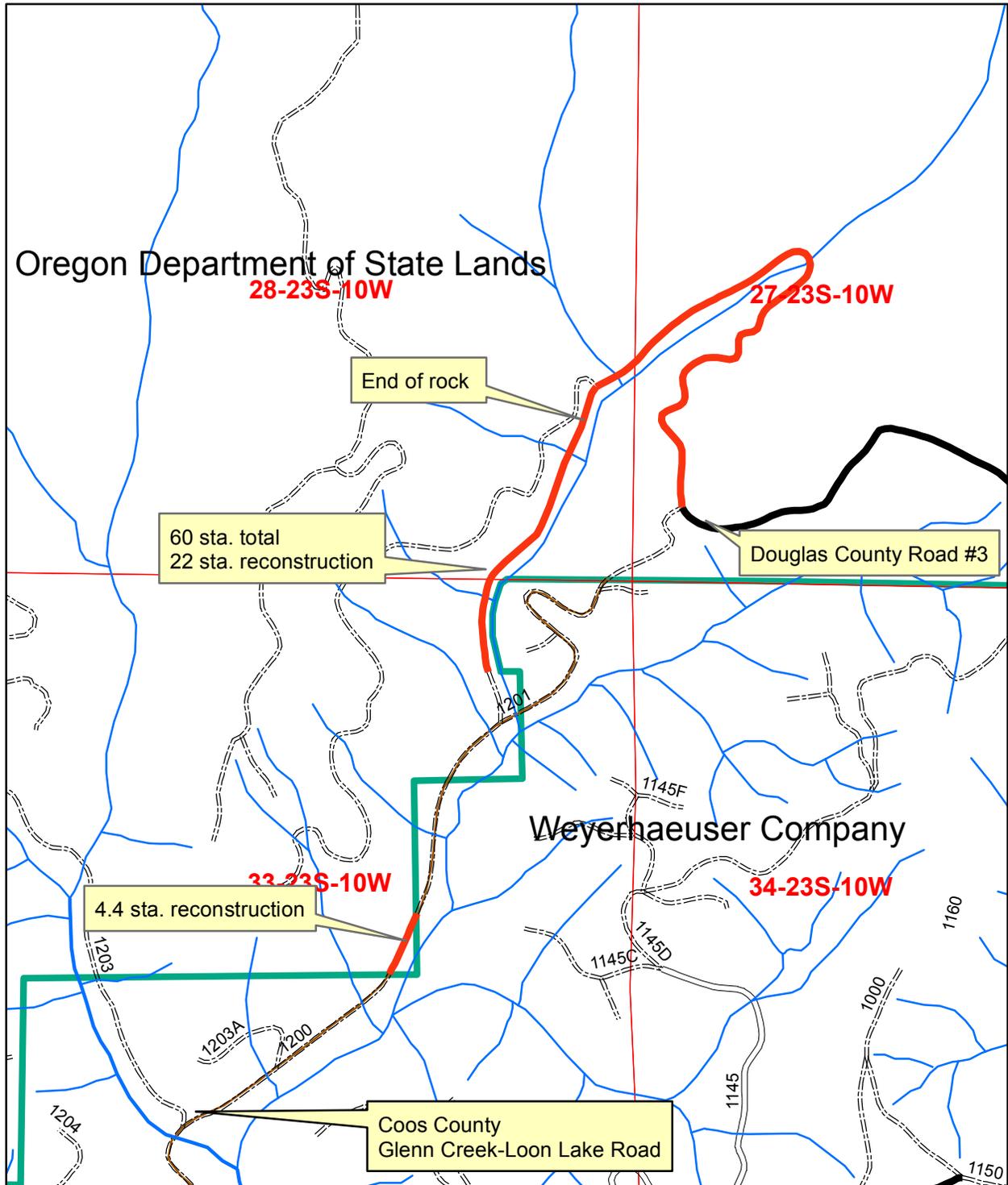
RECOMMENDATION

The Department recommends that the State Land Board approve the issuance of an addendum to the perpetual reciprocal easement in order to clear up the gaps in legal access along the existing road system associated with the original easement agreement with Weyerhaeuser Company (Appendix C).

APPENDICES

- A. Site map
- B. Original reciprocal easement agreement
- C. Proposed addendum to reciprocal easement

Cedar Creek Easement



Legend

- | | | | |
|--|-------------|--|---|
|  Requested Easement | Road |  1-Street/highway |  3-Secondary |
|  Section | Type |  2-Mainline |  4-Spur/administrative |
| | |  Weyerhaeuser Ownership | |

1 in = 1,000 ft

5871

A G R E E M E N T

THIS AGREEMENT, between the STATE OF OREGON, acting through the State Board of Forestry and the State Land Board, hereinafter collectively called "State", and WEYERHAEUSER TIMBER COMPANY, a Washington corporation, hereinafter called "Weyerhaeuser",

WITNESSETH:

Recitals

1. The State owns lands in Townships 23 and 24 South in Ranges 10 and 11 West of W. M., which are tributary to Marlow Creek. In order to permit the orderly sale and removal of timber from such lands, the State desires to build roads tapping said timber, the main roads to be in the approximate locations shown on the map attached hereto as Exhibit A. Such roads may be built by the State or by its contractors or timber purchasers, who are called "Licensees" herein. All roads, including spur roads, built by the State or its Licensees are hereinafter called the "Road System".

2. Weyerhaeuser owns timber and lands in Townships 23 and 24 South, Range 10 West, and Township 24 South, Range 11 West of W. M., which timber may be removed over said Road System. In addition, it will have to build some spur roads across State lands to reach said Road System. Roads built by Weyerhaeuser or its contractors are herein called "Weyerhaeuser Roads".

3. This agreement sets forth in full the terms and conditions under which each party agrees to grant to the other rights with respect to said Road System.

NOW, THEREFORE, in consideration of the premises and of the mutual grants and undertakings, the parties hereto mutually agree as follows:

ARTICLE I - Rights of Way

A. Grant of Rights

Upon the conditions and to the extent hereinafter stated:

1. Weyerhaeuser hereby grants to the State the non-exclusive right (i) to construct a road across lands owned by Weyerhaeuser in Sections 11, 14, and 15, Township 24 South, Range 11 West, and in Lot 6, Section 31, Township 23 South, Range 10 West, (ii) to improve an existing road across lands of Weyerhaeuser in Sections 21 and 33 of Township 24 South, Range 11 West, (iii) to improve the existing road upon a right of way across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, Township 24 South, Range 11 West, and (iv) to construct spur roads across Weyerhaeuser lands in Township 24 South, Range 11 West, and Sections 31, 32 and 33 of Township 23 South, Range 10 West for the purpose of reaching said Road System.

Weyerhaeuser log trucks will leave the Road System at its connection with State Secondary Highway 241 where they will turn easterly to reach the Weyerhaeuser log dump at Allegany. The

State will cause such connection to be constructed in a manner that will not prevent Weyerhaeuser building a connection to permit such easterly turn. The State will permit such connection to be built by Weyerhaeuser on the right of way owned by the State.

2. The State grants to Weyerhaeuser the nonexclusive right to construct roads across lands of the State in Township 24 South, Range 11 West, in Section 6, Township 24 South, Range 10 West, and in Sections 31 and 32 of Township 23 South, Range 10 West, for the purpose of reaching said Road System.

B. Conditions Specially Applicable to Road Construction

1. Route and Specifications

Prior to the commencement of construction, each party shall file, or cause to be filed, with the landowner, six plats of the right of way as finally located, showing:

- (a) Bearings and distances of the center line;
- (b) Center line ties to the closest section corners, where same enters and leaves an owner's property;
- (c) Physical evidence found in the way of U.S.G.L.O.

Land Corners said survey is tied to.

Construction may be commenced after the expiration of a 30-day period following filing of such plats. The right of way grant herein provided for shall be deemed complete at such time. The State and Weyerhaeuser shall cooperate in the location of the main Road System as well as spur roads built by each in order that each road may constitute the most direct route to the lands of the

road builder consistent with topographic conditions, and also maximize the facility of use by the landowner for removal of timber from its lands. The rights of way granted by each party shall be of such width as is reasonably necessary for the road together with cuts and fills. Upon completion of construction, the road builder shall furnish information as to right of way widths and acreages contained therein.

2. Right of Way Timber

(a) Each party shall have the right to cut all forest products upon the right of way granted by the other, and, in addition, subject to the approval of the landowner, danger trees adjacent thereto.

(b) Each party, in constructing roads on the lands of the other party, shall, without cost to the landowner, buck all right of way logs (of not less than 8 feet) designated by the landowner, and such bucked logs shall be piled along the right of way in such a manner as the landowner may direct. The landowner may thereafter remove such right of way logs over the roads of the other party without payment of a maintenance or amortization contribution on account thereof.

(c) The State may, at its option, offer for sale to Weyerhaeuser, at the fair market value, the timber removed by Weyerhaeuser from rights of way granted to it by the State.

ARTICLE II - Road UseA. Grant of Rights

Each party grants to the other the nonexclusive right to use the Road System and Weyerhaeuser Roads for all purposes relating to the management of the lands of either, and for the removal of forest products with due regard to present use of and excess capacity of the Road System and Weyerhaeuser Roads. The rights herein granted may be exercised by each party directly or through contractors with it or purchasers of timber from it.

B. Conditions Specially Applicable to Road Use1. Forest Road

The State is constructing the Road System for all official uses of its forest lands, including but not limited to the hauling of forest products and the carrying on of forest land management, and it shall not be made a public road until such time as changes in conditions make it advisable for the Road System to be a Public Road.

2. Off-Highway Vehicles

Weyerhaeuser and State shall have the privilege of using or permitting off-highway vehicles on the Road System or Weyerhaeuser Roads for the purpose of hauling forest products.

3. Road Control

The State shall have control of the Road System, and Weyerhaeuser shall have control of Weyerhaeuser Roads for the purpose of:

- (a) Closing a road or limiting its use when, due to weather conditions, unrestricted use would cause

excessive damage to the road;

(b) Closing the road during periods of excessive fire danger;

(c) Regulating and controlling traffic as required for safe and effective use of the road by those having a right to use the road;

(d) Prescribing the trucking equipment to the extent necessary for safety on the road.

C. Road Operations

Neither party, nor its timber purchasers shall conduct loading operations or engage in other practices on any road which obstruct or interfere with the operation of log trucks on such roads.

ARTICLE III - Conditions Applicable to Both Grants of Rights of Way and Road Use Grants

A. Duration of Grants

The rights herein granted shall continue perpetually. In 1967, and each ten years thereafter, the parties shall review the agreement to determine what changes, if any, might be necessary and to plan road improvements.

B. Fire Protection

1. In building or using roads upon rights of way across the lands of another, the party doing so will take precautions to prevent forest, brush, and grass fires, will endeavor with all available personnel to suppress any fire originating on or

threatening the right of way, and will do no burning on or near the right of way without state permit during the season in which permits are required, and in any event will set no fire on or near the right of way that will result in damage to any natural resource or improvements.

2. The landowner may suspend construction or use of roads over its lands during periods of excessive fire danger.

C. Compliance with Law

In the exercise of grants made hereunder, the State, its Licensees, and Weyerhaeuser shall abide by and comply with all laws, rules, and regulations of the Federal, State, and local governments, including, without limiting the generality of the foregoing, those relating to forest fire prevention.

D. Direct Liability - State Limitation

1. All persons constructing or using roads on lands of another shall be liable to the landowner for all loss or damage to or destruction of the property of the landowner (including amounts expended by the landowner or paid to fire protective associations or like organizations for fire-fighting purposes) which directly or indirectly result from:

(a) The failure of such person to comply with the terms and conditions of this agreement;

(b) The act or omission to act of such person in constructing or using roads on or over lands of another without regard to the negligence or other fault of such person, unless such loss or damage results

directly or indirectly from the negligence or other fault of the landowner;

(c) The negligent act or omission to act in the conduct of the road user's operations upon the lands from which forest products are being removed in whole or in part over roads on lands of another.

2. For the purpose of this and all other provisions of this agreement, Weyerhaeuser shall be liable for all actions of its contractors and purchasers as fully as if it had performed such actions itself. The State shall be liable only to that extent permitted or authorized by law; however, the above provisions shall be applicable to Licensees of State using roads on lands of Weyerhaeuser.

E. Insurance

As a guarantee and to satisfy compliance with the terms and conditions of this agreement by Licensees of the State and by Weyerhaeuser, each Licensee and Weyerhaeuser shall, while using the Road System, or Weyerhaeuser roads, maintain insurance as follows:

1. Blanket liability insurance, both direct and contractual, covering logging and all other operations, including vehicles, issued by an insurance company and in form acceptable to Weyerhaeuser and the State, in amounts not less than \$100,000/\$300,000 personal injury and \$100,000 property damage.

2. Before entering on Weyerhaeuser lands, a Licensee shall furnish Weyerhaeuser with a certificate of insurance

together with evidence that all automotive equipment to be used by a Licensee is covered by such insurance. Policies shall bear an endorsement requiring the insurer to give ten days' prior written notice of cancellation to Weyerhaeuser.

3. Before entering on State lands, Weyerhaeuser's contractors or timber purchasers shall furnish the State with a certificate of insurance, together with evidence that all automotive equipment to be used by it is covered by such insurance. Policies shall bear an endorsement requiring the insurer to give ten days' prior written notice of cancellation to State.

4. The above insurance limits may be adjusted upward or downward to reflect changes in timber values and changes in custom as to amounts of insurance being carried. In addition, it is contemplated that fern pickers and other small operators may be permitted to use the Road System during periods of low fire hazard. By mutual agreement the foregoing limits may be either waived or substantially reduced.

F. Performance Bond

Weyerhaeuser and each Licensee of the State shall obtain and maintain during the term of its construction or use of a road under this agreement a performance bond issued by a surety company acceptable to the State and Weyerhaeuser in the amount of \$10,000. The Licensee and Weyerhaeuser, respectively, shall be and remain liable for any deficiency and for all amounts which may be due by reason of any default hereunder after application of said performance bond.

G. Execution of Agreement by Licensees

Before entering upon Weyerhaeuser lands for any purpose, a Licensee shall enter into an agreement directly with Weyerhaeuser, in substantially the form attached hereto as Exhibit B, which agreement shall bind it to abide by the terms and conditions hereof applicable to its operations on Weyerhaeuser lands. The term of such agreement shall be the period provided in the sale of State timber for removal of the sale timber, but in no event more than six years, unless otherwise agreed to by Weyerhaeuser. In the case of Licensees who are solely road contractors, the term shall be two years, unless otherwise agreed to by Weyerhaeuser.

In the case of default by a Licensee, Weyerhaeuser shall notify the State and the Licensee thereof. Within ten days thereafter, unless such default shall have been remedied, Weyerhaeuser may suspend the right of the Licensee to travel over its lands. In addition, if such default shall create an emergency that, in the opinion of Weyerhaeuser, endangers its timber, Weyerhaeuser may immediately suspend the rights of the Licensee hereunder. Such suspension in either case shall continue until the default has been remedied.

ARTICLE IV - Compensation

A. Rights of Way

Weyerhaeuser will make no charge for rights of way over its lands upon which the State will construct or cause to be constructed the Marlow Creek Road System.

B. Amortization of Road Costs

1. Main Road

It is the intent of the State to do additional main road construction, and if such is done, the State will bear the entire original cost of constructing that part of the Road System constituting the main road; such construction may be done through contractors and purchasers of timber. The costs hereinafter incurred in constructing that portion of the main road to be used by Weyerhaeuser will be amortized over a ten-year period commencing with the first year in which any State timber is hauled over said road. The amount allowed for such costs by the State in its timber appraisal shall be prima facie evidence of such costs. In each year in which Weyerhaeuser uses the Road System for the purpose of hauling forest products, Weyerhaeuser shall pay to the State an amount equal to the proportion of that year's amortization charge applicable to the portion of the main road used by Weyerhaeuser which the total quantity of forest products hauled by Weyerhaeuser from its lands during such year bears to the total quantity hauled by all users of such portion in such year. Weyerhaeuser shall make no contribution to any cost of constructing that part of the Road System it does not use.

It is understood that neither party has any obligation to haul any particular quantity during such ten-year period or during any year thereof.

The amount of amortization so payable by Weyerhaeuser shall, unless the State affirmatively elects to receive it in

cash, be expended by Weyerhaeuser upon the improvement of the Road system pursuant to the direction of the State.

2. Spur Roads

Each party will be building spur roads which the other may use. The parties believe that the value of their respective use rights as to such spur roads is approximately equal. Accordingly, each party will have a right to use spur roads built by and for the benefit of the other without making any contribution to the cost thereof.

C. Maintenance

The State shall maintain the Road System, or cause it to be maintained by its Licensees. Weyerhaeuser shall contribute to the total cost of maintaining the portion of the road to be used by Weyerhaeuser a pro rata amount thereof based upon the proportion of total forest products that Weyerhaeuser hauls from its lands.

Weyerhaeuser shall maintain spur roads built by it, while it is using such roads. In addition, Weyerhaeuser may, by agreement between the parties, undertake the performance of maintenance on part or all of the Road System in any year. Other users of roads maintained by Weyerhaeuser will be obligated to reimburse Weyerhaeuser for their pro rata share of maintenance costs.

D. Accounting for Construction and Maintenance

Inasmuch as Weyerhaeuser will be using only a portion of the entire Road System, the records with respect to original

cost of construction and with respect to cost of maintenance will be maintained in such a way as to permit segregation of those costs pertaining to the portion of the Road System used by Weyerhaeuser.

E. Uses of Road for Purposes Other than Hauling Forest Products

In determining the amount of amortization payable by Weyerhaeuser and in determining the pro rata share of maintenance of Weyerhaeuser on the one hand and the State and its Licensees on the other, no consideration shall be given to use of the road for purposes other than hauling forest products. If, however, the road is made available for purposes other than management of the timber of the State and Weyerhaeuser, and the hauling of forest products, then such use shall be considered in determining such charges.

F. Scale to be Used

Volume determinations shall, for all purposes of this agreement, be based upon net log scale, unless the parties agree upon another method.

ARTICLE V - Successors and Assigns

This agreement shall be binding upon and shall inure to the benefit of any person, firm, or corporation succeeding to the State or Weyerhaeuser as the owner of all or substantially all of the lands now owned by the State or Weyerhaeuser, respectively, in the area tributary to Marlow Creek.

The rights herein granted to Weyerhaeuser may be exercised directly by it or through its contractors and timber purchasers.

ARTICLE VI - Notices and Payments

All payments and notices shall be delivered as follows:

To the State: State Board of Forestry
Salem, Oregon

State Land Board
Salem, Oregon

To Weyerhaeuser: Branch Manager
Weyerhaeuser Timber Company
Coos Bay Lumber Division
North Bend, Oregon

With copy to: Weyerhaeuser Timber Company
Tacoma Building
Tacoma 2, Washington

Notice to the Licensee shall be made as provided in the agreement to be entered into with the Licensee.

ARTICLE VII - Warranties as to Title

Neither of the parties makes any warranty with respect to the title to the lands upon which it has granted herein the right to construct, maintain, and use roads. Each represents that at the present time it has the right to make the grants herein contained except that the following Weyerhaeuser lands have been classified as reforestation lands:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14; Lot 3, Section 21;
and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; all in Township
24 South, Range 11, West, Willamette
Meridian.

IN WITNESS WHEREOF, the parties hereto have caused

this agreement to be executed in duplicate as of the 23rd
day of April, 1957.

Witness:

STATE OF OREGON
State Board of Forestry

Edward H. ...

By D. L. Phipps
D. L. Phipps
State Forester, Secretary

ATTEST:
Witness

State Land Board

J. ...

By Robert ...
Governor

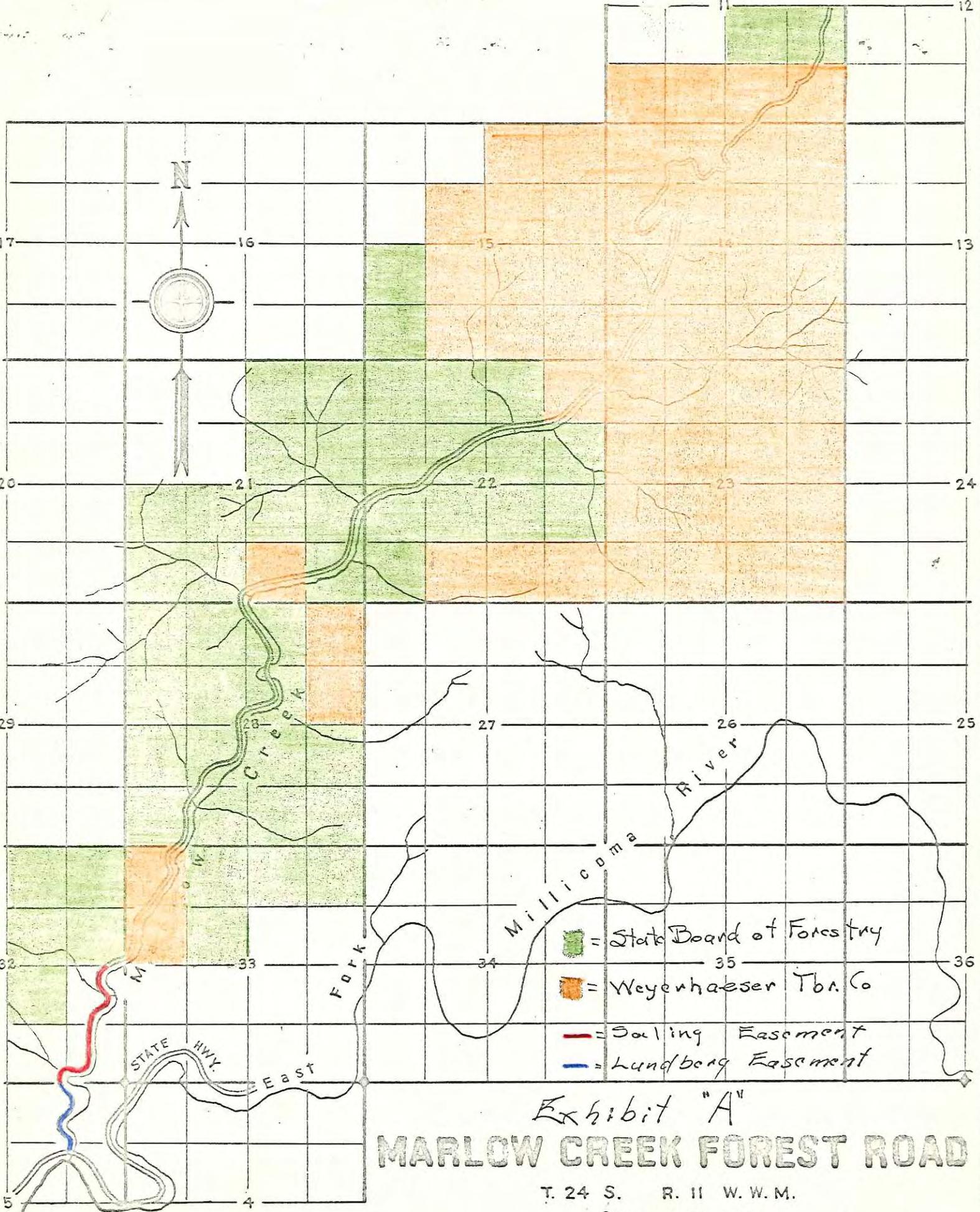
Clerk, State Land Board

Attest:

WEYERHAEUSER TIMBER COMPANY,
a Washington corporation

F. Halliday
Assistant Secretary

By ...
Manager-Forestry, Lands and
Timber Department



- = State Board of Forestry
- = Weyenhaeser Tbr. Co
- = Soaling Easement
- = Lundberg Easement

Exhibit "A"
MARLOW CREEK FOREST ROAD

T. 24 S. R. 11 W. W. M.
 Scale 2" = 1 mile

EXHIBIT B

A G R E E M E N T

THIS AGREEMENT, made as of this _____ day of _____, 19____, between WEYERHAEUSER TIMBER COMPANY, a Washington corporation, hereinafter called "Weyerhaeuser", and _____, hereinafter called "Licensee", W I T N E S S E T H :

Recitals

1. On _____, 19____, Weyerhaeuser entered into an agreement with the State of Oregon relating to the construction and use of logging roads in the Marlow Creek Watershed, copy of said agreement being attached hereto as "Exhibit A".

2. Licensee has purchased from the State timber standing on lands owned by the State in _____, the time for removal of which expires on _____.

2. (Alternate) Licensee has entered into a contract with the State to construct a part of the Marlow Creek road system, the time for completion of said contract being _____.

3. Licensee desires to use roads across Weyerhaeuser lands. In order to do so, it is entering into an agreement directly with Weyerhaeuser pursuant to the provisions of the said agreement of _____, 19____, referred to in Recital 1.

NOW, THEREFORE:

1. Weyerhaeuser hereby grants to Licensee the right to enter upon and use a strip of land upon which Weyerhaeuser has previously granted to the State a right-of-way for the purposes of constructing and maintaining a road.

2. The rights hereby granted are subject to the terms and conditions of said agreement dated _____, 19____, insofar as the same are applicable to Licensee's operations on Weyerhaeuser lands, and the same are by this reference incorporated and by this reference made a part hereof.

3. This agreement shall terminate _____.

4. Any notice to be given by either party to the other may be served personally or by registered mail, addressed to Weyerhaeuser as follows:

Weyerhaeuser Timber Company
P. O. Box 1645
Tacoma 1, Washington

and

Branch Manager
Weyerhaeuser Timber Company
Coos Bay Lumber Division
North Bend, Oregon

and to the Licensee as follows:

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate as of the day and year hereinabove first written.

WEYERHAEUSER TIMBER COMPANY

By _____

Exhibit B
Page 2

Licensee

File # 6845
No. *5871*
State of Oregon
County of Coos *ss. File # 6845*
I hereby certify that the within instrument
was filed for record *April 29, 1957*
at *11:55* o'clock *AM* and recorded
in book *258* Page *8*
of DEEDS

GEORGIANNA VAUGHAN
County Clerk

E. Elliott
Deputy

Return to *State of Oregon*
State Board of Forestry

Fee *Salem, Oregon*

(NO FEE)



Weyerhaeuser Timber Co

Case # 864

FILED
JUL 9 1958
MARK O. HATFIELD
SECRETARY OF STATE

RIGHT OF WAY
NO. 0000000000
14-PR-1

<i>Space above for Recorder's use</i>	
After recording return to: Oregon Department of Forestry State Forests Division 2600 State Street, Bldg. D Salem, OR 97310 and; Oregon Department of State Lands 775 Summer Street NE, Ste. 100 Salem, OR 97301	Send Tax Statements To: No Change Coos County Tax ID # 100, 1602, 1600, 73300 Douglas County Prop. ID #R63950

SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT, between the STATE OF OREGON, acting by and through the State Board of Forestry and the State Land Board, hereinafter called "State" and WEYERHAEUSER COMPANY, a Washington corporation, hereinafter called "Weyerhaeuser," WITNESSETH:

RECITALS

The parties entered into an Agreement dated April 23, 1957, as recorded in Book 258, Page 8, Records of Coos County, Oregon, with respect to lands and roads in the Marlow Creek area, which Agreement was amended by certain Supplemental Agreements dated May 9, 1958, recorded in Vol. 265, Page 313; July 12, 1965; August 25, 1972, recorded under Reel #72-9-76107-10; March 7, 1974, recorded under Reel #74-7-102203-7; and December 20, 1974, recorded under Reel #75-4-112989-93, Records of Coos County, Oregon.

NOW, THEREFORE, the parties hereto agree the Agreement dated April 23, 1957 described above is hereby further supplemented as follows:

1. State hereby grants to Weyerhaeuser, its successors and assigns, the perpetual non-exclusive appurtenant right to reconstruct, use and maintain existing roads as shown on the attached Exhibit "A" and to construct, reconstruct, use and maintain future spur roads over and across the following described lands in Coos and Douglas Counties, Oregon:

Township 23 South, Range 10 West, W.M.:

Douglas County:	Section 27	S½
Coos County:	Section 28	S½
	Section 33	NW¼; W½NE¼; NW¼NE¼NE¼; NW¼SW¼

Said lands are subject to all matters of public record as of the date of this Agreement.

2. Weyerhaeuser hereby grants to State, its successors and assigns, the perpetual non-exclusive appurtenant right to reconstruct, use and maintain existing roads as shown on the attached Exhibit "A" and to construct, reconstruct, use and maintain future spur roads over and across the following described lands in Coos County, Oregon:

Township 23 South, Range 10 West, W.M.:

- Section 32 SE¼NE¼; E½SE¼; SW¼SE¼; SW¼
- Section 33 Portion of NE¼NE¼; SE¼NE¼; SE¼; NE¼SW¼; S½SW¼

Township 24 South, Range 10 West, W.M.

- Section 4 NW¼
- Section 5 All

Said lands are subject to all matters of public record as of the date of this Agreement.

Except as herein amended, all terms, conditions and reservations of the previously-described Agreement and Supplemental Agreements, shall be and remain in full force and effect.

The parties hereto have caused this Supplemental Agreement to be executed this _____ day of _____, 2015.

STATE OF OREGON, acting by and through its State Board of Forestry

STATE OF OREGON, acting by and through its State Land Board

Elizabeth F. Dent
State Forests Division Chief
Oregon Department of Forestry

Stephanie Hallock Cummins
Interim Director
Oregon Department of State Lands

WEYERHAEUSER COMPANY,
a Washington corporation

ACKNOWLEDGMENTS

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me this _____ day of _____, 2015,
by Stephanie Hallock Cummins, as the authorized representative of the Oregon Department of State
Lands.

Notary Public for Oregon

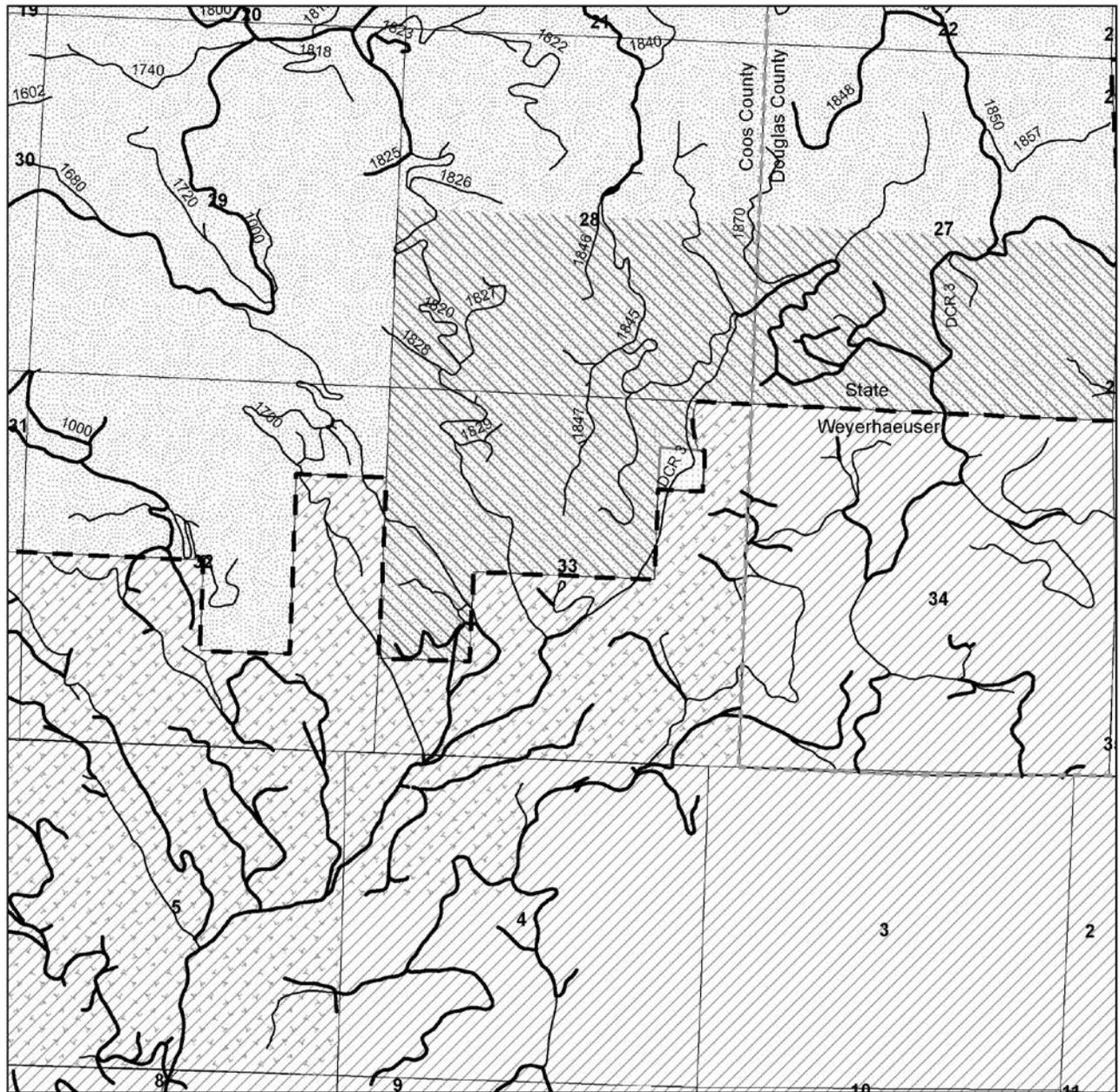
My Commission expires: _____

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me this _____ day of _____, 2015,
by Elizabeth F. Dent, as the authorized representative of the Oregon Department of Forestry.

Notary Public for Oregon

My Commission expires: _____



Legend

- County Line
- Roads**
- DIRT
- GRAVEL
- ESF Boundary
- ▨ Weyerhaeuser Co Ownership
- ▨ Weyerhaeuser_grant_to_State
- ▨ State_Grant_to_Weyerhaeuser
- STATE Lands Fund Type**
- ▨ Administrative Site
- ▨ CSL

Exhibit "A"

Supplemental Agreement for Road Use in:
 Sections 27, 28, 32 and 33, T. 23S, R. 10W
 And
 Sections 4 and 5, T. 24S, R. 10W





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

Jeanne P. Atkins

Secretary of State

Ted Wheeler

State Treasurer

State Land Board

Regular Meeting December 8, 2015 Agenda Item 1d

SUBJECT

Request for approval to initiate the review and determination of the sale of historically filled lands located near the City of Rainier in Columbia County.

ISSUE

Whether the State Land Board should authorize the Department to initiate the review and determination of the sale of historically filled lands in Columbia County to the adjacent upland property owner, Waterfront Place Condo Association (see Appendix A).

AUTHORITY

Article VIII, Section 2 and 5 of the Oregon Constitution; 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.

ORS 274.915; relating to the sale, lease or trade of submersible and submerged lands.

ORS 274.960 through 274.985; pertaining to investigation of state's interest.

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

BACKGROUND

In October 2009, the Department of State Lands (DSL) received an application from the Waterfront Place Condominium Association to purchase portions of Tax Lots 1599 and 1000; in T7N, R2W, Section 16, W.M., which are comprised of historically filled lands adjacent to the Columbia River in Rainier. The applicant had previously purchased the upland property under the assumption that it included ownership up to the river, and was unaware of DSL's claim to the historically filled lands. The application was put on hold due to various issues on adjacent properties, including an ownership claim by the City of Rainier.

In 2009, City of Rainier staff provided the Department with a list of deeds and other documents pertaining to their ownership claim for the subject portion of Tax Lot 1599. In reviewing these documents, the Department found no evidence that the State of Oregon was a party to any submerged land sale at this site. Without a valid sale from the State of Oregon for those submerged lands, all subsequent deeds referencing those lands are invalid. This information supported DSL's ownership claim to the historically filled land.

At their November 19, 2012 city council meeting, the City agreed to execute a quitclaim deed to DSL for the subject portion of Tax Lots 1599 and 1000 that was waterward of Tax Lots 1500, 1503, and 80000 (western end). This quitclaim deed resolved any claims of ownership by the City of Rainier and confirmed the state's ownership in preparation for a planned mitigation project. The State Land Board accepted the quitclaim at its February 12, 2013 meeting.

This quitclaim allowed a wetland mitigation project proposed by Foss Maritime at the time to proceed on and around the historically filled lands the applicant has applied to purchase. This mitigation project has resulted in constraints on how the land can be used in the future; however, the applicant remains interested in acquiring the property.

Additionally, the City of Rainier has long desired to construct a pedestrian walkway across this historically filled land on Tax Lot 1599. The City is currently seeking funding for an easement that will allow for this walkway.

Finally, in order for the applicant to acquire the property, it must be divided, or partitioned, into legal lots of record. The applicant has expressed a willingness to incur all of the costs related to partitioning approval by the City of Rainier. The applicant also recognizes that should the City acquire the pedestrian easement, it would cross the property that the applicant seeks to acquire.

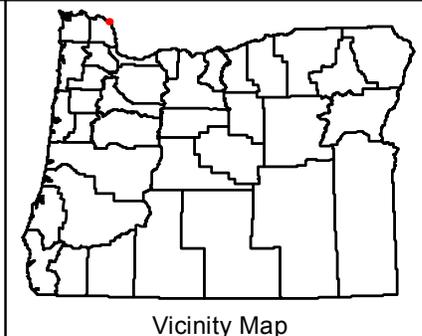
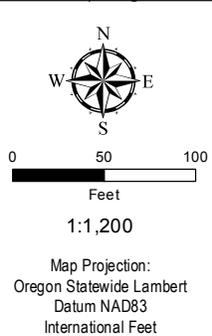
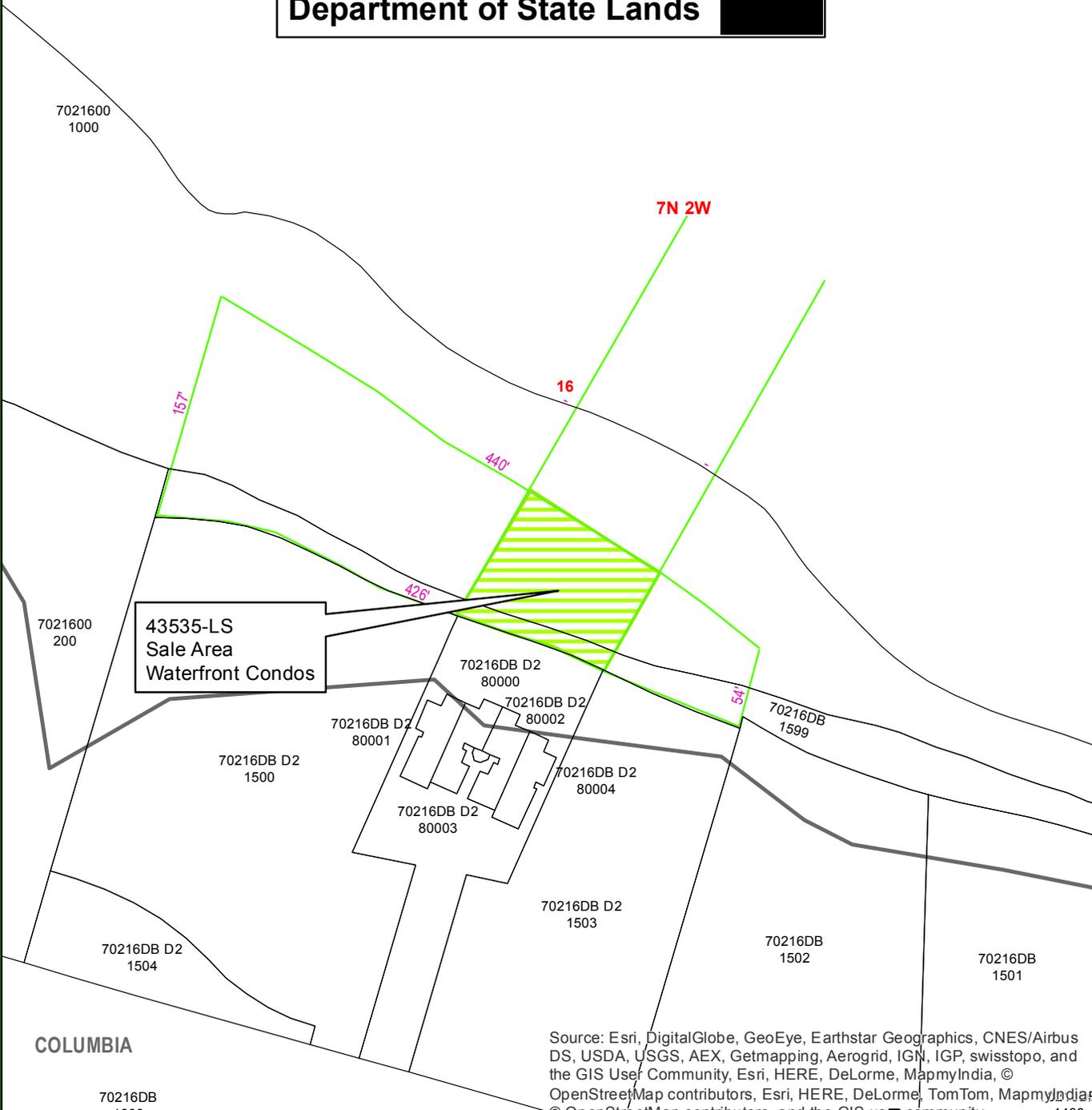
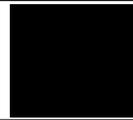
RECOMMENDATION

The Department recommends that the State Land Board approve the initiation of the review and determination of the sale of historically filled lands immediately adjacent to the Waterfront Place Condominium Association, located near the City of Rainier in Columbia County.

APPENDIX

A. Site map

State of Oregon Department of State Lands



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Esri, HERE, DeLorme, TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Exhibit A

This map depicts the approximate location and extent of a Department of State Lands, Land Management Division authorization for use and/or property transaction. 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.

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Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 4/15/2015



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

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State Land Board

State Land Board

Kate Brown
Governor

**Regular Meeting
December 8, 2015
Agenda Item 1e**

Jeanne P. Atkins
Secretary of State

Ted Wheeler
State Treasurer

SUBJECT

Request for approval to initiate the review and determination of the sale or exchange of up to fifteen (15) parcels in Klamath and Crook County (Appendix A).

ISSUE

Whether the State Land Board should authorize the Department to initiate the review and determination of the sale or exchange of up to fifteen (15) parcels of Common School Fund trust property; applying the principles for land disposal and the implementation strategies in the 2012 Real Estate Asset Management Plan (pp. 20-21). The area totals approximately 1,254 acres.

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.

ORS 273.413; relating to disposition of unsuitable lands, sale and use of proceeds, procedures.

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

Proposed Tracts

The 15 parcels proposed for potential sale or exchange are all Common School Fund trust properties. Of the 15 tracts, four of the tracts have been leased in the recent past but were not renewed. These four parcels are the Balsam Pit parcel which was not renewed due to the exhaustion of the minerals (no commercial value remaining); and the Pope Reservoir, Steel Tower, and Buck Butte parcels which were all under minimum value forage leases and were not renewed due to lack of need for such a small acreage. Additionally, the Balsam Pit parcel has potential environmental and safety hazards that would likely preclude further leasing opportunity interests.

Given this situation, the Department recommends moving forward with conducting due diligence related to the potential sale or exchange of these Klamath and Crook County parcels to help inform future State Land Board decisions around the management of these state land assets, consistent with the goals and strategies provided in the 2012 REAMP.

Upon approval of this agenda item, the Department would next be evaluating these parcels according to the land evaluation criteria in the REAMP. The Department would then move forward with additional due diligence steps to provide the Land Board with the information needed to inform a final decision on whether or not to dispose of these tracts.

Agency and Public Review

Letters will be sent to all adjacent landowners and lessees to inform them of the potential disposal of these tracts. Local, state and federal agencies and tribal interests and all school districts as representatives of the education beneficiaries will be notified and asked to offer information concerning their areas of interest. Any significant concerns offered by any interest over a particular tract will be thoroughly evaluated and thoughtfully considered prior to moving forward with a recommendation on the disposal process.

After comments are received from the public and other agencies, and following the additional due diligence work, a recommendation will be made regarding a final decision on whether or not to dispose of any or all of these 15 parcels.

RECOMMENDATION

The Department recommends that the State Land Board authorize the Department to initiate the review and determination of the sale or exchange of up to fifteen (15) parcels (approximately 1,254 acres) in Klamath and Crook County.

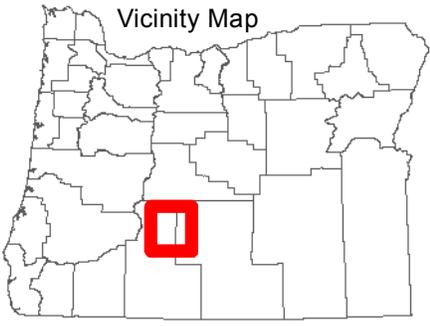
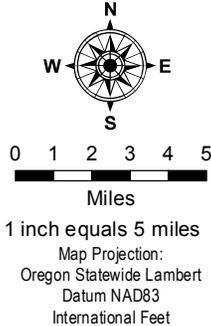
APPENDIX

A. Site maps

State of Oregon Department of State Lands



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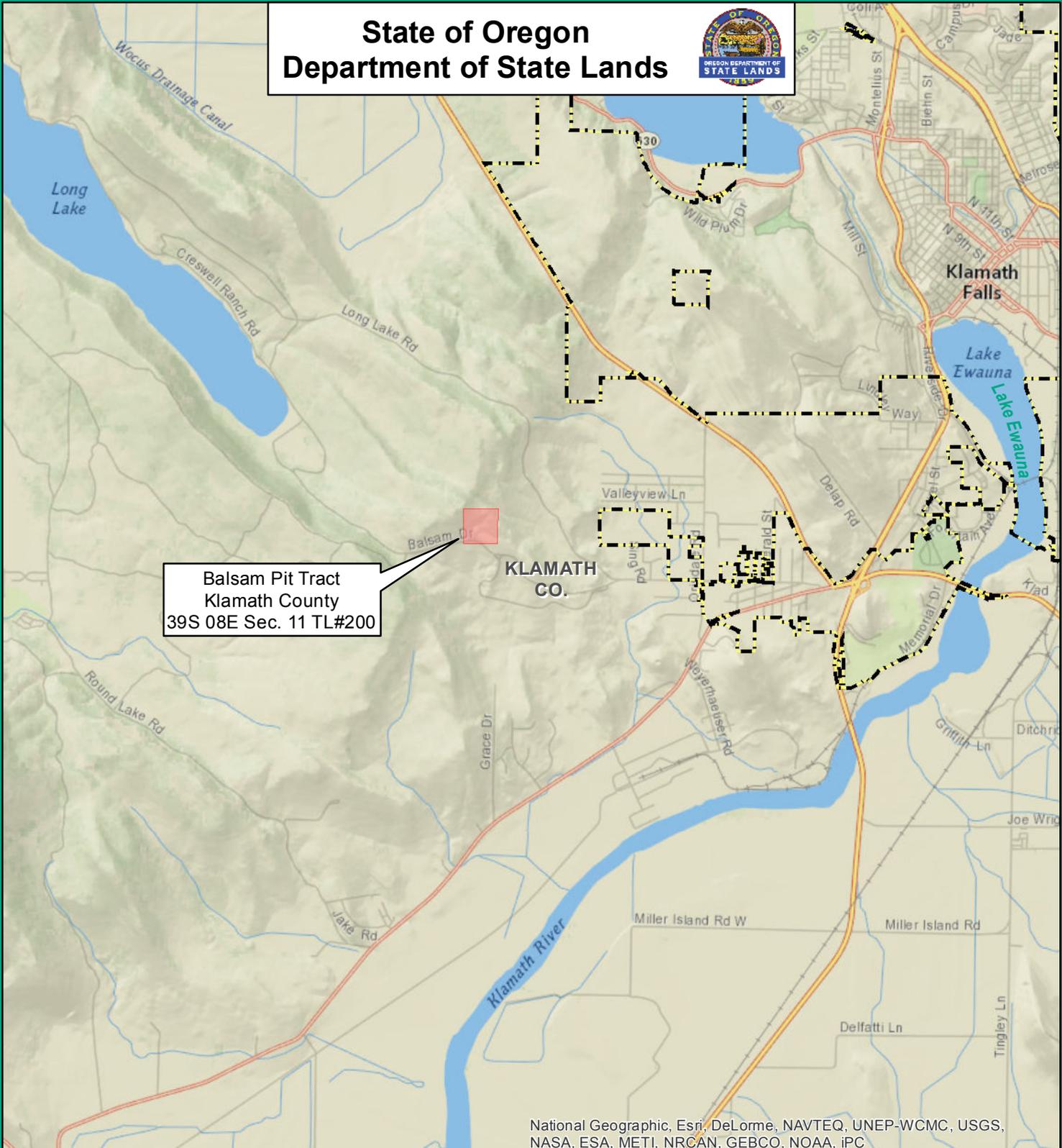


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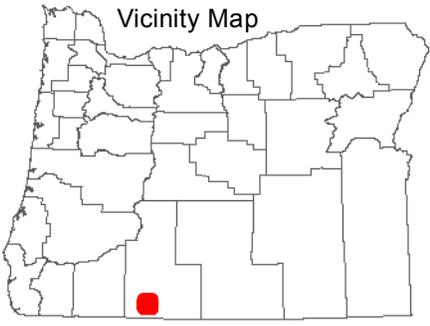
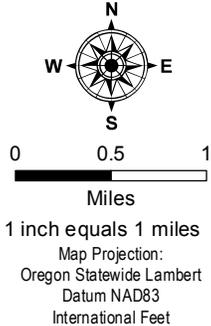
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State of Oregon Department of State Lands



Balsam Pit Tract
Klamath County
39S 08E Sec. 11 TL#200

National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC



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State of Oregon Department of State Lands



Buck Butte Tract
Klamath County
40S 12E Sec. 16 TL#4600

KLAMATH
CO.

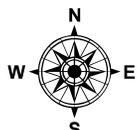
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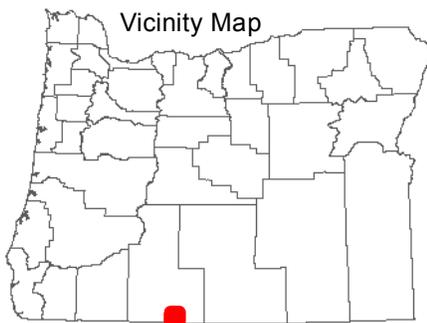
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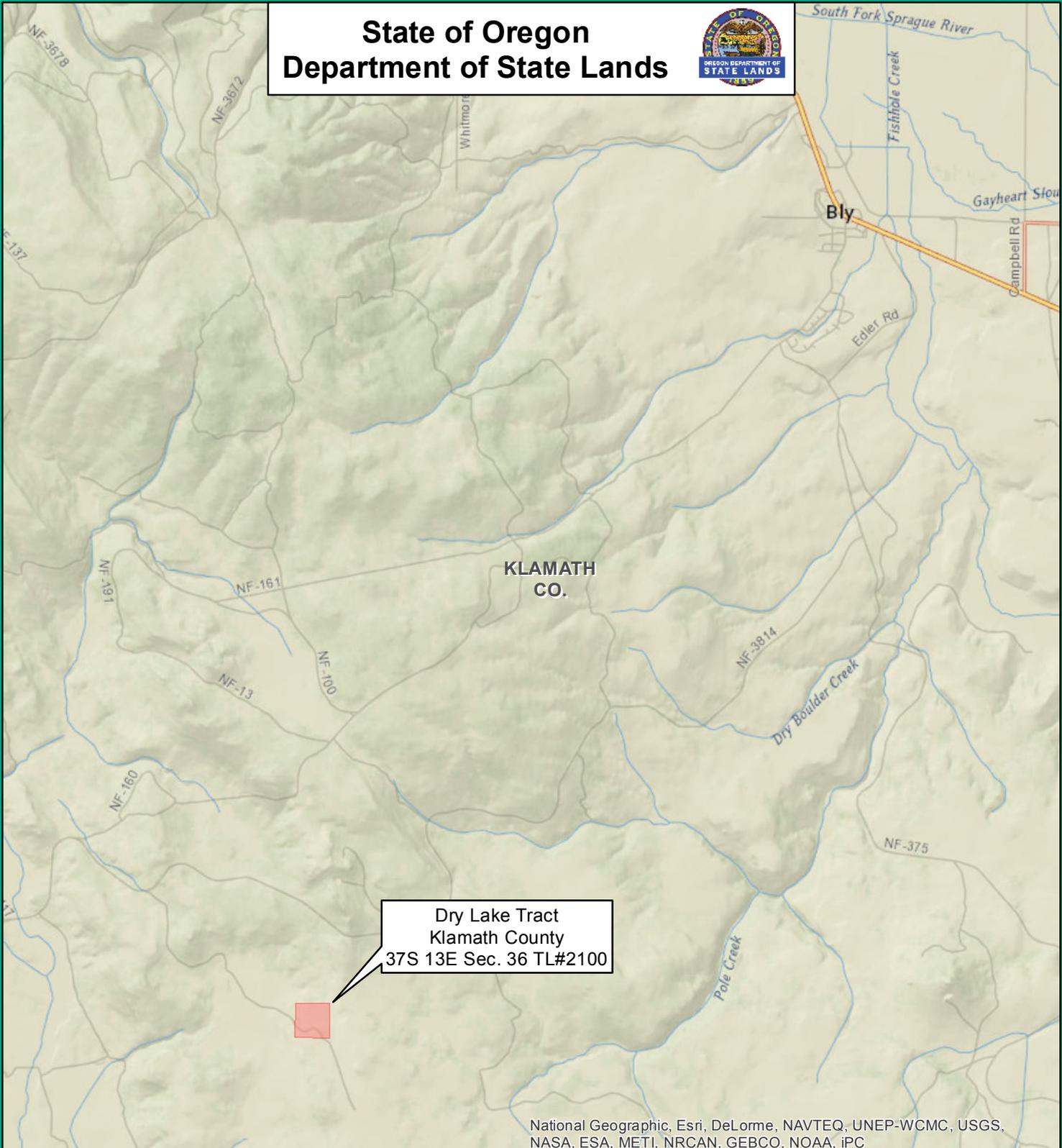
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Miles

1 inch equals 1 miles
Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

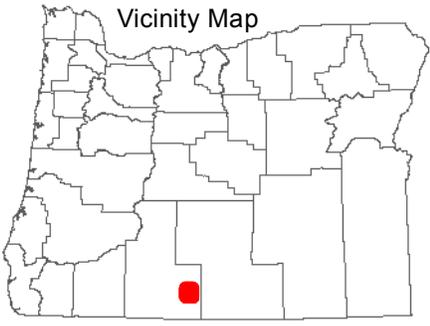
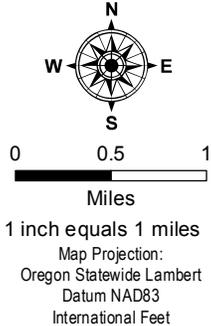
Vicinity Map



State of Oregon Department of State Lands



National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, iPC



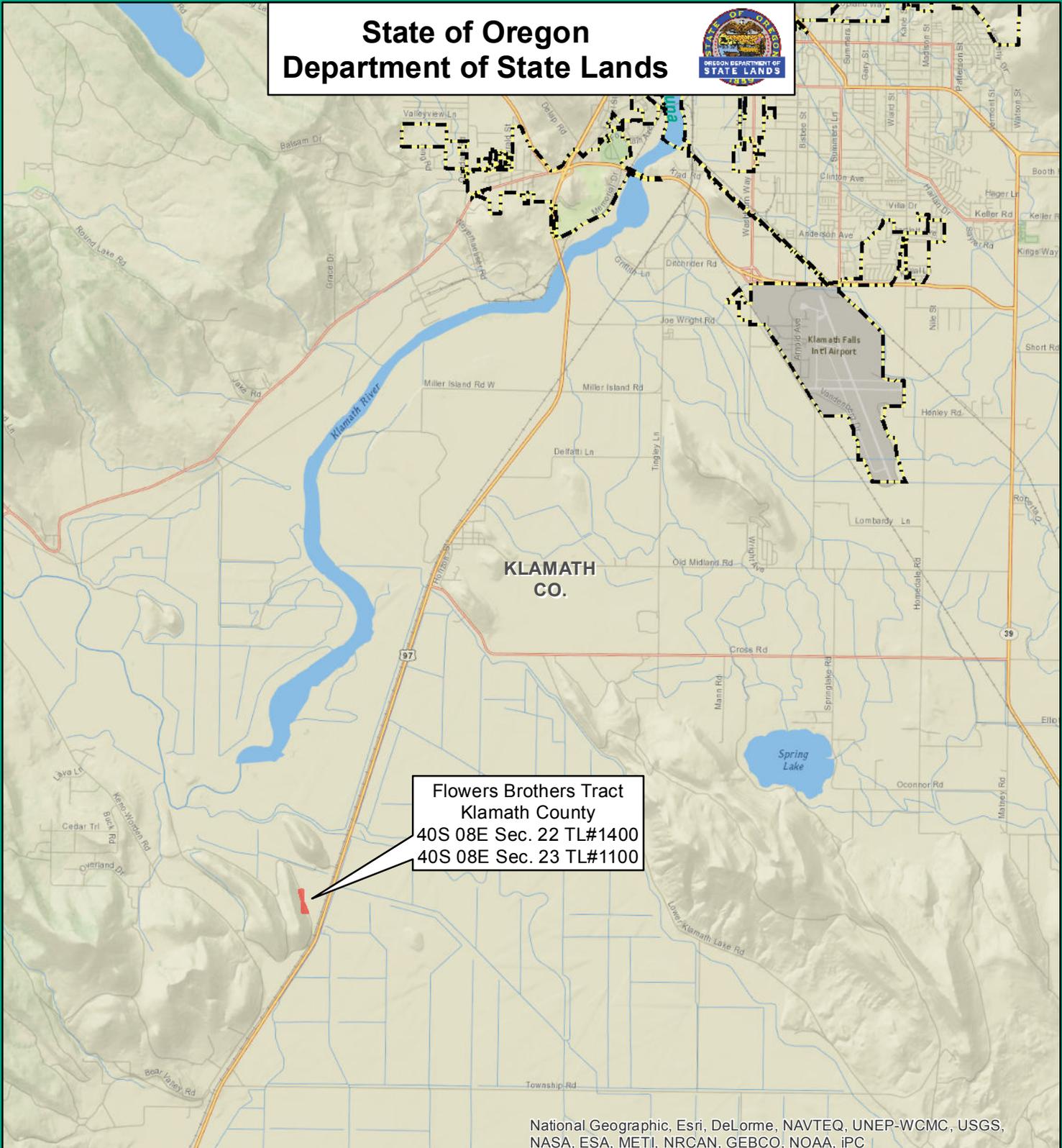
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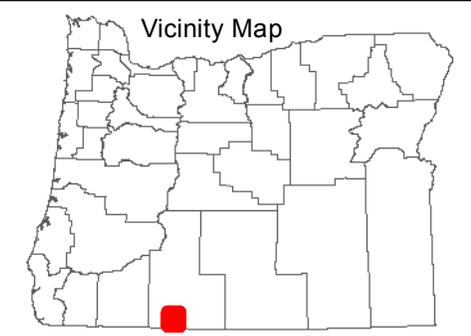
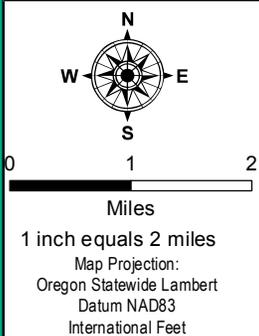
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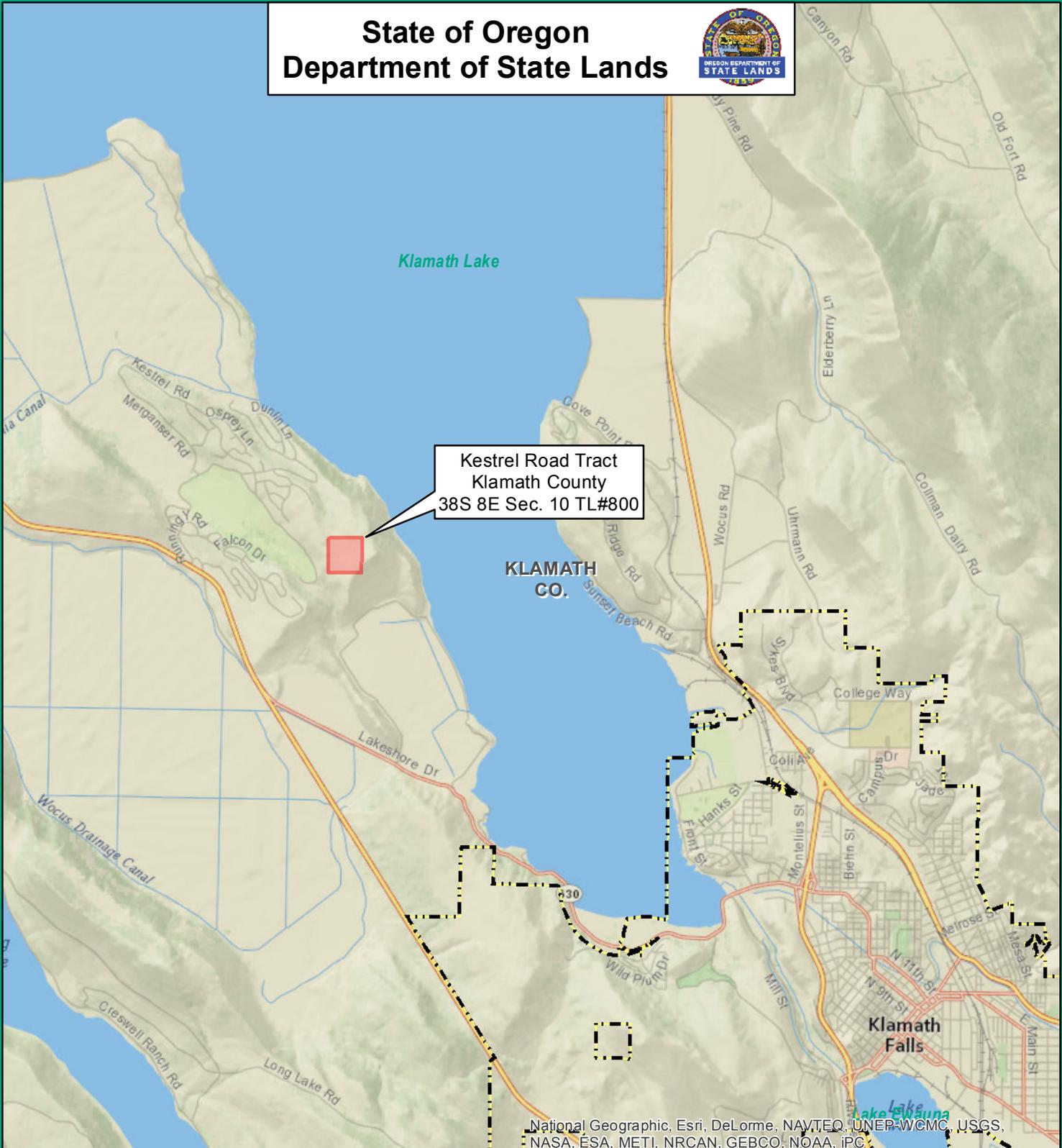
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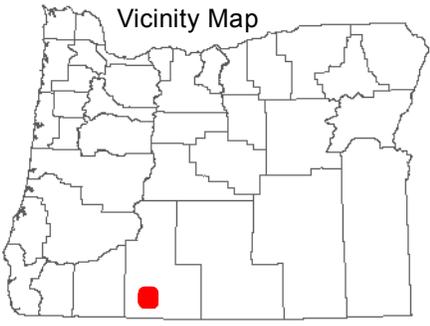
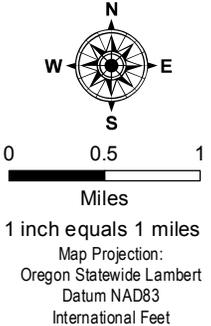
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Kestrel Road Tract
Klamath County
38S 8E Sec. 10 TL#800

KLAMATH
CO.

National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC



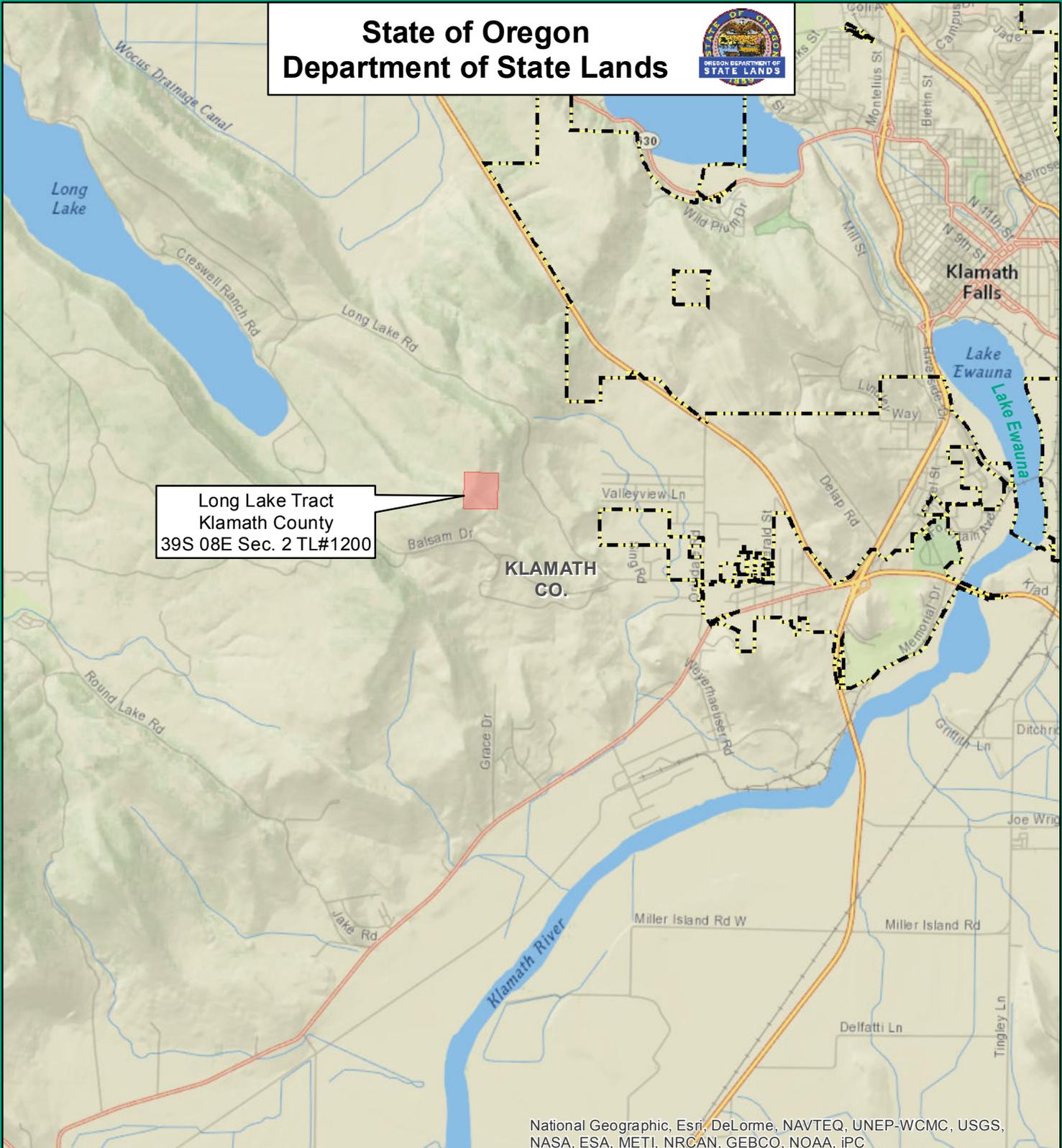
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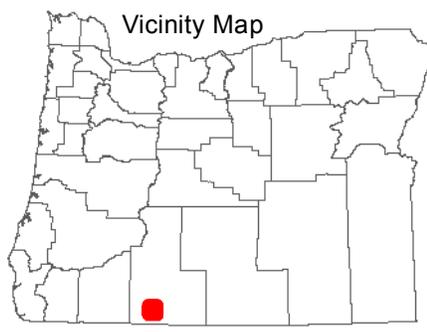
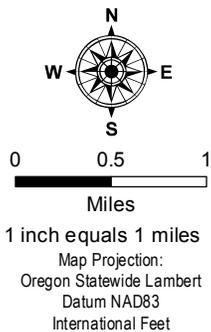
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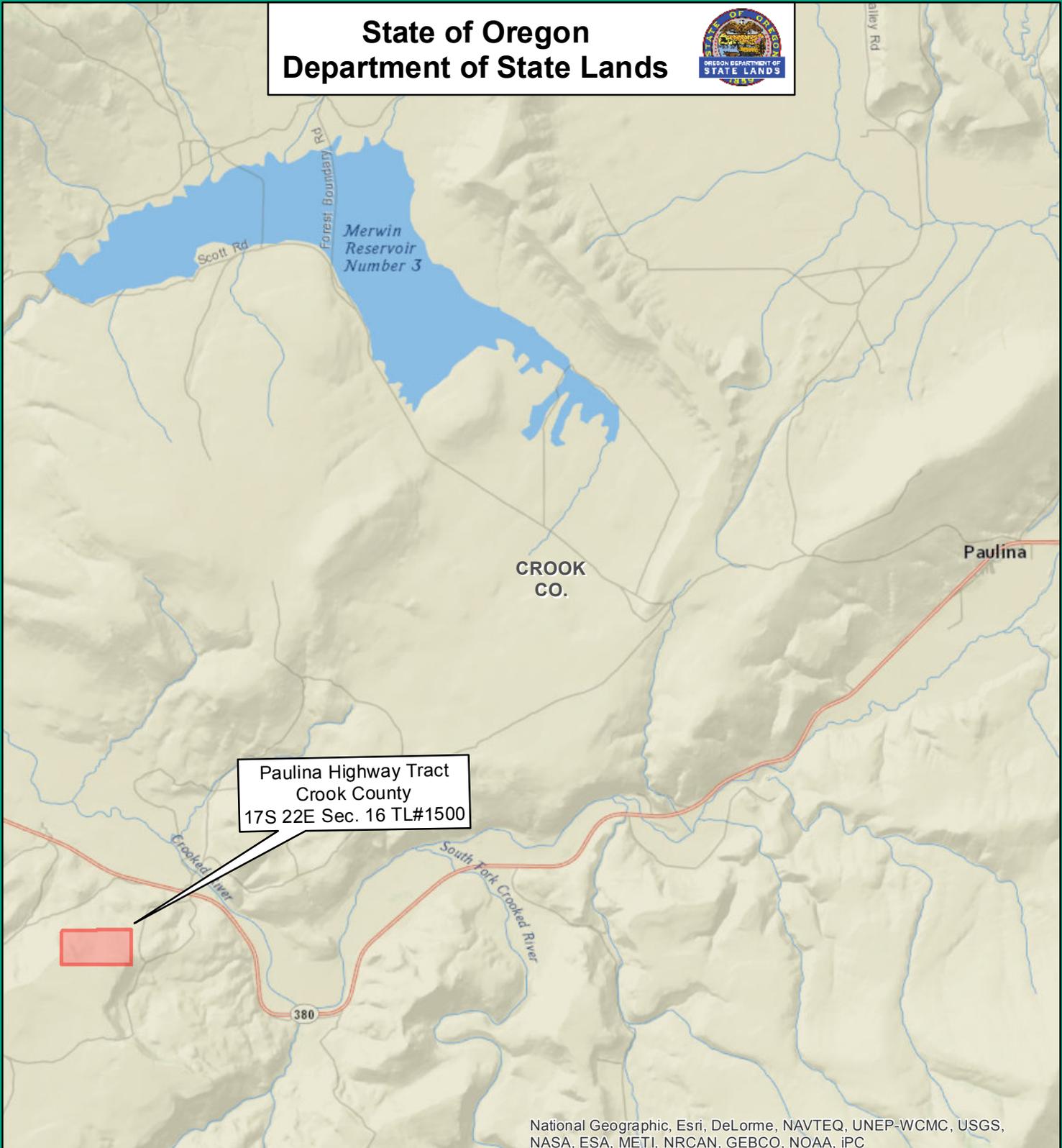
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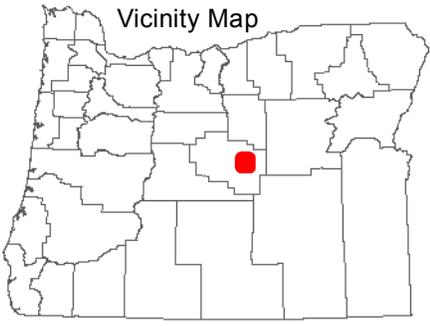
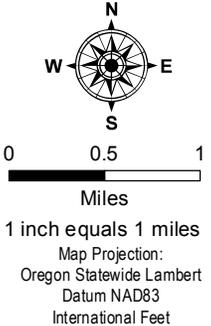
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Paulina Highway Tract
Crook County
17S 22E Sec. 16 TL#1500

National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC



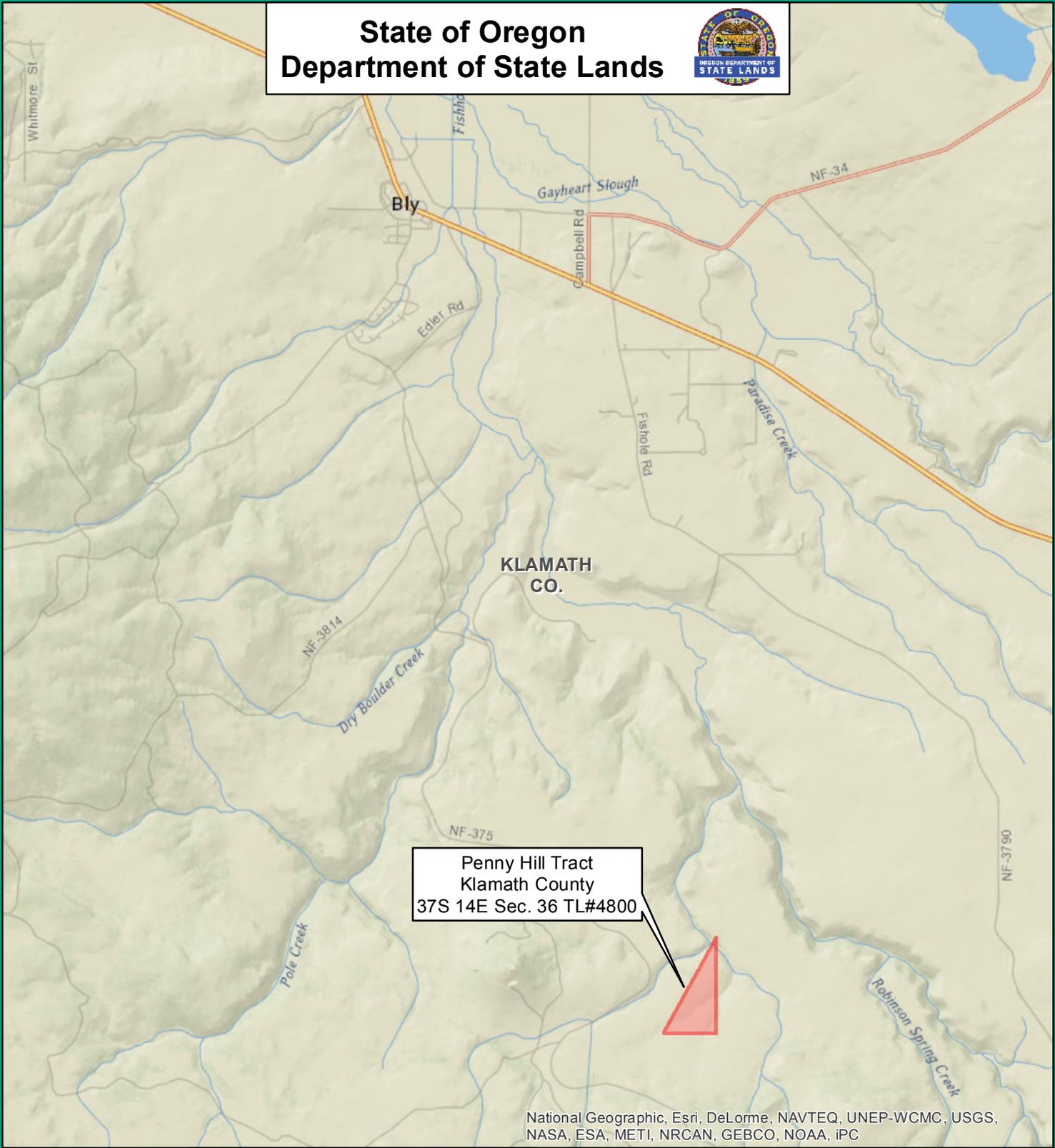
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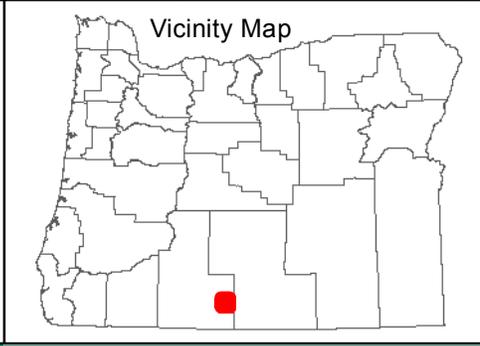
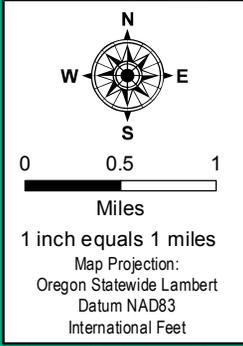
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Penny Hill Tract
 Klamath County
 37S 14E Sec. 36 TL#4800

National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC



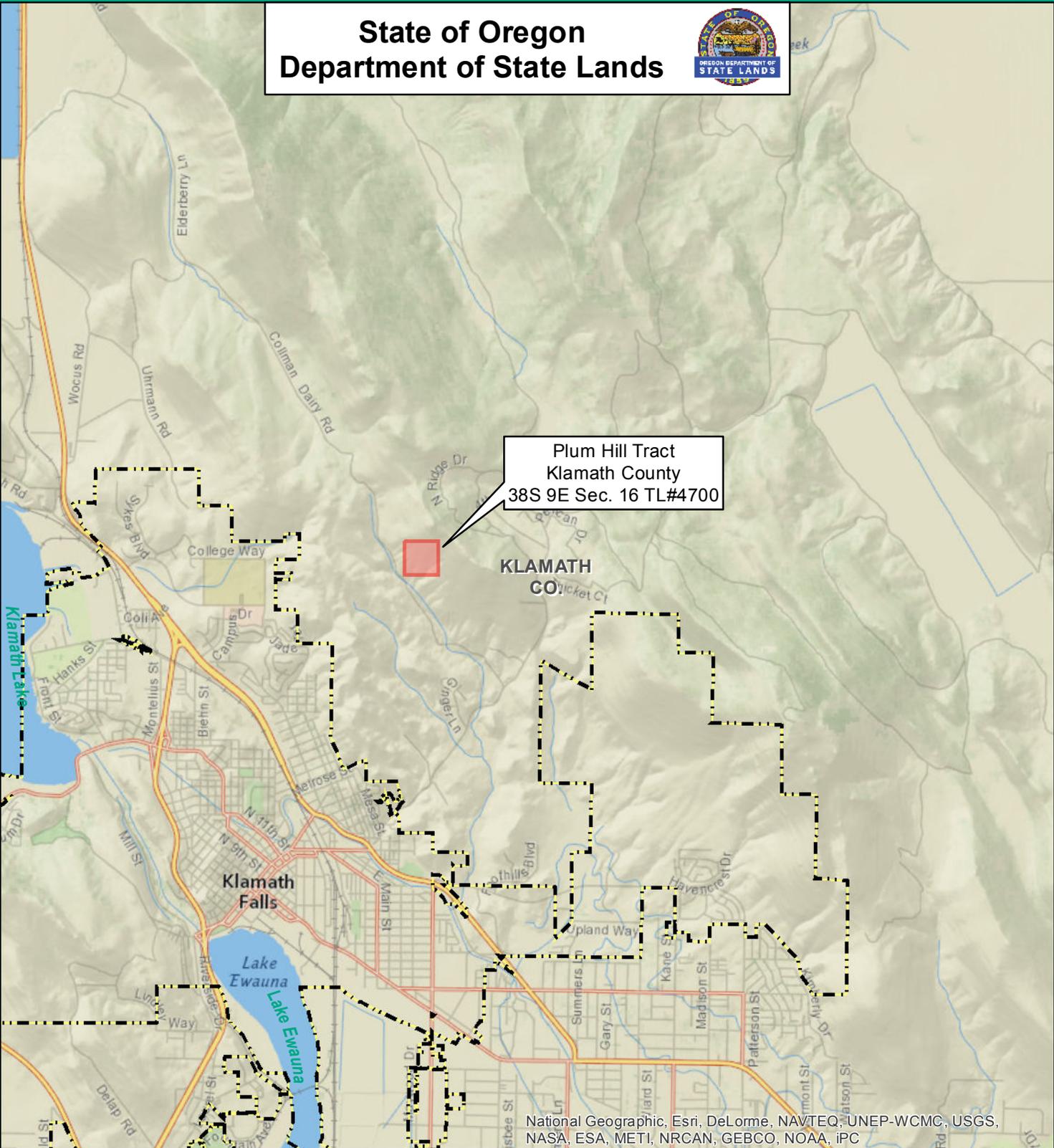
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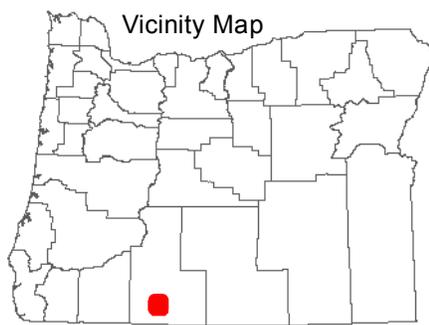
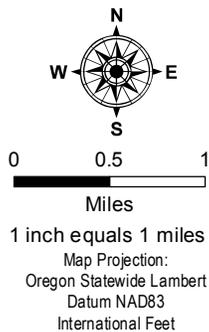
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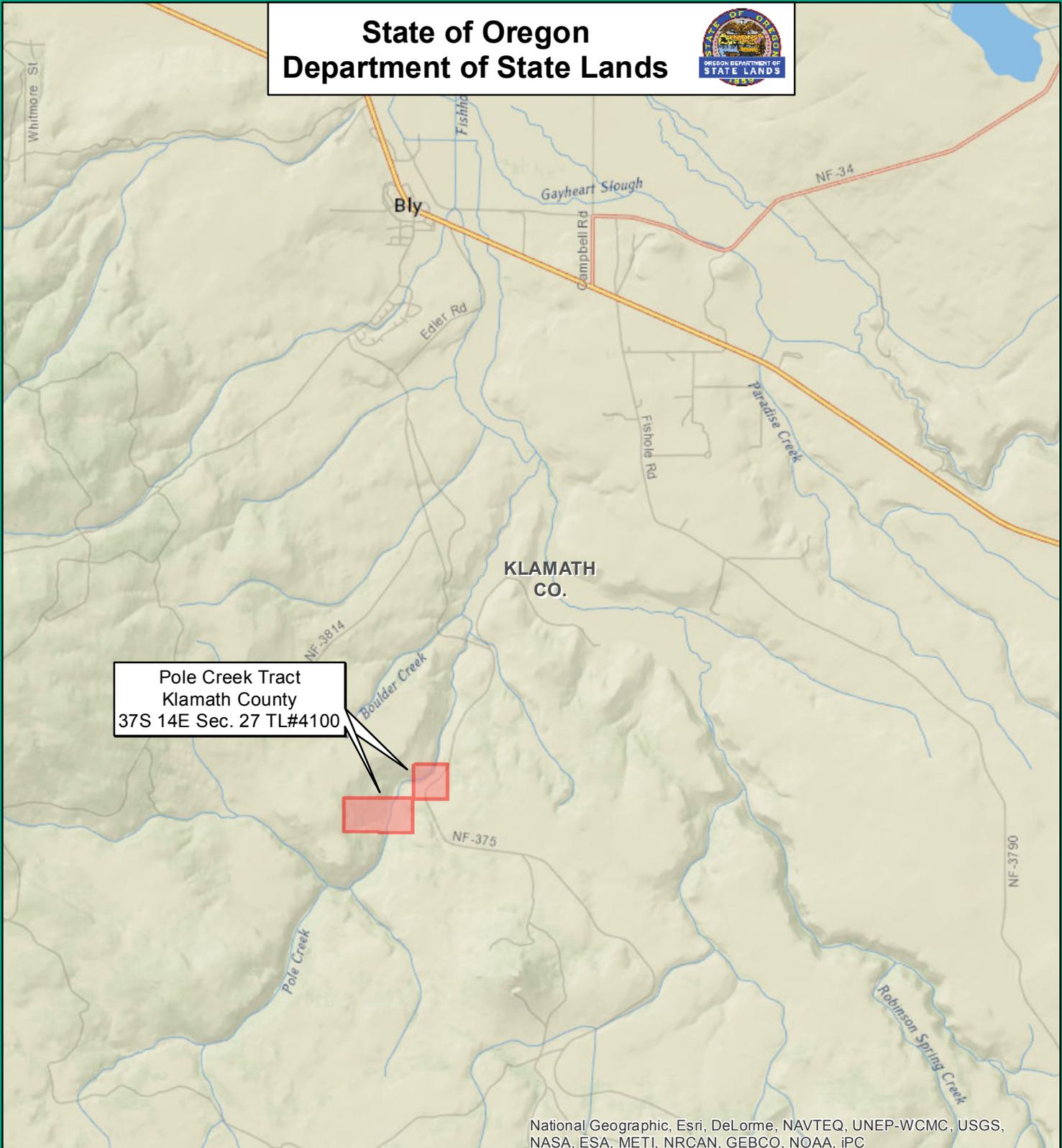
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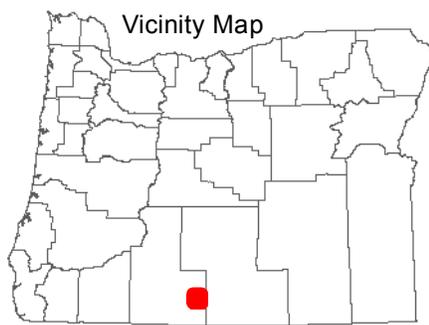
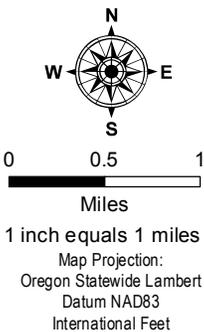
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Pole Creek Tract
Klamath County
37S 14E Sec. 27 TL#4100

National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC



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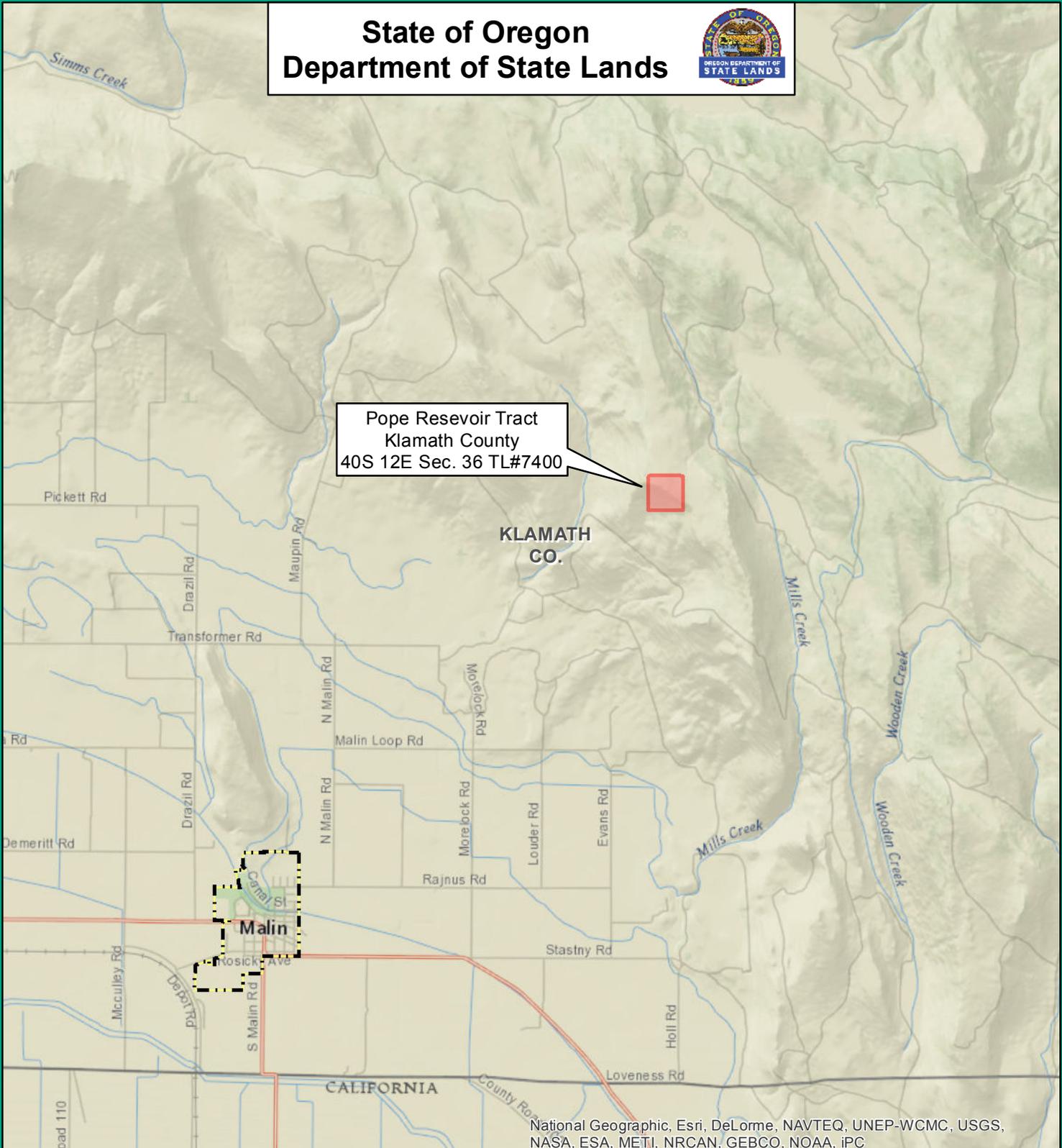
State of Oregon Department of State Lands



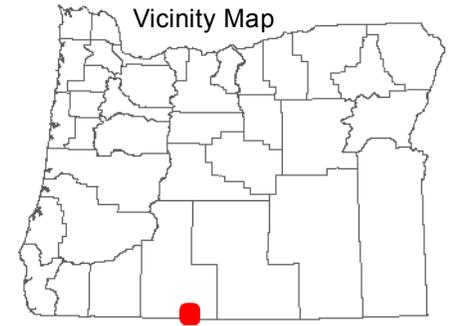
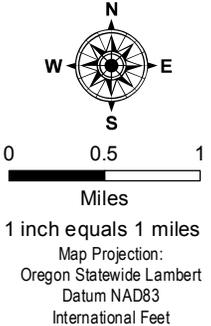
Pope Reservoir Tract
Klamath County
40S 12E Sec. 36 TL#7400



KLAMATH
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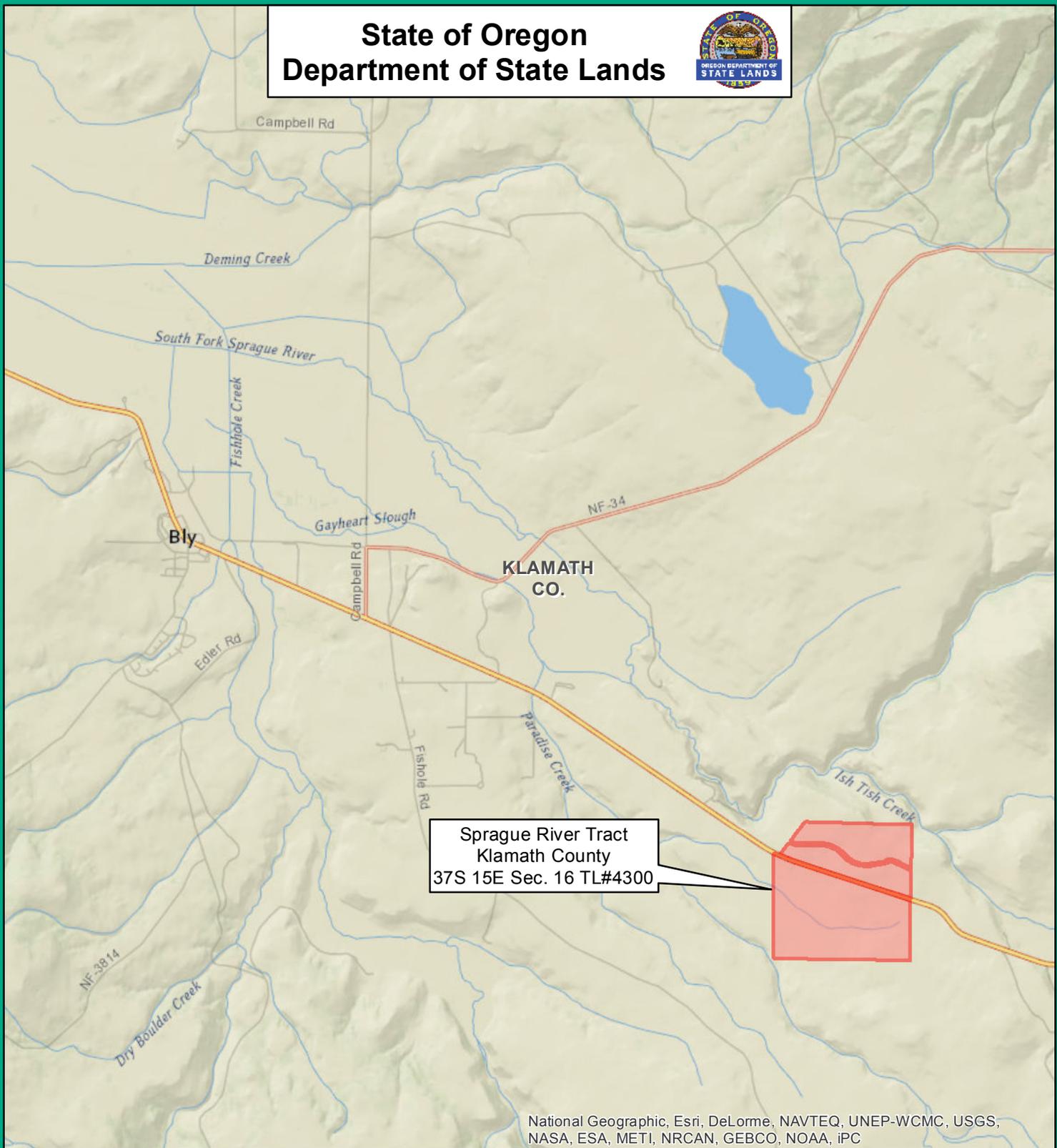
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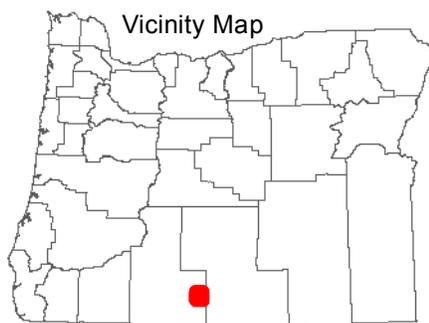
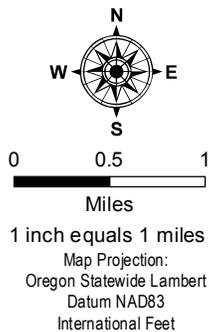
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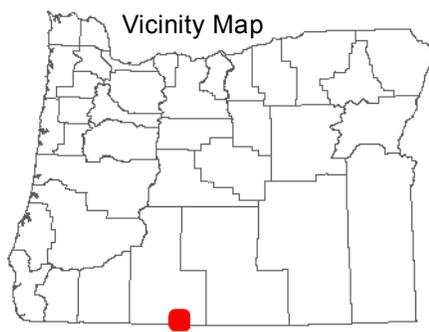
KLAMATH
CO.

Steel Tower Tract
Klamath County
40S 12E Sec. 36 TL#7500



National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, IPC

0 0.5 1
Miles
1 inch equals 1 miles
Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet



 Or. Dept. of State Lands Property

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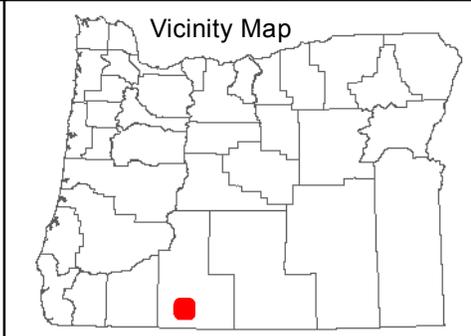
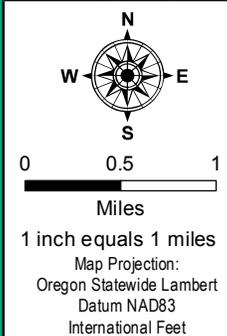
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Kate Brown, Governor

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State Land Board

Kate Brown
Governor

State Land Board

Regular Meeting
December 8, 2015
Agenda Item 2

Jeanne P. Atkins
Secretary of State

Ted Wheeler
State Treasurer

SUBJECT

Request approval to sell seven (7) state-owned trust land parcels in Gilliam, Grant and Wheeler Counties totaling about 280 acres through public auction in spring of 2016.

ISSUE

Whether the State Land Board should authorize the sale of (7) parcels; applying the principles for real property transactions and the implementation strategies in the 2012 Real Estate Asset Management Plan.

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.

ORS 273.275; relating to price of state lands; sale to highest bidder.

ORS 273.281 and ORS 273.285; relating to the payment for state lands.

ORS 273.413; relating to disposition of unsuitable lands, sale and use of proceeds, procedures.

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

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

SUMMARY

Isolated Parcels

There are seven parcels located in Gilliam, Grant and Wheeler Counties, each approximately 40 acres in size that have been identified for potential sale (Appendix A). All of these properties were approved to proceed with due diligence for potential sale through the John Day Basin Asset Management Plan approved by the State Land Board in February 2014.

These properties have been identified as possible sale parcels due to individual characteristics such as their isolated location as in-holdings without public access within surrounding ownerships, poor soils, and inability to generate income for the Common School Fund (Appendix B).

Agency and Public Review

Letters were sent to surrounding property owners with interest expressed from only two surrounding property owners of the Fopiano Ranch parcel. We also informed our general public land sale notification list which includes local, state and federal agencies as well as tribal interests and all school districts as representatives of the education beneficiaries to provide the opportunity to offer information concerning their interest. Questions from beneficiaries were raised regarding the land sale process and DSL provided detailed and information in response to the beneficiaries.

These parcels were evaluated against factors listed in the 2012 Real Estate Asset Management Plan relative to lands being considered for possible sale or exchange (p.20). See Appendix C for a summary of the agency's findings as a result of these evaluations. The principal factors influencing the agency's recommendation include the following:

- Small, isolated tracts or in-holdings within another major ownership
- Poor physical attributes for revenue enhancement
- Management costs in comparison to actual/potential returns

These properties have been appraised by DSL to estimate their market value. It is not uncommon for appraised property values to differ from "real market values" as determined by county assessors, as is the case with these parcels. The appraised values were thoroughly researched and vetted, and the Department is confident that they represent the best estimate of market value at this time.

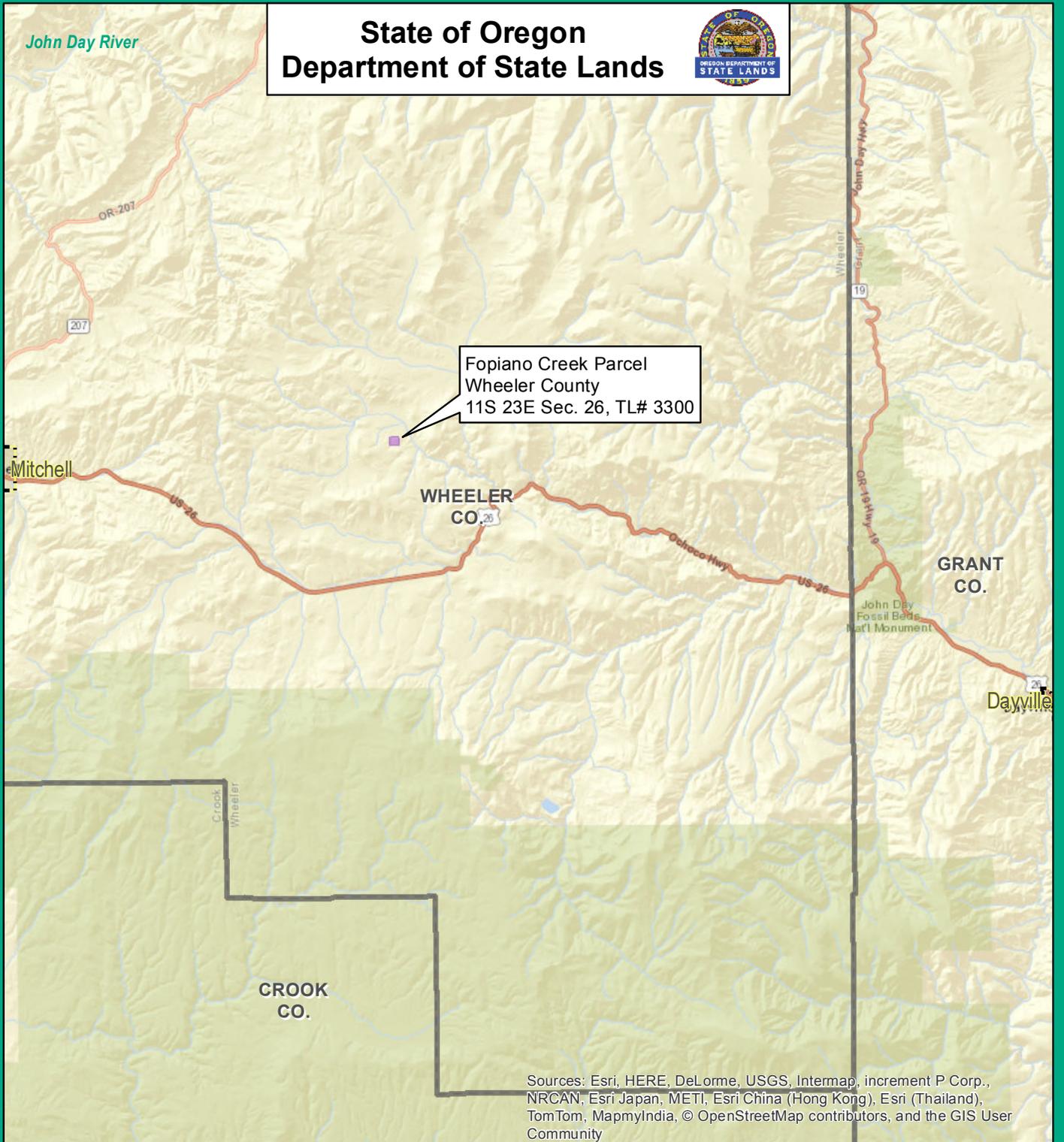
RECOMMENDATION

The Department recommends that the State Land Board authorize the Department to sell through public auction, seven (7) parcels totaling approximately 280 acres in Gilliam, Grant and Wheeler Counties, for a value at or above the estimated market value.

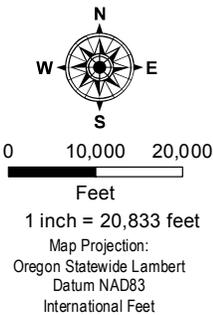
APPENDICES

- A. Parcel maps
- B. Land Evaluation Forms
- C. Intents to Finalize

State of Oregon Department of State Lands



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



Surface & Subsurface

This map depicts the approximate location and extent of a Department of State Lands, Land Management Division 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.

Appendix A

State of Oregon
Department of State Lands
775 Summer St, NE, Suite 100
Salem, OR 97301
503-986-5200
www.oregon.gov/DSL
Date: 1/27/2015

State of Oregon Department of State Lands

5S 24E

5S 24E

5S 25E

5S 24E

5S 24E

5S 24E

5S 25E

5S 25E

5S 25E

Long Hollow Parcel
Gilliam County
05S 24E Sec. 36, TL# 2400

5S 24E

5S 24E

5S 24E

5S 25E

5S 25E

5S 25E

6S 24E

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6S 25E

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Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom

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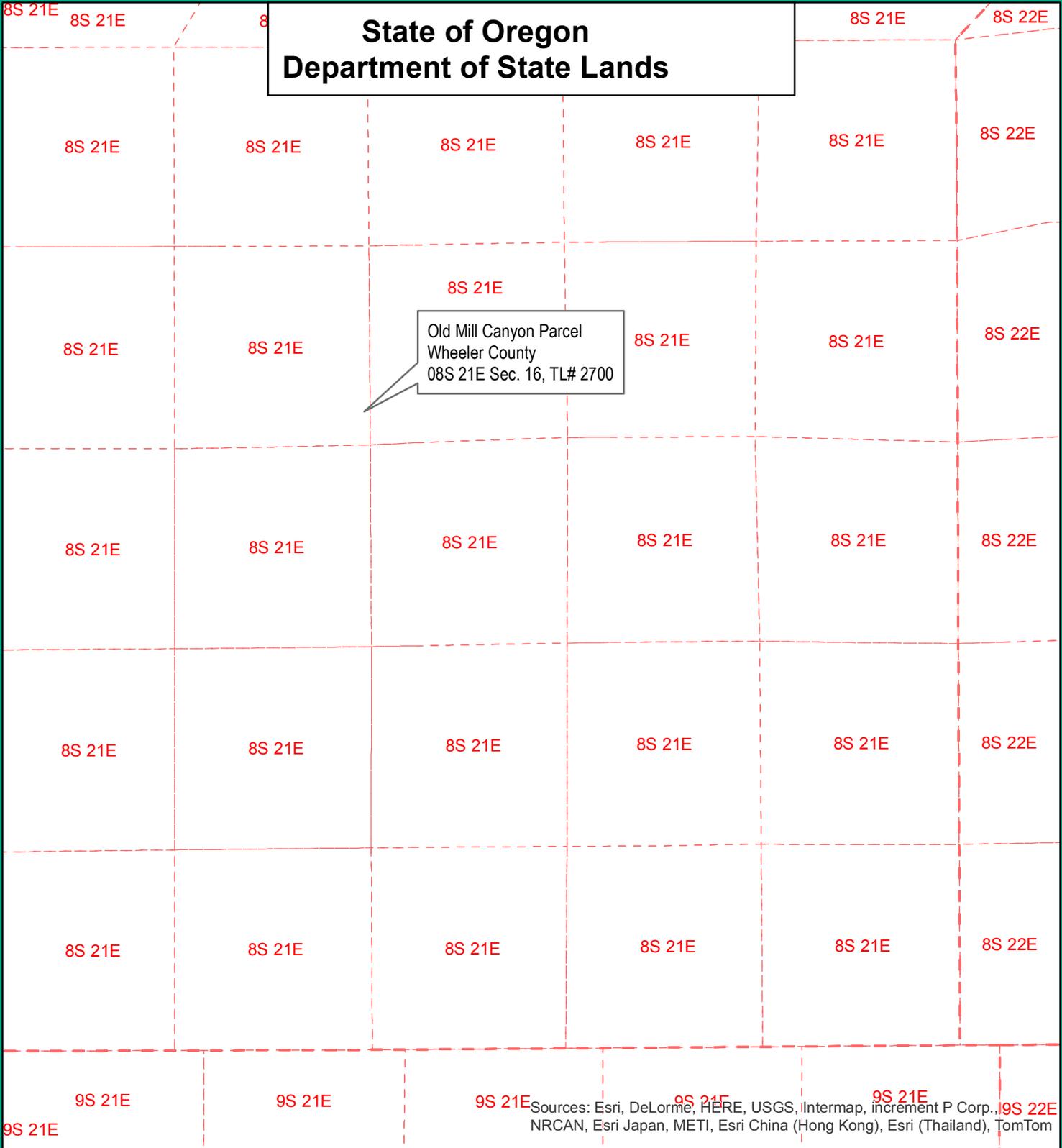
Feet

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Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon Department of State Lands

Old Mill Canyon Parcel
Wheeler County
08S 21E Sec. 16, TL# 2700



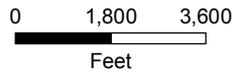
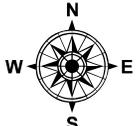
Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom

Surface & Subsurface

Exhibit A

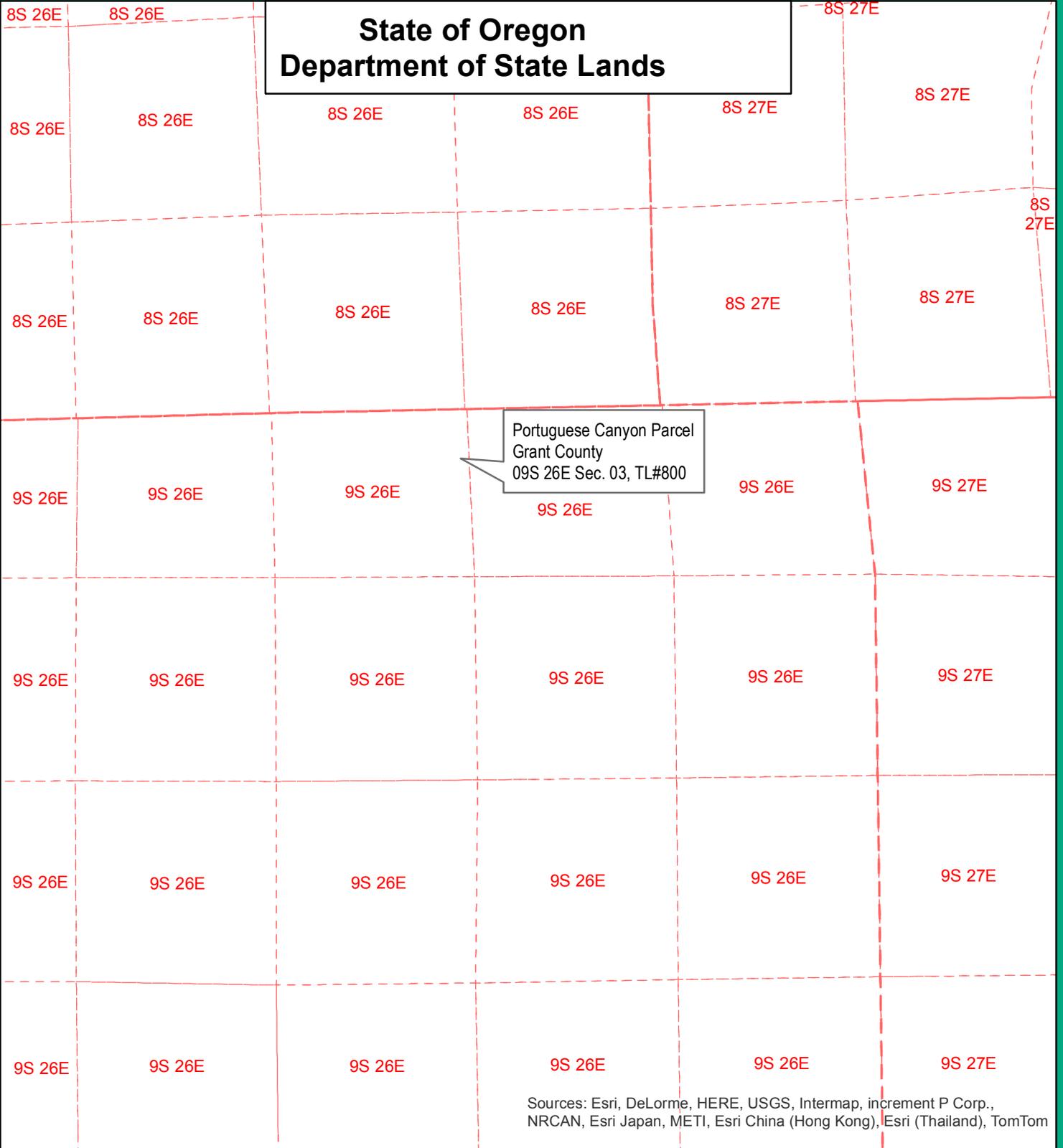
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Date: 5/6/2015



Feet
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Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon Department of State Lands



Surface & Subsurface

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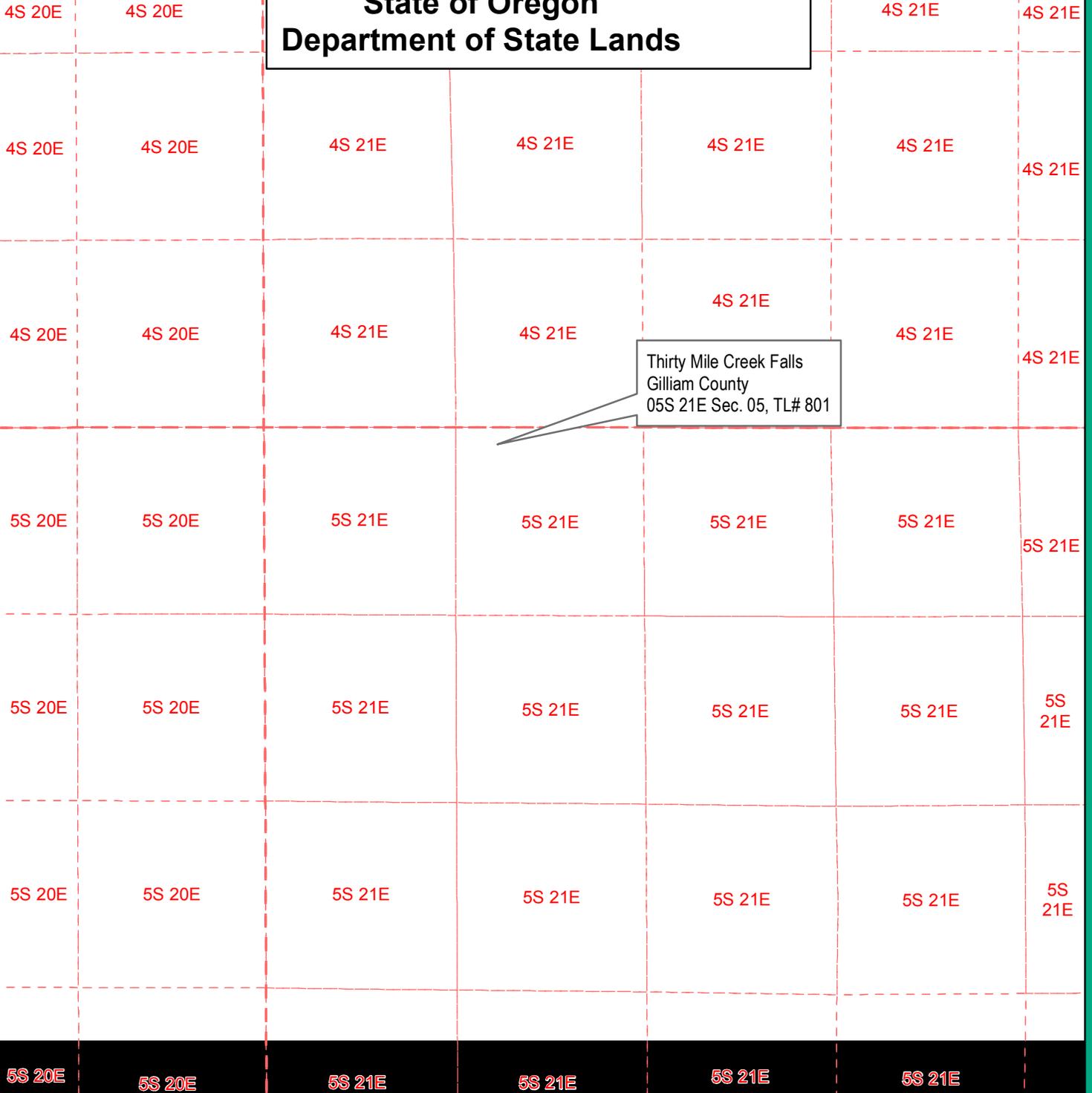
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Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

State of Oregon Department of State Lands



Thirty Mile Creek Falls
Gilliam County
05S 21E Sec. 05, TL# 801

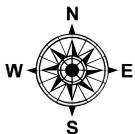
Sources: Esri, DeLorme, HERE, USGS, Intermap, Increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom
5S 21E

Surface & Subsurface

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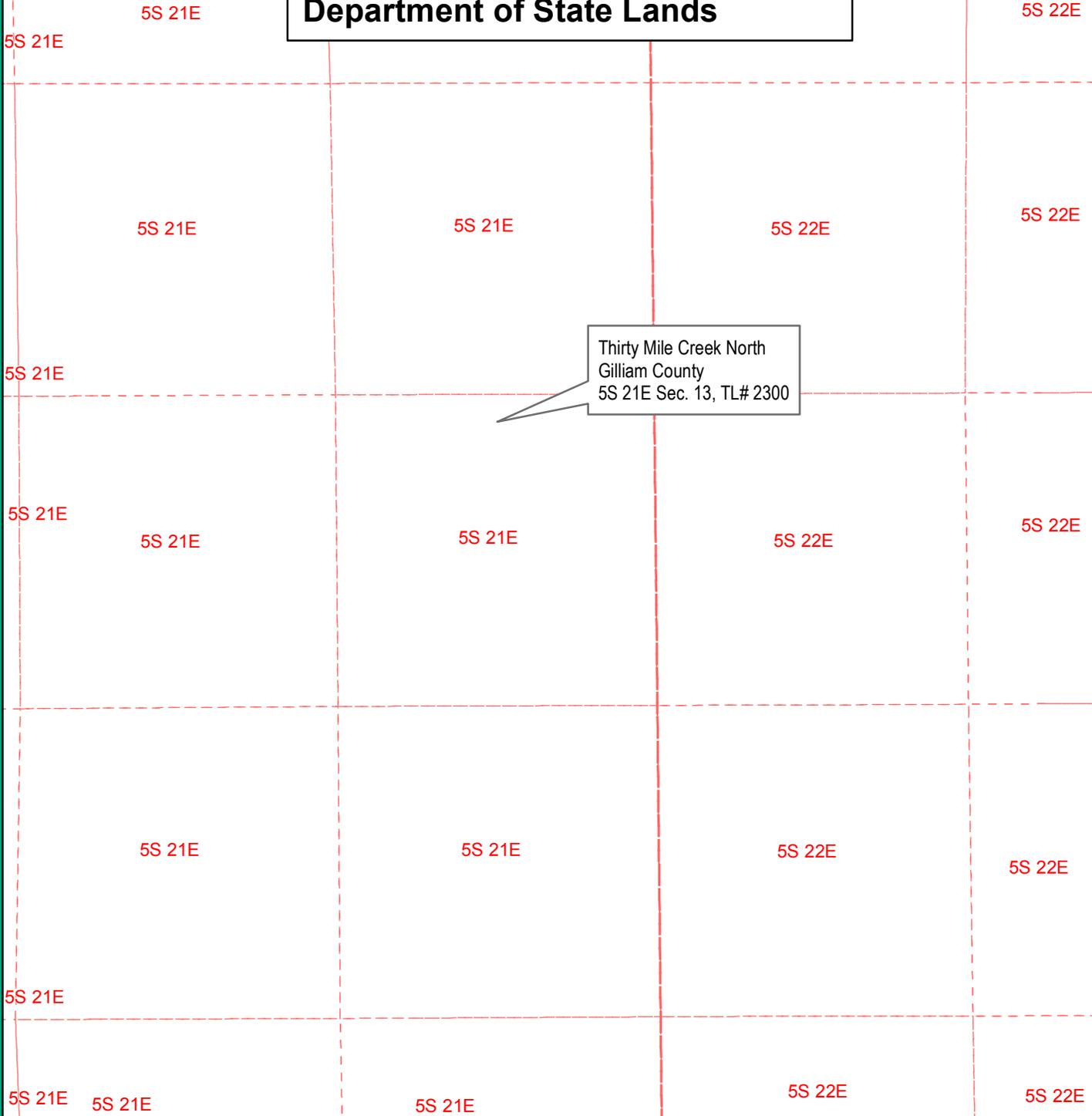
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Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

Software: ESRI ArcMap 10.2

Document Path: O:\GIS_Projects\LM\GIS Analyst\Land\MXDs\Land Board Agenda App A Map.mxd

State of Oregon
Department of State Lands



Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom

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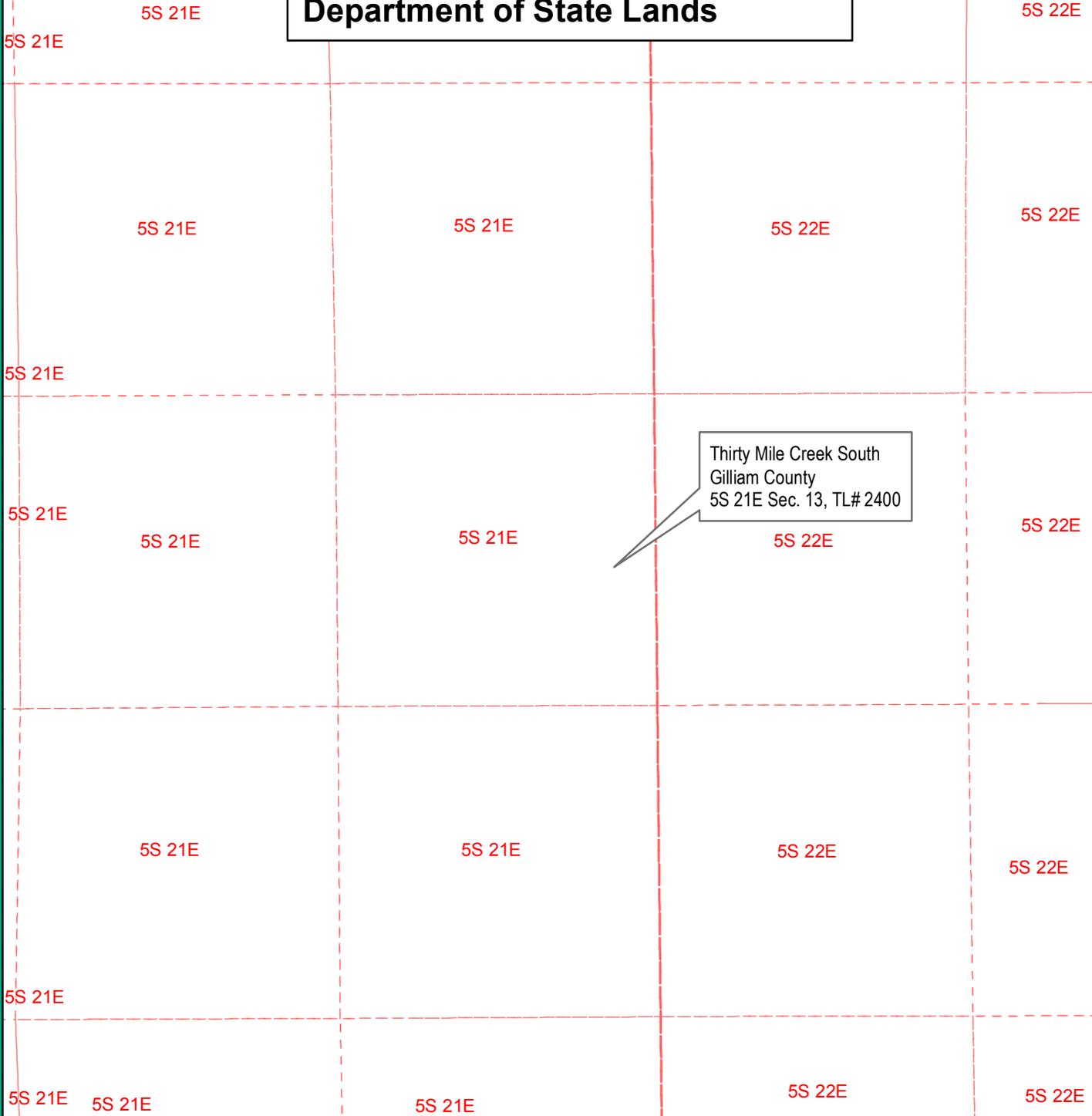
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Map Projection:
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Datum NAD83
International Feet

State of Oregon
Department of State Lands



Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom

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0 1,300 2,600

Feet

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Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

LAND EVALUATION FORM

Evaluation done in: XXX Office _____ Field

Parcel Name: Fopiano Creek **County:** Wheeler **Site #:** 58918 **LAS Number:** 56118-LS

Map & Tax Lot: 11S 23E, Sec. 26, Tax Lot 3300 **LAS Parcel#:** 384 **GIS Acres:** 40.5

DSL Land Class: Rangeland **Certified Forest:** _____ **Yes** XXX **No** **Leased:** _____ **Yes** XXX **No**

Ownership: Trust **Mineral Rights:** Surface & Subsurface

Adjacent Property Owners & Use: 100% private

Zoning: EFU-Exclusive Farm Use

Wildlife Overlay: N/A

Cultural-Historic: Parcel Reviewed: XXX **Yes** _____ **No**

Previously Surveyed: _____ **Yes** XXX **No** _____ **Partially**

Cultural Resources Identified (if yes, consult with staff archaeologist): _____ **Yes** XXX **No**

Probability of Cultural Resources: _____ **Low** ___ **Medium** XXX **High**

Known Endangered Species: None known

Buildable: _____ **Yes** XXX **No** **Lot of Record:** XXX **Yes** _____ **No**

Water Rights: _____ **Yes** XXX **No** **Irrigation District:** N/A

Depth of Nearby Wells: No Wells found within 1 square mile outside of tract **Electrical**

Service: not on property

On-site/Distance to Existing: Miles to service **Current Parcel Conditions:** Open Rangeland

Potential for Zone Change/Partition: N/A

Highest and Best Use Conclusion: Hunting/Recreation/Rangeland

Access: None

Legal Access: _____ **Yes** XXX **No** **County Maintained Road:** _____ **Yes** XXX **No**

Condition: N/A

Interior Roads/Trails/Condition: None

Property Boundaries/Corner Survey Markers: None known

Easements (to/from whom and what type): N/A

Nearest DSL Parcel (direct): 9 miles to southeast

Topography/Shape of Parcel: Square shape/ Gentle rolling topography

Vegetation Cover (types, condition, % coverage): Native Grasses 85%; Juniper 10%; Rock 5%

Site Structures/Improvements: None

Electrical Transmission Lines/Corridor (on-site or nearby): Not on-site or nearby

Potential for Alternative Energy: N/A

View Site/Water Features/Other amenities: N/A

Evidence of Prior Activity (wildfire, crops, historic home site): None known

Lease History: N/A

Current Use: N/A

Est. Development Costs: N/A **Utilities:** N/A **Access:** N/A

Agriculture/Forest Potential: N/A

Soil Type/Structure: No Soil data available

NRCS Soil Class: Unknown **MB & G Forest Rating:** Not Rated

Age of Timber: N/A **Timber Volume:** N/A

Estimated Timber Value: \$ N/A

Site Index/Type of Timber: N/A **Fire District/Protection Area:** N/A

Property Expenses: \$0 **Other Holding Costs:** \$N/A

Assessor's RMV: \$84,800 **Tax Year:** 2012-2013

Estimated Market Value: \$14,400 **Source:** 2014 Appraisal

Est. Annual Income After Development (Improvements/Land-Use Action): N/A

Known/Proj. AUMs: 0.15 AUM/Acre **Annual Lease Amt.:** \$ N/A

20 year Investment Return based on timber/lease income: N/A

Rate of Return on Asset Value (%): N/A

Present Value based on Current/Projected Income: N/A

Comments: The property is located approximately 11 miles east of Mitchell (as crow flies) and has no legal or physical access. As the surrounding property owner will not lease the property, there is little chance that this property will generate money for the CSF.

Originator: Clara Taylor

Date: 1/20/15

Reviewer: Lanny Quackenbush

Date: 1/23/15

LAND EVALUATION FORM

1. Evaluation completed in: Office Field

2. Parcel Name: Long Hollow 3. County: Gilliam 4. Map & Tax Lot: Township 5S Range 24 East Section 36, Tax Lot 2400 5. Site #: 3

6. LAS #: 217 7. GIS Acres: 40.00 8. DSL Land Class: RNGL 9. Certified Forest: Yes No

10. Leased: No Yes Lease #: N/A Type of Use: N/A

11. Ownership Type: Surface and Subsurface 12. Mineral Rights: No Yes

13. Adjacent Property Owners & Use: : To North, West, South owned by Gerald & Dianna Hoeft, 57560 Wright Dr. Heppner 97836; To East owned by Horseshoe Hereford Ranch Inc., c/o Ned Clark, 5534 Hwy. 207, Heppner, OR 97836-rangeland

14. Zoning: EFU-Exclusive Farm Use

15. Developable Parcel: No Yes 16. Minimum acres required for home site 160 acres

17. Lot of Record: No Yes

18. Potential for Zone Change/Partition: None

19. Wildlife Overlay: Not Known

20. Cultural-Historic: Parcel Reviewed: No Yes

21. Previously Field Surveyed: No Yes Partially Date Surveyed: N/A

22. Cultural Resources Identified in field? (if yes, consult with staff archaeo): No Yes

23. Probability of Cultural Resources: None Low Medium High

24. Threatened/Endangered Species: Field Survey Completed: No/Not Needed Yes

Species: Tract has been field surveyed for Lawrence's milkvetch with no finding of plant species.

25. Water Rights: No Yes Water Right Info: N/A

26. Irrigation District: None

27. Depth of Nearby Wells:: 151' in Sec.22

28. On-site/Distance to Existing Electrical Service and what type: Over 3 miles to nearest 3-phase power line, Columbia Basin Co-Op

29. Electrical service provider/PUD Name: Columbia Basin Co-Op

30. Potential for Alternative Energy: low for wind (5.0m/s); average for solar (5.0kWh/m2/Day); above average for geothermal potential per NREL.

31. Access: No legal or physical access but there are dirt roads/trails to southwest of parcel.

32. Legal Access: No Yes Gov't Maintained Road: No Yes Road Name/# N/A

33. Easements (to/from whom and what type): None

34. Interior Roads/Trails/Condition: None

35. Known Property Boundaries/Corner Survey Markers: None

36. Nearest DSL Parcel (direct): 1.5 to the SE

37. Topography/Shape of Parcel: NW and N center is relatively flat, west-facing steeply sloped canyon wall along NE and E border with two shorter buttes in the southern half.

38. Vegetation Cover (dominant species, condition, % coverage): Over half of tract is loose rock (slope for canyon), Idaho fescue-Junegrass canyon grassland grasses at the top and at the bottom near creek along with a few scattered trees/shrubs.

39. Site Structures/Improvements: None

- 40. View Site/Water Features/Other amenities:** 1 seasonal drainage- Long Hollow Creek along west side
- 41. Evidence of Prior Impacts/Activities (wildfire, crops, historic home site):** None
- 42. Lease History:** None
- 43. Current Use:** No use
- 44. Agriculture/Timber Potential:** None, too rocky and steep for ag; too dry for timber
- 45. Soil Type:** 25% Waha Silt loam, 35% Rock outcrop and 40% Waha Rockly complex
- 46. NRCS Soil Class:** 4,6&8 **47. MB & G Forest Rating:** NA
- 48. Age of Timber:** NA **49. Timber Volume:** NA
- 50. Estimated Timber Value:** \$ NA
- 51. Site Index:** NA **52. Type of Timber:** NA
- 53. % Annual timber volume increase:** NA
- 54. Fire District/Protection Area:** ODF #15923
- 55. Property Expenses (fire protection costs):** \$\$73.48 **56. Other Holding Costs:** \$0
- 57. Assessor's RMV:** \$5,000.00 **58. Tax Year:** 2014-2015
- 59. Estimated Market Value:** \$15,000 **60. Source:** Appraisal
- 61. Known/Proj. AUMs:** N/A **62. Annual Lease Amt.:** \$ N/A
- 63. 20 year Investment Return based on timber/lease income:** N/A
- 64. Rate of Return on Asset Value (%):** N/A
- 65. Present Value based on Current/Projected Income:** N/A
- 66. Potential developments necessary to increase marketability/land value (ie access, utilities):** N/A
- 67. Est. Annual Income after Development (Improvements/Land-Use Action):** N/A
- 68. Highest and Best Use Conclusion:** Rangeland/Recreation
- 69. Comments:** The tract is isolated with no legal or physical access. It is recommended that the parcel be sold.
- 70. Originators:** Clara Taylor **Date:** 04/30/15
- 71. Reviewer:** Shawn Zumwalt **Date:** 4/30/15

LAND EVALUATION FORM

1. Evaluation completed in: Office Field
2. Parcel Name: Old Mill Canyon 3. County: Wheeler 4. Map & Tax Lot: 8S 21E, Sec. 16 Tax Lot 1600 5. Site #: 22
6. LAS #: 444 7. GIS Acres: 40.0 8. DSL Land Class: RNGL 9. Certified Forest: Yes No
10. Leased: No Yes Lease #: N/A Type of Use: Rangeland
11. Ownership Type: Surface and Subsurface 12. Mineral Rights: No Yes
13. Adjacent Property Owners & Use: North and west is Pine Creek Properties LLC (TL 900) 2501 SW Ravensview Drive, Portland, OR 97201; to east and south (TL1500) is Mortimore Corp., 41370 Rowe Creek Road, Mitchell, OR 97750.
14. Zoning: EFU-Exclusive Farm Use
15. Developable Parcel: No Yes 16. Minimum acres required for home site 160 acres
17. Lot of Record: No Yes
18. Potential for Zone Change/Partition: None
19. Wildlife Overlay: Not Known
20. Cultural-Historic: Parcel Reviewed: No Yes
21. Previously Field Surveyed: No Yes Partially Date Surveyed: N/A
22. Cultural Resources Identified in field? (if yes, consult with staff archaeo): No Yes
23. Probability of Cultural Resources: None Low Medium High
24. Threatened/Endangered Species: Field Survey Completed: No/Not Needed Yes
Species: N/A
25. Water Rights: No Yes Water Right Info: N/A
26. Irrigation District: None
27. Depth of Nearby Wells: 151' in Sec. 22
28. On-site/Distance to Existing Electrical Service and what type: Unknown
29. Electrical service provider/PUD Name: Columbia Power Coop
30. Potential for Alternative Energy: : average for wind (6.0m/s); average for solar (5.0kWh/m2/Day); above average for geothermal potential per NREL.
31. Access: No legal access but has physical access by dirt roads that cut diagonally across NW quadrant and SE corner
32. Legal Access: No Yes Gov't Maintained Road: No Yes Road Name/# N/A
33. Easements (to/from whom and what type): None
34. Interior Roads/Trails/Condition: : Two 2-track dirt roads, one in NW corner and the other through SE corner
35. Known Property Boundaries/Corner Survey Markers: None
36. Nearest DSL Parcel (direct): 11 miles to east
37. Topography/Shape of Parcel: NW quadrant is relatively flat, steeply sloped to SE surrounded by various canyon walls
38. Vegetation Cover (dominant species, condition, % coverage): : Some trees not of commercial size or quantity in NW quadrant and along drainages, JUOC and sagebrush, 50%.
39. Site Structures/Improvements: None

- 40. View Site/Water Features/Other amenities:** 2 seasonal drainages-the SE drainage is Pine Creek
- 41. Evidence of Prior Impacts/Activities (wildfire, crops, historic home site):** None
- 42. Lease History:** None
- 43. Current Use:** None
- 44. Agriculture/Timber Potential:** None, too rocky and steep for ag; too dry for timber
- 45. Soil Type:** Tub-Simas-Curant (s6479)
- 46. NRCS Soil Class:** see above **47. MB & G Forest Rating:** NA
- 48. Age of Timber:** NA **49. Timber Volume:** NA
- 50. Estimated Timber Value:** \$ NA
- 51. Site Index:** NA **52. Type of Timber:** NA
- 53. % Annual timber volume increase:** NA
- 54. Fire District/Protection Area:** : ODF #5670
- 55. Property Expenses (fire protection costs):** \$\$39.79 **56. Other Holding Costs:** \$0
- 57. Assessor's RMV:** \$\$97,520 **58. Tax Year:** 2014-2015
- 59. Estimated Market Value:** \$15,000 **60. Source:** Appraisal
- 61. Known/Proj. AUMs:** N/A **62. Annual Lease Amt.:** \$ N/A
- 63. 20 year Investment Return based on timber/lease income:** N/A
- 64. Rate of Return on Asset Value (%):** N/A
- 65. Present Value based on Current/Projected Income:** N/A
- 66. Potential developments necessary to increase marketability/land value (ie access, utilities):** Access
- 67. Est. Annual Income after Development (Improvements/Land-Use Action):** N/A
- 68. Highest and Best Use Conclusion:** Rangeland/Recreation
- 69. Comments:** Property was initially named "Pine Creek" for John Day Basin Plan. The tract is isolated and difficult to manage. Based on the property's information, it is recommended that the tract be sold.
- 70. Originators:** Clara Taylor **Date:** 04/30/15
- 71. Reviewer:** Shawn Zumwalt **Date:** 4/30/15

LAND EVALUATION FORM

1. Evaluation completed in: Office Field

2. Parcel Name: Portuguese Canyon Tract 3. County: Grant 4. Map & Tax Lot: Township 09 South Range 26 East, Sec. 3 Tax Lot 800 5. Site #: 52

6. LAS #: 475 7. GIS Acres: 35.54 8. DSL Land Class: RNGL 9. Certified Forest: Yes No

10. Leased: No Yes Lease #: N/A Type of Use: N/A

11. Ownership Type: Surface and Subsurface 12. Mineral Rights: No Yes

13. Adjacent Property Owners & Use: To west- Cleveland, Victor and Jeffery Key, 4393 NW Grimes; To north & east- Dennis and Linda Abraham, 46225 Hwy. 402, Kimberly, OR 97848; To south- Alex Burnhard, Sr., 6000 Imus Road, Carson City NV 89706

14. Zoning: MUR-Multiple Use Range

15. Developable Parcel: No Yes 16. Minimum acres required for home site 160 Acres

17. Lot of Record: No Yes

18. Potential for Zone Change/Partition: None

19. Wildlife Overlay: None known

20. Cultural-Historic: Parcel Reviewed: No Yes

21. Previously Field Surveyed: No Yes Partially Date Surveyed: N/A

22. Cultural Resources Identified in field? (if yes, consult with staff archaeo): No Yes

23. Probability of Cultural Resources: None Low Medium High

24. Threatened/Endangered Species: Field Survey Completed: No/Not Needed Yes

Species: Tract has been surveyed for Thelypodium eucosmum with finding of no plant species.

25. Water Rights: No Yes Water Right Info: N/A

26. Irrigation District: None

27. Depth of Nearby Wells:: 62'-600' in 2 mile radius

28. On-site/Distance to Existing Electrical Service and what type: Unknown

29. Electrical service provider/PUD Name: Columbia Basin Coop

30. Potential for Alternative Energy: Low for wind (4.0 m/s); average solar (5.26 kWh/m²/Day); above average for geothermal per NREL

31. Access: No physical or legal access, although Hwy 402 is approx.. 1.5 miles to south and Portuguese Canyon Rd.(dirt road) is about ½ mile to sw (other side of canyon)

32. Legal Access: No Yes Gov't Maintained Road: No Yes Road Name/# N/A

33. Easements (to/from whom and what type): None

34. Interior Roads/Trails/Condition: None

35. Known Property Boundaries/Corner Survey Markers: None

36. Nearest DSL Parcel (direct): 7 Miles to the SE

37. Topography/Shape of Parcel: Tract is on NW edge of Portuguese Canyon, mostly moderately steep. Square shape

38. Vegetation Cover (dominant species, condition, % coverage): Big sagebrush-Idaho fescue/ 30% Western juniper-bunchgrass

39. Site Structures/Improvements: None

40. View Site/Water Features/Other amenities: Grub Creek is just NE of parcel

41. Evidence of Prior Impacts/Activities (wildfire, crops, historic home site): None

- 42. Lease History:** None
- 43. Current Use:** None
- 44. Agriculture/Timber Potential:** NA
- 45. Soil Type:** Waterbury-Rockly-Gwin (s6487)
- 46. NRCS Soil Class:** /See above **47. MB & G Forest Rating:** NA
- 48. Age of Timber:** NA **49. Timber Volume:** NA
- 50. Estimated Timber Value:** \$ NA
- 51. Site Index:** NA **52. Type of Timber:** NA
- 53. % Annual timber volume increase:** NA
- 54. Fire District/Protection Area:** ODF
- 55. Property Expenses (fire protection costs):** \$39.79 **56. Other Holding Costs:** \$N/A
- 57. Assessor's RMV:** \$31,910 **58. Tax Year:** 2014-2015
- 59. Estimated Market Value:** \$11,500 **60. Source:** Appraisal
- 61. Known/Proj. AUMs:** N/A **62. Annual Lease Amt.:** \$ N/A
- 63. 20 year Investment Return based on timber/lease income:** N/A
- 64. Rate of Return on Asset Value (%):** N/A
- 65. Present Value based on Current/Projected Income:** N/A
- 66. Potential developments necessary to increase marketability/land value (ie access, utilities):** Access
- 67. Est. Annual Income after Development (Improvements/Land-Use Action):** N/A
- 68. Highest and Best Use Conclusion:** Rangeland/Recreation
- 69. Comments:** The tract is isolated with no legal or physical access. Two neighbors have expressed interest in purchasing the property. It is recommended that the tract be sold through public auction.
- 70. Originators:** Clara Taylor **Date:** 04/30/15
- 71. Reviewer:** Shawn Zumwalt **Date:** 4/30/15

LAND EVALUATION FORM

1. Evaluation completed in: Office Field
2. Parcel Name: Thirty Mile Creek Falls 3. County: Gilliam 4. Map & Tax Lot: Township 05S Range 21 East Sec 05 Tax Lot 801 5. Site #: 15
6. LAS #: 3193 7. GIS Acres: 39.90 8. DSL Land Class: RNGL 9. Certified Forest: Yes No
10. Leased: No Yes Lease #: N/A Type of Use: N/A
11. Ownership Type: Surface and Subsurface 12. Mineral Rights: No Yes
13. Adjacent Property Owners & Use: BLM- Prineville on East and South, To West and North, Donna M. Hardie, Trustee, P.O. Box 62, Condon, OR 97823
14. Zoning: EFU-Exclusive Farm Use
15. Developable Parcel: No Yes 16. Minimum acres required for home site 160 acres
17. Lot of Record: No Yes
18. Potential for Zone Change/Partition: None
19. Wildlife Overlay: Not known
20. Cultural-Historic: Parcel Reviewed: No Yes
21. Previously Field Surveyed: No Yes Partially Date Surveyed: N/A
22. Cultural Resources Identified in field? (if yes, consult with staff archaeo): No Yes
23. Probability of Cultural Resources: None Low Medium High
24. Threatened/Endangered Species: Field Survey Completed: No/Not Needed Yes
Species: Tract has been surveyed for Lawrence's Milkvetch with finding of no plant species.
25. Water Rights: No Yes Water Right Info: N/A
26. Irrigation District: None
27. Depth of Nearby Wells: None with in 3 mile radius
28. On-site/Distance to Existing Electrical Service and what type: Greater than 3-miles from 3-phase power, Columbia Basin Co-op.
29. Electrical service provider/PUD Name: Columbia Basin Co-op.
30. Potential for Alternative Energy: low for wind (5.0m/s); average for solar (5.0kWh/m2/Day); above average for geothermal potential per NREL.
31. Access: None
32. Legal Access: No Yes Gov't Maintained Road: No Yes Road Name/# N/A
33. Easements (to/from whom and what type): None
34. Interior Roads/Trails/Condition: None
35. Known Property Boundaries/Corner Survey Markers: None
36. Nearest DSL Parcel (direct): 4.5-Miles to the SE (Thirty Mile Creek North)
37. Topography/Shape of Parcel: Fairly steep into Box Canyon/Square tract
38. Vegetation Cover (dominant species, condition, % coverage): Bluebunch wheatgrass/Big sagebrush-Idaho fescue
39. Site Structures/Improvements: None
40. View Site/Water Features/Other amenities: Box Canyon runs through eastern half of tract.
41. Evidence of Prior Impacts/Activities (wildfire, crops, historic home site): None
42. Lease History: None
43. Current Use: No use

- 44. Agriculture/Timber Potential:** None, too rocky and steep for ag; too dry for timber
- 45. Soil Type:** 41% Licksillet-Rock outcrop complex with 40-70% slopes on east, 45% Condon and Valby silt loams with 20-35% North slopes down the center of parcel, 14% Bakeoven-Condon complex with 2-20% slopes in SW/corner.
- 46. NRCS Soil Class:** 4&7 **47. MB & G Forest Rating:** NA
- 48. Age of Timber:** NA **49. Timber Volume:** NA
- 50. Estimated Timber Value:** \$ NA
- 51. Site Index:** NA **52. Type of Timber:** NA
- 53. % Annual timber volume increase:** NA
- 54. Fire District/Protection Area:** BLM Fire Agreement
- 55. Property Expenses (fire protection costs):** \$NA **56. Other Holding Costs:** \$N/A
- 57. Assessor's RMV:** \$5,010.00 **58. Tax Year:** 2014-2015
- 59. Estimated Market Value:** \$15,000 **60. Source:** Appraisal
- 61. Known/Proj. AUMs:** N/A **62. Annual Lease Amt.:** \$ N/A
- 63. 20 year Investment Return based on timber/lease income:** N/a
- 64. Rate of Return on Asset Value (%):** N/A
- 65. Present Value based on Current/Projected Income:** N/A
- 66. Potential developments necessary to increase marketability/land value (ie access, utilities):** Access if not purchased by surrounding owner.
- 67. Est. Annual Income after Development (Improvements/Land-Use Action):** N/A
- 68. Highest and Best Use Conclusion:** Rangeland/ Recreation
- 69. Comments:** The tract is isolated and without access. It is recommended that the tract be sold at public auction.
- 70. Originators:** Clara Taylort **Date:** 04/30/15
- 71. Reviewer:** Shawn Zumwalt **Date:** 4/30/15

LAND EVALUATION FORM

1. Evaluation completed in: Office Field

2. Parcel Name: Thirty Mile Creek North 3. County: Gilliam 4. Map & Tax Lot: 05S21E Sec 13 Tax Lot 2300 5. Site #: 16

6. LAS #: 120 7. GIS Acres: 41.7 8. DSL Land Class: RNGL 9. Certified Forest: Yes No

10. Leased: No Yes Lease #: N/A Type of Use: N/A

11. Ownership Type: Surface and Subsurface 12. Mineral Rights: No Yes

13. Adjacent Property Owners & Use: To north, south and west is Douglas E. & Jean M. Wilson, P.O. Box 425, Condon, OR 97823 and to east is Maddock Ranch LLC, Sarah M. Irzkk, 3950 Dillard Rd., Eugene, OR 97405

14. Zoning: EFU-Exclusive Farm Use

15. Developable Parcel: No Yes 16. Minimum acres required for home site 160 acres

17. Lot of Record: No Yes

18. Potential for Zone Change/Partition: None

19. Wildlife Overlay: None known

20. Cultural-Historic: Parcel Reviewed: No Yes

21. Previously Field Surveyed: No Yes Partially Date Surveyed: N/A

22. Cultural Resources Identified in field? (if yes, consult with staff archaeo): No Yes

23. Probability of Cultural Resources: None Low Medium High

24. Threatened/Endangered Species: Field Survey Completed: No/Not Needed Yes

Species: Tract has been field surveyed for Lawrence's milkvetch with finding of no species

25. Water Rights: No Yes Water Right Info: N/A

26. Irrigation District: N/A

27. Depth of Nearby Wells: 325'-610' in Sec. 21 & 28

28. On-site/Distance to Existing Electrical Service and what type: Over two miles away to Columbia Basin Co-op three phase line.

29. Electrical service provider/PUD Name: Columbia Basin Co-op

30. Potential for Alternative Energy: None

31. Access: None

32. Legal Access: No Yes Gov't Maintained Road: No Yes Road Name/# N/A

33. Easements (to/from whom and what type): None

34. Interior Roads/Trails/Condition: None

35. Known Property Boundaries/Corner Survey Markers: None

36. Nearest DSL Parcel (direct): less than .5 miles to the SE, Thirty Mile Creek South Parcel.

37. Topography/Shape of Parcel: square parcel- very steep slopes(40-70%), West aspect

38. Vegetation Cover (dominant species, condition, % coverage): Bluebunch wheatgrass/Big sagebrush-Idaho fescue

39. Site Structures/Improvements: None

40. View Site/Water Features/Other amenities: Thirty Mile Creek passes through the SW corner of property.

41. Evidence of Prior Impacts/Activities (wildfire, crops, historic home site): None

42. Lease History: None

- 43. Current Use:** None
- 44. Agriculture/Timber Potential:** None
- 45. Soil Type:** Licksillet-Rock outcrop complex, 40 to 70 percent slopes
- 46. NRCS Soil Class:** see above **47. MB & G Forest Rating:** N/A
- 48. Age of Timber:** N/A **49. Timber Volume:** N/A
- 50. Estimated Timber Value:** \$ NA
- 51. Site Index:** NA **52. Type of Timber:** NA
- 53. % Annual timber volume increase:** NA
- 54. Fire District/Protection Area:** BLM Fire Protection
- 55. Property Expenses (fire protection costs):** \$NA **56. Other Holding Costs:** \$N/A
- 57. Assessor's RMV:** \$5,000 **58. Tax Year:** 2014-15
- 59. Estimated Market Value:** \$15,600 **60. Source:** Appraisal
- 61. Known/Proj. AUMs:** N/A **62. Annual Lease Amt.:** \$ N/A
- 63. 20 year Investment Return based on timber/lease income:** N/A
- 64. Rate of Return on Asset Value (%):** N/A
- 65. Present Value based on Current/Projected Income:** N/A
- 66. Potential developments necessary to increase marketability/land value (ie access, utilities):** Access would increase marketability.
- 67. Est. Annual Income after Development (Improvements/Land-Use Action):** N/A
- 68. Highest and Best Use Conclusion:** Rangeland/Recreation
- 69. Comments:** The tract is isolated and without legal or physical access. The surrounding property owner has not expressed interest in purchasing the tract. Based on the tract's information, it is recommended that the tract be sold.
- 70. Originators:** Clara Taylor **Date:** 04/30/15
- 71. Reviewer:** Shawn Zumwalt **Date:** 4/30/15

LAND EVALUATION FORM

1. Evaluation completed in: Office Field

2. Parcel Name: Thirty Mile Creek South 3. County: Gilliam 4. Map & Tax Lot: 05S21E Sec 13 Tax Lot 2400 5. Site #: 17

6. LAS #: 122 7. GIS Acres: 41.7 8. DSL Land Class: RNGL 9. Certified Forest: Yes No

10. Leased: No Yes Lease #: Type of Use:

11. Ownership Type: Surface and Subsurface 12. Mineral Rights: No Yes

13. Adjacent Property Owners & Use: To south and west is N. Kent & Rita A. Smith, P.O. Box 741, Long Beach, WA 98631, and to north and east is Maddock Ranch LLC, Sarah M. Irzkk, 3950 Dillard Rd., Eugene, OR 97405

14. Zoning: EFU-Exclusive Farm Use

15. Developable Parcel: No Yes 16. Minimum acres required for home site 160 acres

17. Lot of Record: No Yes

18. Potential for Zone Change/Partition: None

19. Wildlife Overlay: None known

20. Cultural-Historic: Parcel Reviewed: No Yes

21. Previously Field Surveyed: No Yes Partially Date Surveyed: N/A

22. Cultural Resources Identified in field? (if yes, consult with staff archaeo): No Yes

23. Probability of Cultural Resources: None Low Medium High

24. Threatened/Endangered Species: Field Survey Completed: No/Not Needed Yes
Species: Steelhead (Columbia River ESU, Summer run)

25. Water Rights: No Yes Water Right Info: N/A

26. Irrigation District: N/A

27. Depth of Nearby Wells: 325'-610' in Sec. 21 & 28

28. On-site/Distance to Existing Electrical Service and what type: Over two miles away to Columbia Basin Co-op three phase line.

29. Electrical service provider/PUD Name: Columbia Basin Co-op

30. Potential for Alternative Energy: None

31. Access: None

32. Legal Access: No Yes Gov't Maintained Road: No Yes Road Name/# N/A

33. Easements (to/from whom and what type): None

34. Interior Roads/Trails/Condition: None

35. Known Property Boundaries/Corner Survey Markers: None

36. Nearest DSL Parcel (direct): less than 0.5 miles to the SE, Thirty Mile Creek South Parcel.

37. Topography/Shape of Parcel: square parcel- very steep slopes(40-70%), West aspect

38. Vegetation Cover (dominant species, condition, % coverage): Bluebunch wheatgrass/Big sagebrush-Idaho fescue

39. Site Structures/Improvements: None

40. View Site/Water Features/Other amenities: Thirty Mile Creek passes through the SW corner of property.

41. Evidence of Prior Impacts/Activities (wildfire, crops, historic home site): None

42. Lease History: None

- 43. Current Use:** None
- 44. Agriculture/Timber Potential:** None
- 45. Soil Type:** 79% Licksillet-Rock outcrop complex with 40-70% slopes, 13% Bakeoven-Morrow complex with 2-20% slopes, 4% Licksillet very stony loam with 7-40% slopes, and 4% Wrentham-Rock outcrop complex with 35-70% slopes.
- 46. NRCS Soil Class:** 7 **47. MB & G Forest Rating:** N/A
- 48. Age of Timber:** N/A **49. Timber Volume:** N/A
- 50. Estimated Timber Value:** \$ NA
- 51. Site Index:** NA **52. Type of Timber:** NA
- 53. % Annual timber volume increase:** NA
- 54. Fire District/Protection Area:** BLM Fire Protection
- 55. Property Expenses (fire protection costs):** \$NA **56. Other Holding Costs:** \$N/A
- 57. Assessor's RMV:** \$5,000 **58. Tax Year:** 2014-15
- 59. Estimated Market Value:** \$15,600 **60. Source:** Appraisal
- 61. Known/Proj. AUMs:** N/A **62. Annual Lease Amt.:** \$ N/A
- 63. 20 year Investment Return based on timber/lease income:** N/A
- 64. Rate of Return on Asset Value (%):** N/A
- 65. Present Value based on Current/Projected Income:**
- 66. Potential developments necessary to increase marketability/land value (ie access, utilities):** Access would increase marketability.
- 67. Est. Annual Income after Development (Improvements/Land-Use Action):** N/A
- 68. Highest and Best Use Conclusion:** Rangeland/Recreation
- 69. Comments:** The tract is isolated and without access. Based on the tract's information, it is recommended that the tract be sold through public auction.
- 70. Originators:** Clara Taylor **Date:** 04/30/15
- 71. Reviewer:** Shawn Zumwalt **Date:** 4/30/15

**INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon**

Applicant: N/A (initiated by DSL)

Property Name: Fopiano Ranch

File Number: 56118-LS

Type of Transaction: LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description: Township 11S, Range 23E, Section 26, Tax Lot 3300, Willamette Meridian, Wheeler County

REAMP/Area Asset Plan Consistency: This is consistent with the John Day Basin Plan which recommended selling this tract and consistent with the 2012 REAMP.

Agency/Public Comments Summary: Two individuals expressed interest in purchasing the property.

Department Finding: Recommend for approval of Land Sale.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Final Finding and Staff Recommendation:

This tract is remote and is without access. Because of the dry habitat, there is little opportunity to generate revenue from the tract. The information gathered from due diligence studies confirms the property has and will continue to have little likelihood of generating revenue for the CSF. Although the property is surrounded by one ranch owner, the Department has received two inquiries from potential buyers, so the Department is recommending sale at public auction.

Submitted by:

Clara Taylor, Real Property Analyst

1/23/2015

Date

The findings presented above have been reviewed and considered, and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Approved by:

Jim Paul, Assistant Director

1/23/2015

Date

INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon

Applicant: N/A

Property Name: Long Hollow Tract

Application Number: 56107-LS Parcel Number: 217

Type of Application LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description Township 05 S, Range 24 E, Section 36, Tax Lot 2400, Willamette Meridian, Gilliam County

REAMP/Area Asset Plan Consistency: Selling property is Consistent with JD AMP and REAMP as an isolated unleased parcel with no other income generating potential in the near term or long term.

Agency/Public Comments Summary: According to ORBIC Report needs further evaluation for potential endangered plant species. DSL has completed survey during appropriate season resulting in no indication of plant species on the property.

Department Finding: Recommend for approval of Land Sale.

Final Finding and Staff Recommendation:

Property has no other alternative opportunities to generate income for the CSF. Property is an isolated parcel surrounded by private land owner giving DSL no legal access posing many management challenges, recommend for public auction. Additionally, as normal agency policy DSL will retain the subsurface mineral rights as values are not adequate to justify cost of mineral evaluation performed by DOGAMI. However, going forward DSL is evaluating past policy of retaining subsurface mineral rights and may sell these subsurface mineral rights to purchaser at a later date.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Submitted by:


Shawn Zumwalt – Property Manager

11/16/2015
Date

The findings presented above have been reviewed and considered and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Lanny R Quackenbush
Lanny Quackenbush-Eastern Region Manager

November 16, 2015
Date

INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon

Applicant: N/A

Property Name: Old Mill Canyon

Application Number: 56119-LS Parcel Number: 444

Type of Application LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description Township 08 S, Range 21 E, Section 16, Tax Lot 1600, Willamette Meridian, Wheeler County

REAMP/Area Asset Plan
Consistency: Selling property is Consistent with JD AMP and REAMP as an isolated unleased parcel with no other income generating potential in the near term or long term.

Agency/Public Comments
Summary: None

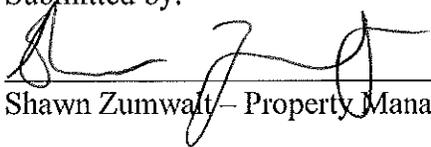
Department Finding: Recommend for approval of Land Sale.

Final Finding and Staff Recommendation:

Property has no other alternative opportunities to generate income for the CSF. Property is an isolated parcel surrounded by private land owner giving DSL no legal access posing many management challenges, recommend for public auction. Additionally, as normal agency policy DSL will retain the subsurface mineral rights as values are not adequate to justify cost of mineral evaluation performed by DOGAMI. However, going forward DSL is evaluating past policy of retaining subsurface mineral rights and may sell these subsurface mineral rights to purchaser at a later date.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Submitted by:



Shawn Zumwalt – Property Manager

11/16/2015
Date

The findings presented above have been reviewed and considered and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Lanny R. Quackenbush
Lanny Quackenbush-Eastern Region Manager

November 16, 2015
Date

INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon

Applicant: N/A

Property Name: Portuguese Canyon

Application Number: 56114-LS Parcel Number: 475

Type of Application LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description Township 09 S, Range 26 E, Section 3, Tax Lot 800, Willamette Meridian, Grant County

REAMP/Area Asset Plan Consistency: Selling property is Consistent with JD AMP and REAMP as an isolated unleased parcel with no other income generating potential in the near term or long term.

Agency/Public Comments Summary: According to ORBIC Report needs further evaluation for potential endangered plant species. DSL has completed survey during appropriate season and resulted in finding no evidence of plant species on the property.

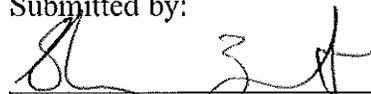
Department Finding: Recommend for approval of Land Sale.

Final Finding and Staff Recommendation:

Property has no other alternative opportunities to generate income for the CSF. Property is an isolated parcel surrounded by private land owner giving DSL no legal access posing many management challenges, recommend for public auction. Additionally, as normal agency policy DSL will retain the subsurface mineral rights as values are not adequate to justify cost of mineral evaluation performed by DOGAMI. However, going forward DSL is evaluating past policy of retaining subsurface mineral rights and may sell these subsurface mineral rights to purchaser at a later date.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Submitted by:



Shawn Zumwalt – Property Manager

11/16/2015

Date

The findings presented above have been reviewed and considered and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Lanny R Quackenbush
Lanny Quackenbush-Eastern Region Manager

November 16, 2015
Date

INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon

Applicant: N/A

Property Name: 30 Mile Creek Falls

Application Number: 56108-LS Parcel Number: 3193

Type of Application LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description Township 5S, Range 21E, Section 05, Tax Lot 801, Willamette Meridian, Gilliam County

REAMP/Area Asset Plan Consistency: Selling property is Consistent with JD AMP and REAMP as an isolated unleased parcel with no other income generating potential in the near term or long term.

Agency/Public Comments Summary: According to ORBIC Report needs further evaluation for potential endangered plant species. DSL has completed survey during appropriate season resulting in no evidence of plant species on site.

Department Finding: Recommend for approval of Land Sale.

Final Finding and Staff Recommendation:

Property has no other alternative opportunities to generate income for the CSF. Property is an isolated parcel surrounded by private land owner giving DSL no legal access posing many management challenges, recommended for public auction. Additionally, as normal agency policy DSL will retain the subsurface mineral rights as values are not adequate to justify cost of mineral evaluation performed by DOGAMI. However, going forward DSL is evaluating past policy of retaining subsurface mineral rights and may sell these subsurface mineral rights to purchaser at a later date.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Submitted by:


Shawn Zumwalt – Property Manager

11/16/2015
Date

The findings presented above have been reviewed and considered and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Lanny R Quackenbush
Lanny Quackenbush-Eastern Region Manager

November 16, 2015
Date

INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon

Applicant: N/A

Property Name: 30 Mile Creek North

Application Number: 56109-LS Parcel Number: 120

Type of Application: LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description: Township 5S, Range 21E, Section 13, Tax Lot 2300, Willamette Meridian, Gilliam County

REAMP/Area Asset Plan Consistency: Selling property is Consistent with JD AMP and REAMP as an isolated unleased parcel with no other income generating potential in the near term or long term.

Agency/Public Comments Summary: According to ORBIC Report needs further evaluation for potential endangered plant species. DSL has completed survey during appropriate season and resulted in finding no evidence of plant species on property.

Department Finding: Recommend for approval of Land Sale.

Final Finding and Staff Recommendation:
Property has no other alternative opportunities to generate income for the CSF. Property is an isolated parcel surrounded by private land owner giving DSL no legal access posing many management challenges, recommend for public auction. Additionally, as normal agency policy DSL will retain the subsurface mineral rights as values are not adequate to justify cost of mineral evaluation performed by DOGAMI. However, going forward DSL is evaluating past policy of retaining subsurface mineral rights and may sell these subsurface mineral rights to purchaser at a later date.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Submitted by:


Shawn Zumwalt – Property Manager

11/16/2015
Date

The findings presented above have been reviewed and considered and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Lanny R Quackenbush
Lanny Quackenbush-Eastern Region Manager

November 15, 2015
Date

INTENT TO FINALIZE – Real Property Transaction
Department of State Lands
State of Oregon

Applicant: N/A

Property Name: 30 Mile Creek South

Application Number: 56110-LS Parcel Number: 121

Type of Application LAND SALE

Authority: ORS 273 AND 274
OAR 141-67 AND 141-73

Legal Description Township 5S, Range 21E, Section 13, Tax Lot 2400, Willamette Meridian, Gilliam County

REAMP/Area Asset Plan
Consistency: Selling property is Consistent with JD AMP and REAMP as an isolated unleased parcel with no other income generating potential in the near term or long term.

Agency/Public Comments
Summary: None

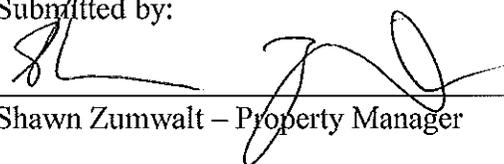
Department Finding: Recommend for approval of Land Sale.

Final Finding and Staff Recommendation:

Property has no other alternative opportunities to generate income for the CSF. Property is an isolated parcel surrounded by private land owner giving DSL no legal access posing many management challenges, recommend for public auction. Additionally, as normal agency policy DSL will retain the subsurface mineral rights as values are not adequate to justify cost of mineral evaluation performed by DOGAMI. However, going forward DSL is evaluating past policy of retaining subsurface mineral rights and may sell these subsurface mineral rights to purchaser at a later date.

DOJ Legal Sufficiency Review Needed? Yes – emailed to DOJ No

Submitted by:


Shawn Zumwalt – Property Manager

11/16/2015
Date

The findings presented above have been reviewed and considered and the requirements of applicable statutes have been satisfied. It is the finding of this Department that it is in the best interest to the state to proceed with this action under the authority of ORS 273.055.

Lanny R Quackenbush
Lanny Quackenbush-Eastern Region Manager

November 16, 2015
Date



Oregon

Kate Brown, Governor

Department of State Lands

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www.oregon.gov/dsl

State Land Board

State Land Board

**Regular Meeting
December 8, 2015
Agenda Item 3**

Kate Brown
Governor

Jeanne P. Atkins
Secretary of State

Ted Wheeler
State Treasurer

SUBJECT

Adoption of the 2015 update to the Department of State Lands' Sustainability Plan.

ISSUE

Whether the State Land Board should adopt the 2015 Sustainability Plan update for the Department of State Lands, to replace the plan completed in 2004.

AUTHORITY

Governor's Executive Order No. 06-02: Sustainability for the 21st Century.

BACKGROUND

In response to an earlier Executive Order (No. 03-03), the Department completed a Sustainability Plan in March 2004. That plan was subsequently updated and adopted by the Board in December 2008. DSL was one of 20 agencies identified in the Executive Order directed to take steps to turn the general concept of sustainability into concrete actionable items.

The plan is organized into six themes: financial; transportation and energy use; communications; natural resources; agency operations; and sustainable development practices. Each theme includes a description of the current situation; the Department's desired future condition relative to sustainability practices; objectives toward that future; and a "What's New for 2015" summary.

This new Sustainability Plan (Appendix A) updates the timelines and status of many actions and adds new actions. Among the new and recent actions highlighted in the plan are:

- Converting paper files to electronic files and images for easy retrieval and storage.
- The recent reorganization and remodel of Salem headquarters for greater operational and energy efficiencies.
- Moving the removal-fill regulatory program towards an ecosystem services model for improved aquatic habitat conservation.

RECOMMENDATION

The Department recommends that the State Land Board adopt the agency's 2015 updated Sustainability Plan.

APPENDIX

- A. Department of State Lands Sustainability Plan 2015 Update
- B. Letter from Sustainability Board to Governor Brown

Oregon Department of State Lands SUSTAINABILITY PLAN

2015 Update



***Our Vision to Sustainably Manage
Land, Water and
Common School Fund Resources***



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“Sustainability” means using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives. ORS 184.421

Introduction

The principle of “sustainability” is foundational to the fulfillment of the Constitutional and statutory responsibilities of the Department of State Lands (DSL) and State Land Board. Appendix B provides a summary of the constitutional and statutory underpinnings for DSL’s sustainability principles.

Sustainability is also embodied in DSL’s mission statement:

To ensure a legacy for Oregonians and their public schools through sound stewardship of lands, waterways, unclaimed property, estates and the Common School Fund.

DSL carries a range of responsibilities unique to state agencies. From its earliest historical assignments of managing the estates of deceased intestate Oregonians and selling Oregon’s tidelands and federal grant lands, DSL has emerged into the 21st Century with a diverse set of responsibilities stemming from the Oregon Admission Act, the Oregon Constitution and state law. Among these duties are:

- Protect wetlands and waterways from environmental degradation.
- Manage lands and state-owned waterways responsibly to produce income for the Common School Fund (CSF).
- Build the CSF to assure long-term financial assistance to Oregon’s K-12 schools.
- Preserve and seek to re-unite the unclaimed financial assets of Oregonians.
- Serve as state partner for the South Slough National Estuarine Research Reserve.

For DSL, sustainability is more than recycling paper waste, driving alternative fuel vehicles or adjusting the building thermostat. Acting sustainably at DSL is: issuing wetland development permits only when wetland impacts are unavoidable and wetlands are replaced; rotating livestock grazing to avoid overuse; investing wisely to build and grow the CSF; building equity in lands through prudent and planned land management; and finding and protecting Oregonians’ “unclaimed property.”

Certain trade-offs are required for DSL to act within the concept of sustainability. For example, to produce income for the CSF, lands will be grazed; waterway areas will be developed with marinas, docks and piers; and open- space land will be converted to urban uses. However, these trade-offs, if managed wisely, need not sacrifice irreplaceable natural resources or place unmitigated burdens on the environment, the economy and communities.

Throughout its existence, DSL has maintained an active role in contributing to the sustainability of the triple bottom-line: healthy environment, healthy economy and healthy communities.

DSL's Sustainability Plan

This *Sustainability Plan (Plan) 2015 Update* was prepared by a staff committee (see Appendix A for membership), approved by the Department's Executive Team and endorsed by the State Land Board. Looking forward, DSL anticipates preparing future Sustainability Plan updates at five-year intervals.

Rather than a "to do" list, the Plan identifies six sustainability themes. Each theme has a brief description of the current situation followed by "desired future condition" and "objectives" discussions. The desired future condition represents a vision or goal to achieve over time. The objectives are efforts aimed at achieving the desired conditions and are not all-inclusive. Over the life of the Plan it is expected that other actions and opportunities to achieve the desired future conditions might be considered and adopted. Each theme concludes with a "What's New for the 2015 Update" that highlights a few recent efforts by DSL that support sustainability.

The six sustainability themes are:

1. Financial

The Financial theme focuses on managing Common School Fund income for investment earnings and distributions. Developing and protecting the financial assets of the CSF assures that monies will be perpetually available to assist in funding K-12 public schools in Oregon.

2. Transportation and Energy

The Transportation and Energy theme encompasses: (1) how DSL uses and consumes energy during its day-to-day work; and (2) how DSL resources might be used to generate energy or promote efficient transportation. These factors are aimed at reducing the amount of fossil fuels consumed to conduct agency business, and supporting opportunities for renewable energy generation on DSL-managed lands.



3. Communications

The Communications theme focuses on both the message and the method. Relaying the sustainable management practices of DSL's work should encourage support from the public as well as other state agencies. Communication through increased outreach helps build awareness of and compliance with various DSL programs such as unclaimed property, estates and waterway authorizations and permitting. DSL continues to move towards implementation of paperless and electronic communications systems to reduce the negative impacts of other conventional communication means.

4. Natural Resources

As a landowner and regulatory agency, DSL has a key role in sustaining and maintaining Oregon's natural resources for current and future generations. The Natural Resources theme has several sub-themes, each associated with a different aspect of the Department's land and waterway management role: Aquatic Resources; Common School Fund Trust Lands; and South Slough National Estuarine Research Reserve (SSNERR).

5. Agency Operations

The Agency Operations theme focuses on the people, training and fiscal resources needed to perform the agency's business to continue to meet the needs of future generations of Oregonians for excellent schools, clean water, and healthy aquatic, forest and rangeland ecosystems.

6. Sustainable Development Practices

The Sustainable Development Practices theme provides direction to DSL and the Land Board for new land development activities and related decision-making. DSL's Real Estate Asset Management Plan identifies strategies for enhancing land values, including sustainable development parameters, practices and priorities. Application of this theme to future DSL land development activities will help achieve the goal of being a leader in Oregon for sustainable development.

Monitoring and Plan Implementation

As stated above, over the life of the Plan it is expected that a variety of opportunities to achieve the desired future conditions will be considered and adopted. The efforts of the Department to implement this Plan will be reviewed periodically. The Department's Sustainability Committee (see Appendix A for 2015 membership) will take the lead in monitoring the Plan and making recommendations for improvements.

A Special Note on Drought and Climate Adaptation for this 2015 Update:

Since publication of DSL's 2009-2015 Sustainability Plan, climate change has become a central topic of conversation from local to global perspectives. Here at home, Oregon is experiencing drought declarations in most counties for 2015. For DSL, drought and longer term climate change directly affects many of our functions from the management of our lands to ensuring a sustainable aquatic resource base through the regulation of wetlands and waterways. Effective strategies for adaptation will be critical to fulfilling our mission. Recognizing the challenges, the development and implementation of drought and climate adaptation strategies will continue to be a priority within the agency and with the support of our lessees and stakeholders. Some examples of actions already being taken include:

- Responding to a reduction in rangeland carrying capacity through reducing our rangeland lease grazing capacity by 25% over the last two years to avoid overgrazing.
- Working with the Oregon Water Resources Department to facilitate installation of monitoring wells on DSL land in the Harney basin where they have stopped issuing new permits because of concerns with over-allocation.
- Working with lessees to develop water sources for sustainable use of rangelands for grazing including installing water lines to move water for more efficient range use rather than increasing use by drilling additional stock water wells.
- Taking advantage of opportunities to remove juniper where it has expanded beyond its historical range. Juniper removal promotes sustainable rangeland management by increasing water availability for grass and shrub growth as well as stream flows.

Principles of Sustainability

1. Financial

Current Situation

From its earliest days in 1878 as the Office of the Clerk of the Land Board, the agency has been concerned with the financial support of Oregon's K-12 public schools. Principles of prudent, sustainable financial management of the Common School Fund are embedded into the legal responsibilities of DSL. Over the years the CSF has grown rapidly from \$302 million in 1993 to \$1.063 billion in 2008 (as reported in the 2009-2015 Sustainability Plan) to now over \$1.45 billion in 2015 (a 36% increase since 2008 alone). The distribution policy of the State Land Board recognizes the importance and benefit of predictable, sustainable fund distributions to each school district. Annual distributions have grown from \$39,400 in 1871 to nearly \$50 million in 2008 (as reported in the 2009-2015 Sustainability Plan) to now over \$54 million in 2015 (a 9% increase since 2008).

Spending and investment play important roles in sustaining the benefits of the CSF over the long term. The Real Estate Asset Management Plan emphasizes increasing the value of the real property asset portfolio over time, as well as increasing revenue through prudent land management. As CSF revenue from real estate investments grows, distributions will increase.

The following key performance measures track the sustainability of the Department's financial performance:

- Increase in deposits to the CSF - Percent annual increase in amount of cash generated by agency activities deposited to the fund.
- Administrative and operational costs – Percent of program revenue streams used to cover administrative and operational costs of programs for forest lands.
- Administrative and operational costs – Percent of program revenue streams used to cover administrative and operational costs of programs for all other activities of the agency.
- Increase revenues from real property management activities – Percent increase in revenues generated by all management activities, excluding timber receipts.
- Increase unclaimed property holder reporting – Percent of annual increase in amount of unclaimed property reported and remitted annually.



Desired Future Condition

The Common School Fund will continue to grow at rates greater than inflation due to wise investment and management of CSF real property and investment assets. Prudent management will keep costs in line with anticipated returns and acceptable levels of risk. The distributions to schools will continue to increase as investment strategies, particularly those associated with the Real Estate Asset Management Plan, take hold.



Objectives

- Continue to implement the Real Estate Asset Management Plan.
- Meet or exceed key performance measure targets.

What's New for the 2015 Update:

- **New 10-year Real Estate Asset Management Plan (REAMP) for 2016-2026:** The agency is preparing a new REAMP to more clearly direct the activities toward increasing and sustaining revenues derived from those Common School Fund assets.
- **Key Performance Measure Revision:** The current Key Performance Measures are being reviewed and revised to measure performance under the agency's new organizational structure. Results will provide the agency with the ability to identify and respond to areas that are not meeting expectations.

2. Transportation and Energy Use

Current Situation

Implementing DSL programs, as well as managing DSL's vast land resources, requires substantial transportation/mobility and energy - activities that present opportunities for energy and resource conservation. The efficiency of DSL energy use, generation and transmission is constantly evolving and improving. The management and development of all DSL physical resources involve energy outlays, while the diversity of DSL lands provides various opportunities for alternative and sustainable energy production.

DSL takes pride in acknowledging the following as current and ongoing sustainability initiatives and efforts regarding energy use and transportation efficiencies:

- Continue progress towards web and electronic-based communication and services.
- Continue to recycle paper, glass, batteries and metal.
- Use motion-sensor lighting in the Salem office building.
- Work with partner agencies and leaseholders on land parcels and waterways to follow best management practices that support resource protection and sustainability concepts.
- Explore the feasibility of renewable energy projects on state lands.
- Replaced HVAC components through upgrading the temperature control mechanisms to improve efficiency in the Salem office building.
- Adopted state-established electrical appliance energy efficiency standards.
- Upgraded office copy machines to energy-efficient models.
- Replaced drinking water fountain with an energy-efficient cooler and bottle filler that decreases staff purchases of bottled water.
- Upgraded Salem office first-floor lighting to energy-efficient lightbulbs and ballasts.
- Remodeled Salem office first-floor to an open work environment to maximize natural light.
- Continuing education of DSL employees on sustainable transportation choices (e.g., Smart Commuter Program, Drive Less-Connect Program).



Desired Future Condition

DSL aspires to offer staff sustainable work options, including: telecommuting, efficiently designed work schedules, and job sharing. DSL will have a growing number of properties dedicated to sustainable energy production, generation and/or transmission.

Objectives

DSL has identified the following goals and objectives to promote sustainability in the future, especially where a favorable cost/benefit may be realized:

- Encourage staff to commute to work using city buses, carpooling, bicycling and walking.
- Work with staff to accommodate various work schedules to support efficient commuting opportunities.
- Encourage staff to reduce paper in the office and work toward less paper consumption. In 2015, the agency held a recycling day resulting in 19 barrels of recycled paper.
- Currently researching the placement of additional field offices for staff that are located in their geographic areas of responsibility.

What's New for the 2015 Update:

- **HVAC upgrades:** Between 2009 and 2010 DSL replaced the antiquated HVAC boiler and chiller in our Salem headquarters building that has resulted in significant energy efficiencies. In 2015, we took the next step in energy efficiency improvements by installing “direct digital control.” This upgrade will enhance the air flow and temperature control on each floor of the building. The system is now fully automated with air and temperature balancing performed from the building manager’s desktop. Combined, these features will provide even greater energy efficiency for the entire building.
- **Office remodel:** Starting in 2014 and completed in 2015, the first floor of the DSL headquarters building was remodeled, in part to gain additional energy efficiency by maximizing the use of natural light, supplemented with upgraded ballasts and lighting.

3. Communication

Current Situation

Communications and outreach play a key role in developing understanding of our agency and our efforts to support a healthy environment, economy and communities.

DSL's core external messages revolve around a sustainable approach to managing our varied programs and services for the public:

- School Trust lands are managed for sustained revenue for the Common School Fund and K-12 public education in Oregon.
- Real property management is guided by thoughtful, balanced consideration of long-term revenue and sustainable land management practices.
- Permit mitigation encourages restoration, enhancement and creation of aquatic resources.
- State-owned waterways are protected for their public trust values of commerce, fisheries, navigation and recreation.
- Trust Property programs are customer oriented and responsive to the public.
- The partnership with the South Slough Reserve provides leadership, financial and administrative efficiencies, and supports cooperative work with the National Oceanic and Atmospheric Administration.
- Agency decisions and program delivery are open and transparent, and effective in promoting sustainable practices with stakeholders.

DSL has worked over the past decade to replace paper communications with electronic communications (e.g., improving online resources; sending electronic newsletters and updates) and to increase collaborative communication efforts with other agencies and partner organizations.

Desired Future Conditions

The Department will continue to find effective ways of increasing outreach with the general public, stakeholders, customers, other agencies and staff to emphasize the importance of leaving a legacy for future generations through sound land practices and stewardship. Keeping communication open will help encourage compliance and understanding of the laws the agency implements.

Efforts to replace paper-based communications and processes with electronic-based transactions will continue and meet the state's goal to reduce paper waste, cost and time.

Objectives

What We Communicate

The communication efforts of the Department to achieve a sustainable environment, economy and communities will focus on the messages outlined above, and be refined as needed. They fall into three broad categories:

- Sustainable management of Trust lands and the Common School Fund
- Stewardship of natural and fiscal resources
- Collaboration and public service

How We Communicate

The way we communicate will reflect our commitment to sustainability:

- Expand communications to customer groups via electronic methods
- Refine the DSL website to be more consumer friendly
- Increase the use of electronic and video conferencing
- Engage staff in cross-training so they can be advocates for DSL's sustainability efforts
- Encourage more collaborative interactions between staff and customers to lead to sustainable partnerships

What's New for the 2015 Update:

- **Customer-focus strategy:** Beginning June 2014, DSL launched a new approach to customer service through engaging customer feedback and developing a partnership approach to serving our various constituent groups. The overarching goals of this work are to engage customers, learn from their input, make appropriate changes to our processes, and communicate with our public in a collaborative way. It is a path towards sustaining better relationships and for building a long-term, two-way understanding of the agency's responsibilities and program goals, and customers' ideas for making our processes better. This effort will effectively increase resources and the longevity of DSL's work through building committed and informed partnerships.
- **Multicultural development:** DSL's Multicultural Appreciation Committee (MAC) is an active, staff-directed group focused on bringing multicultural information to DSL employees. The MAC also seeks out opportunities to expand the agency's reach through partnerships with multicultural organizations and people. Two of the MAC's responsibilities are:
 - Recommend processes and practices that will improve diversity in the workplace and interactions with customers
 - Seek opportunities with schools; connect with neighborhood multicultural groups

The goals of these two activities are to enrich our staff's experiences and their ability to deal with the diverse community found in Oregon. This also encourages a wide variety of people to consider natural resource work as a viable career path. This is a long-term commitment, but critical as the population of Oregon changes and we seek to include all Oregonians in our work and service.

4. Natural Resources

As both a regulator and landowner, DSL plays a major role in the management and use of natural resources in Oregon. Sustaining and, in some cases, enhancing the condition of natural resources is inherent to fulfilling the Department's mission in all of its land and waterway management roles.

This theme is subdivided into three areas, each representing programs or land types that are to be managed and administered sustainably: Aquatic Resources; Common School Trust Lands; and the South Slough National Estuarine Research Reserve.

Aquatic Resources Management - State-owned Waterways



Current Situation

The state owns more than 1.2 million acres including the territorial sea, navigable rivers, tidally influenced waterways and meandered lakes. Primary management is aimed at protecting the public trust doctrine rights of navigability, recreation, commerce and fishing, while requiring compensation for development and use of a waterway. Currently the Department:

- Maintains an inventory of most state-owned waterways.
- Pursues authorizations and enforces trespasses.
- Manages the territorial sea in accordance with state and federal policies, statutes and regulations.
- Works with federal, state and local agencies on environmental cleanup areas such as the Portland Harbor and the Oregon Slough.

Desired Future Condition

DSL will maintain state-owned waterways to protect public trust rights and produce revenue for the Common School Fund by:

- Continuing to maintain an inventory of waterway improvements subject to authorization.
- Developing an inventory of historically filled submerged and submersible lands to protect public trust rights and provide certainty for adjacent land owners.
- Promoting management practices that sustain or result in an increase of ecological functions and community values.

Objectives

- Provide regulatory certainty for wave energy and other water-dependent alternative energy research and development.
- Coordinate the authorization of new leases and other authorizations with other state natural resource agencies in order to conserve water surface area and promote conservation of aquatic habitat.

What's New for the 2015 Update:

Waterway clean-up: DSL is actively implementing new programs to clean up our state-owned waterways:

- HB 2463 (2015 session) established the Submerged Lands Enhancement Fund which may be used by the Department to remove and dispose of abandoned or derelict structures and vessels, and to engage in other activities to improve water quality, watershed enhancement and fish and wildlife habitat on state-owned waterways.
- Taking a more active role in dealing with derelict and abandoned vessels in the state's waterways by funding the removal of more than 20 vessels in FY 2014 and numerous additional removals scheduled for 2015 and beyond.
- Establishing active partnerships with local organizations (e.g., City of Portland Parks, Willamette Riverkeeper, Lower Columbia River Estuary Partnership) to remove trash from the state's waterways. Additional partnerships are being actively sought.

Aquatic Resources Management - Removal-Fill Permitting and Wetland Planning

Current Situation

The Department of State Lands protects waters of the state (wetlands, waterways, lakes and the territorial sea) through the implementation of the Oregon Removal-Fill Law, enacted in 1967. The purpose of the law is to protect, conserve and make best use of water resources; protect public navigation, fishery and recreational uses; ensure that activities do not adversely impact adjacent landowners; minimize flooding, improve water quality and provide habitat for wildlife and fish species. This law requires that certain removal-fill activities in waters of the state have an authorization from DSL.



The following criteria are used to measure statewide performance in the regulatory program and are closely aligned with the sustainability principle of developing and protecting resources from the perspectives of environment, economy and community:

- No net loss of wetlands: Net gain for FY 2014.
- Number of days for a permit decision: Target 60 days or less. Actual for FY 2014 was 58 days.
- Annual resolution of Removal-Fill Permit non-compliance: Target 50%; actual for FY 2014 was 42%.
- Annual resolution of removal-fill violations related to unauthorized activities: Target 50%; actual for FY 2014 was 63%.
- Agency response time to wetland delineation reports: Target 60 days or less; actual for FY 2014 was 86 days.
- Agency response time for wetland land use notices: Target 22 days or less; actual for FY 2014 was 9 days.
- Use of Payment-to-Provide monies: Target 100% committed to projects within one year of receipt; actual for FY 2014 was 100%.

Note: The list above does not provide a comprehensive list of criteria reflective of sustainable natural resource functions and values; these are provided in the objectives section below.

Desired Future Condition

Permit decisions will be based on aquatic resource functions and values and the context of the surrounding watershed.

Measurement of program effectiveness in conserving waterways, wetlands, the territorial sea and other waters of the state will be based on science-based evaluation approaches using peer-reviewed methods and procedures.

DSL will map, inventory and assess natural resources, such as compensatory wetland mitigation sites, to sustain, through progressive management practices, a natural resource base and associated ecological functions.

Management practices will be promoted that sustain or result in an increase of ecological functions, societal values and acreage for affected state waterways.

Objectives

- Develop an aquatic resource mitigation framework including functional assessments of wetlands and waterways, and watershed-based decision making.
- Compensatory aquatic mitigation sites are inventoried and mapped.
- Permitted projects are inventoried and mapped.



- Removal-Fill Law violations are inventoried and mapped.
- Aquatic resource mitigation banks are inventoried and mapped.
- “In-lieu fee” aquatic resource mitigation sites are inventoried and mapped.
- Compensatory aquatic mitigation sites are monitored for effectiveness and mitigation performance/success criteria are evaluated.
- Aquatic functions lost and gained by projects are assessed.

What’s New for the 2015 Update:

- **Integrated Aquatic Mitigation Framework:** In partnership with the U.S. Environmental Protection Agency, Army Corps of Engineers and Willamette Partnership, DSL is developing a new, integrated mitigation framework to better ensure that ecological functions are sustainably replaced when unavoidable impacts to aquatic resources must occur. The program is expected to launch in 2017.
- **Aquatic Resources Management reorganization:** As part of the recent DSL reorganization, disparate aquatic resource management functions were brought together and organized by regional teams. Now, DSL’s regulatory, jurisdictional and proprietary specialists work together in teams and in a new office layout that facilitates collaborative engagement between team members. The goal of this reorganization is to deliver more efficient and better coordinated services to our customers while making geographically coordinated resource decisions.
- **In-Lieu Fee Program:** DSL has obtained permission from the US Environmental Protection Agency and Army Corps of Engineers to create DSL-sponsored wetland mitigation opportunities in targeted watersheds around the state. The program uses the DSL-administered revolving mitigation fund to put new stream and wetland restoration and enhancement projects on the ground. As of 2015, DSL has partnered on projects in the Tualatin watershed, Salmon River estuary, Lower Columbia watershed and the Wilson-Trask-Nestucca watershed; with new projects being actively sought in the Umpqua and Coos watersheds.

Common School Fund Trust Lands

Current Situation

The State Land Board is directed by Oregon’s Constitution to manage Common School Trust lands received at statehood—also known as “Admission Act” lands—for K-12 public education. The mandate for these lands places a Trust obligation on the Land Board to maximize revenue to benefit multiple generations of K-12 students, and requires obtaining full market value from any sale, rental and use of Admission Act lands.

Forestland Resources

Of the approximately 750,000 acres of Admission Act lands the Land Board oversees, about 120,000 acres are classified as forestlands. These lands are administered by the Land Board and DSL primarily for harvestable timber on a sustainable basis in accordance with plans developed by forest managers. The Land Board currently contracts with the Oregon Department of Forestry (ODF) to manage the large majority of these lands—about 115,000 acres. The remaining 5,000 acres are managed by DSL directly.

Of the forestlands managed by ODF, the majority are located in the Elliott State Forest (about 84,000 acres) in the Coast Range northeast of Coos Bay. Other major holdings are near Klamath Falls within the Sun Pass State Forest (about 3,400 acres); the 3,000-acre Yainax Butte parcel; and in northwest Oregon lands within the Clatsop, Tillamook and Santiam State forests. The remaining acres are smaller parcels scattered around the state.

Rangeland Resources

The Department manages approximately 625,000 acres of rangelands, primarily in Lake, Harney and Malheur Counties. This land is semi-arid uplands suited primarily for livestock grazing. These rangelands include 42 larger parcels covering approximately 590,000 acres and 98 smaller (isolated) parcels totaling about 35,000 acres. The larger “blocked” parcels are directly managed by DSL in cooperation with lessees to ensure continued or improving range health and income production from grazing use. Smaller parcels are typically in-holdings within large private or federal tracts of land in which DSL has less direct management control. Together the current carrying capacity is approximately 62,000 animal unit months (AUMs).

Desired Future Condition

Forestlands that continue to be held as Common School Fund lands are managed to maintain sustainable timber harvest levels over time to maximize short- and long-term revenues benefitting current and future generations of K-12 students. Lands that are not able to achieve this goal are considered for divestment, with proceeds reinvested towards other suitable and sustainable Common School Fund investments.

Rangelands are managed to ensure sustained forage yields for livestock consistent with best management practices. Range inventories are completed and periodically updated on the blocked leaseholds. Based on survey results, adjustments are made in rangeland management plans to maintain, achieve or restore healthy, properly functioning ecosystems while obtaining long-term revenues for the Common School Fund. Care is taken to ensure other authorized uses do not unreasonably interfere with approved

rangeland grazing practices or degrade the properly functioning ecosystems.

Objectives

Implement the general strategies within the 2012 Real Estate Asset Management Plan, and in the 2016-2026 plan to follow, to achieve the following:

- Continue to meet the Land Board's constitutional and Oregon Admission Act obligations on Trust lands.
- Continue to manage all lands to create a sustained and consistent stream of revenue to assist in building the principal of the Common School Fund, thereby increasing annual distributions to schools.
- Balance revenue enhancement and resource stewardship.
- Assist lessees in developments and practices that will enhance income production while maintaining or improving ecosystem functions.
- Pursue exchanges to acquire private/federal in-holdings within blocked lands, or to acquire lands adjacent to state-owned lands for purposes of consolidating existing ownership in order to increase asset value through improving manageability.
- Divest of lands considered not capable of producing sustainable income in support of the Common School Fund.

What's New for the 2015 Update:

- **Sage grouse protection:** DSL has recently negotiated a Candidate Conservation Agreement with Assurances (CCAA) with the US Fish and Wildlife Service for Greater Sage Grouse including all Common School Fund rangelands within the current range of the sage grouse. The CCAA is intended to support an overall effort to address all lands and all threats to demonstrate that formal listing under the Endangered Species Act is not necessary to ensure the long-term viability of the species across its range in Oregon.
- **Rangeland habitat assessments:** Beginning in 2014 DSL inventoried about 500,000 acres of rangelands in preparation for the expiration and renewal of the majority of its forage leases. At the same time DSL also completed habitat assessments and identified the need or opportunity for specific conservation measures on each parcel to preserve or enhance habitat qualities beneficial to the sage grouse. In 2015, DSL will complete the remaining baseline habitat assessments and begin implementing strategic conservation measures.
- **The Elliott State Forest:** The forestlands within the Elliott are currently estimated to be worth in the range of \$300 - \$400 million. However, because of severely curtailed harvesting in the forest, these lands are producing an unsustainable net loss to the Common School Fund—about \$5 million since 2013. Future projections show continued losses, with significant uncertainty as time goes on. The Land Board is currently pursuing a land sale with continued protection of public values.

South Slough National Estuarine Research Reserve

Current Situation

The South Slough National Estuarine Research Reserve (SSNERR or Reserve) is a 5,000-acre natural area located in the Coos estuary on the south coast of Oregon. The reserve was designated in 1974 as the first unit of the National Estuarine Research Reserve System, a network of estuarine habitats protected and managed for the purposes of sustaining long-term research, education and coastal stewardship.

The SSNERR Management Plan is guided by a mission statement that defines the purpose of the Reserve: *To improve the understanding and stewardship of Pacific Northwest estuaries and coastal watersheds.*



As its state partner, DSL supports the SSNERR's programs focused on research, education and stewardship which serve to enhance scientific and public understanding of estuaries and contribute to improved estuarine management.

Desired Future Condition

The Reserve will strive to support the informed management of the Coos estuary and watershed providing a model for regional, national and global coastal management.

The Reserve will apply its resources toward problem solving and capacity building in the local community, with an emphasis on the Coos estuary and watershed. Staff and management will use their in-depth knowledge of the South Slough watershed to better understand how it relates to the greater Coos Bay system. This understanding provides resources that can be applied toward regional, national and global coastal management issues, and assist decision makers in sustainably managing coastal resources.

Objectives

The following goals support the mission of the SSNERR and reflect the vision of the Reserve:

- Conduct and coordinate research that increases understanding of Pacific Northwest estuaries.
- Assess and monitor the status of estuarine habitats and biotic indicators to track changes in habitats and communities.
- Provide technical assistance and advisory services that contribute to efficient and effective management of estuaries in the Lower Columbia biogeographic province.
- Provide a variety of high quality educational experiences to facilitate understanding of Pacific Northwest estuaries and coastal watersheds.
- Develop a broader understanding by people in the local community about the importance of using scientific data to inform coastal decision-making and responsible actions for estuary protection.
- Manage and restore the habitats and ecosystem processes associated with the SSNERR using an adaptive management approach.
- Provide for a diversity of high quality estuarine and coastal habitats representative of the Lower Columbia biogeographic province.
- Collaborate with local, regional and national agencies and organizations to address natural resource management issues affecting estuaries and coastal watersheds.
- Create opportunities for public participation that increase the understanding and stewardship of estuaries.

What's New for the 2015 Update:

- **Acquisition of Indian Point:** Using grant funds, in 2015 DSL purchased 240 acres in the Coos estuary known as the Indian Point parcel. The property is part of nearly 600 acres of protected estuarine wetland at the South Slough. The parcel consists of estuarine shorelands including tidal estuarine wetlands, forested uplands and forested freshwater wetlands, located approximately 1/2 mile southeast of Charleston. The purchase complements efforts to maintain the integrity of the South Slough estuary and to protect it from uses and activities that would alter the ecosystem and natural processes.
- **Partnership for Coastal Watersheds:** The Partnership for Coastal Watersheds is a collaborative effort including SSNERR and public-and private-sector citizens in the Coos Bay community. Its primary goals are to develop locally driven approaches to responsible development, and to help prepare for climate-related changes on Oregon's south coast. A 25-year vision for the community was created reflecting long-term economic, environmental and community aspirations. New regional watershed assessments were undertaken and new water quality and estuary monitoring tools implemented. The partnership is currently facilitating implementation of the highest priority actions identified in their Action Plan on the topics of outreach and education, assessment and monitoring, and restoration. Implementation and refinement of the action plan will be an ongoing effort over the next several years.

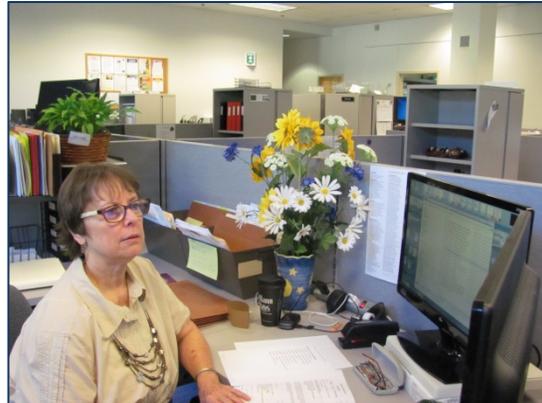


5. Agency Operations

The Agency Operations theme focuses on the people, training and fiscal resources needed to perform the agency's business to continue to meet the needs of future generations of Oregonians for excellent schools, clean water, and healthy aquatic, forest and rangeland ecosystems.

Current Situation

DSL currently is staffed with 104 full-time positions. By all conventional measures, DSL's workforce is diverse in many demographic aspects. Organizationally however, there have traditionally been few career ladders to follow. In 2015, the agency completed a reorganization of program areas. This change has increased interactions among staff, made more effective use of staff's complementary skill sets, and has created new career advancement opportunities within the agency.



DSL has a robust training and career development policy. Individual employees are encouraged to receive training that is applicable and relevant to their work. Agency-wide training or program-wide training is aimed at broader topics (e.g. various cultural trainings provided by the agency's Multicultural Awareness Committee) or program policy/rule changes (e.g. implementing new aquatic resource management rules).

Technology plays a key role in agency operations. The use of networked computers, the Internet, intranet, geographic information systems and the agency's database are essential elements in the daily work of employees. Global Positioning System devices and software are now in regular use by staff at the South Slough, the Common School Fund Real Property program, and among most of the Aquatic Resource Management staff.

Desired Future Condition

The State Land Board and the executive management of DSL value a knowledgeable, well-trained staff that is adequately financed and aided by up-to-date equipment and information systems. To accomplish this, DSL will:

- Seek to attract and retain high-performing and essential staff.
- Provide skill enhancement opportunities for staff.
- Plan for projected staffing levels and facility needs.
- Train staff in electronic technology that decreases resource use for processing administrative information.
- Develop and/or enhance partnerships with other agencies and non-government organizations.

DSL will fully move to a paperless office that uses online, electronic-based transactions and processes to better serve our customers, streamline operations, and cut down on paper wastes and costs.

Objectives

The following are several examples of how DSL can move toward the desired future condition outlined above:

Staff:

- Continue the integration of work among programs to capitalize on staff experience, education and knowledge of DSL's mission, policies and practices.
- Develop succession planning to carry on the institutional knowledge of its experienced employees.
- Endeavor to retain and build staff levels of a sufficient depth to maintain effective and efficient program delivery.
- Provide training that enables employees to broaden their knowledge of DSL's mission, policies and practices.

Business Operations:

- Develop online forms that let customers make transactions via the Internet.
- Complete the ongoing set-up for electronic retention of records and allow destruction of paper records.
- Develop standardized filing and naming conventions to allow for easier retrieval of records by staff and public.

Program Improvements:

- Investigate and advocate for non-traditional management strategies for programs and facilities.
- Continue efforts to implement a new and innovative ecosystem services accounting program for aquatic resources management.
- Actively encourage partners (universities, watershed councils, etc.) to become involved in DSL operations and programs.
- Integrate work among programs to take advantage of experience, education and knowledge.
- Provide improved access to program data, as well as increase the accuracy and reliability of the data.

What's New for the 2015 Update:

DSL recently started, and in several cases completed, dramatic changes in agency operations to improve our ability to protect and manage our Trust resources for current and future generations:

- **Reorganization:** DSL recently reorganized its programs to better serve our customers, improve efficiencies between complimentary activities, and deliver more efficient resource management:
 - **Business Operations and Support Program:** fiscal, human resource, information technology and administrative support functions.
 - **Aquatic Resource Management Program:** integration of aquatic resource regulatory and proprietary disciplines.
 - **Common School Fund Property Program:** unites activities that generate public school funding for constitutional lands, unclaimed property and escheated estates.
 - **South Slough National Estuarine Research Reserve:** reorganized into three units: administration and facilities, education and science.

- **Salem headquarters remodeling:** Staff has been grouped into the reorganized program disciplines to build synergies for more efficient service to the public. The remodel creates an open-concept office to maximize efficient use of floor space and the use of natural lighting.

- **Going paperless:** DSL has made a commitment to create a paperless office. Software was purchased to store records electronically. Substantial progress is being made to set up electronic program files and implement electronic processes such as invoice, leave and timesheet approvals. Electronic submittal of permit applications is a particular area of focus for 2015 and beyond.

- **Process mapping:** DSL has embarked on a “business process mapping” project to better understand workflows in our core programs and find areas where efficiencies may be gained. Many recommendations from this project include adoption of new information technology systems.

- **E-copy:** The 2015 Legislature passed an agency-sponsored bill (HB 2462) to allow DSL to accept electronic copies of land transaction documents from other agencies.

6. Sustainable Development Practices

Current Situation

The State of Oregon historically has had a natural resource-based economy. More recently, the state has been dedicated to conserving and managing its land resources and natural environment for real property development practices that are sustainable and that minimally impact the environment.

DSL has not historically been involved in real property development projects. However, the Department manages about 7,000 acres of real property with potential for urban development. The nature of land assets obtained over the last decade, as well as the directives of the Real Estate Asset Management Plan, suggest that DSL has been and will be more involved in real property development activities in the future. This is particularly significant in Central Oregon where the Land Board owns two large parcels (the Stevens Road tract in the city of Bend and the South Redmond tract adjacent to the city of Redmond) that are likely to be developed into urban uses in the coming years. The principles of sustainable land development provide guidance, for both urban and rural lands, and regardless of the management strategy.

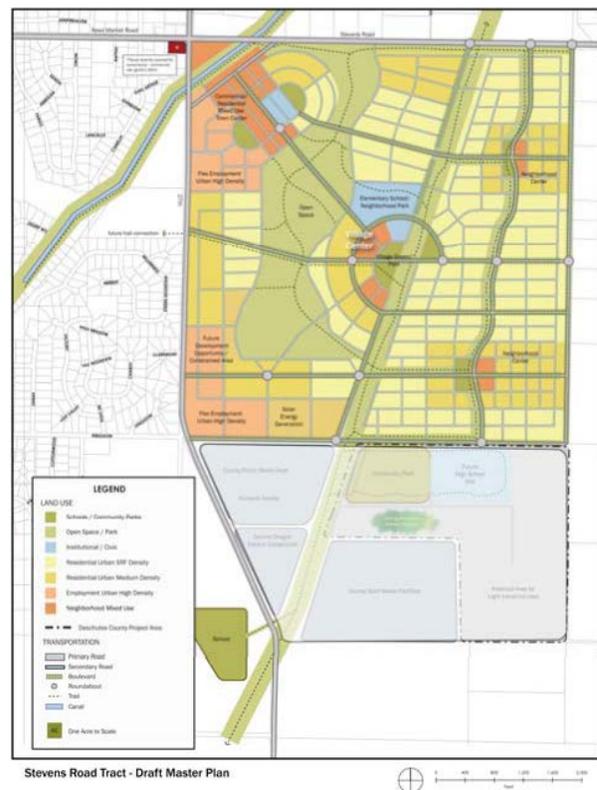
Desired Future Condition

Sustainable development practices are the 'norm' on DSL lands and are implemented in balance with the Land Board's Trust obligations.

DSL investigates and implements sustainable land development practices that specifically address the unique challenges of developing residential, commercial and industrial property while fulfilling the goal of being a leader in implementing sustainable development practices in Oregon.

Objectives

The following sustainable design principles and real property development practices will be evaluated, compatible with the Land Board's Trust obligations, as DSL develops or divests of real property classified for urban-level development:



- An overall mix of uses that balances jobs and housing, consistent with residential and employment land needs and goals, and that allows people to live, work, shop and play within the area, with a minimal need to drive.
- Multi-modal transportation facilities that encourage people to walk, bicycle and use transit.
- Residential densities that support transit use within, to and from the site.
- Energy-efficient building materials and construction practices (e.g., energy-efficient windows, building orientation, high-efficiency heating and cooling systems, recycled building materials, and other similar practices).
- Power generation from alternative energy sources.
- Incorporation of solar energy principles in design of street layouts, building orientation and building design during the early planning and design stages
- Native vegetation and other landscaping practices that minimize irrigation needs
- Natural and other drainage facilities and practices that retain storm water within the site and minimize drainage impacts (e.g., bio-swales, detention ponds, rolled curbs)
- Permeable or semi-permeable surfaces for low impact areas such as driveways, bike paths or similar areas
- New transportation facilities that serve as a model for implementation of global climate change initiative

What's New for the 2015 Update:

Stevens Road property: DSL is working closely with the City of Bend in its process to expand the urban growth boundary (UGB). If the Stevens Road property is incorporated within the city's UGB, we will seek ways to assure the property is developed in a sustainable manner consistent with the Stevens Road Master Plan adopted by the Land Board in 2007.

APPENDIX A

2015 Sustainability Committee

Julie Curtis	Public Information Manager, Director's Office
Kirk Jarvie	Senior Policy and Legislative Analyst, Director's Office
Cheryl Myers	Support Services Manager, Business Operations and Support Services Program
Vickie Nokleby	Facilities Specialist, Business Operations and Support Services Program
Jim Paul	Assistant Director, Common School Fund Property Program
Lanny Quackenbush	Eastern Region Manager, Aquatic Resources Management and Common School Fund Property Programs
John Russell	Principal Real Property Manager, Common School Fund Property Program
Lorna Stafford	Executive Assistant, Director's Office
Lori Warner-Dickason	Field Operations Manager, Aquatic Resources Management Program
Cyndi Wickham	Assistant Director, Business Operations and Support Services Program
Pam Wilson	Operations Manager, South Slough National Estuarine Research Reserve

APPENDIX B

Sustainability Principles in DSL's Legally Mandated Mission

"Sustainability" means using, developing and protecting resources in a manner that enables people to meet current needs and provides that future generations can also meet future needs, from the joint perspective of environmental, economic and community objectives. ORS 184.421

The following excerpts from the Department's legal directives (i.e. the Oregon Admission Act, Oregon Revised Statutes, Oregon Administrative Rules and Attorney General's opinions) reveal the depth to which the principles of Sustainability (as defined in ORS 184.421) are embodied in the Department's day-to-day mission.

Concerning the Use and Management of Land and Water

Oregon Constitution Article VIII Section 5

(2) The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management.

Excerpts from Attorney General's Opinion 8223 (July 24, 1992)

- "Oregon must use the Admission Act lands for schools not for any purpose that is inconsistent with such use."
- "...the school lands granted to the State of Oregon are a trust for the benefit of public education. It is the duty of the state to dispose of them for as near full value as may be, and to create thereby a continuing fund for the maintenance of public schools. [Oregon Supreme Court: Grand Prize Hydraulic Mines v. Boswell]"
- The language of Article VIII Section 5(2) does not change the purpose for which Admission Act lands are held in trust.
- "...other permissible uses [of Admission Act lands] e.g., public recreation, can be easily explained as an express authorization for such uses where no good economic use of the lands for schools could be presently found..."

ORS 273.051 (Note: only applicable information is shown)

(2) The State Land Board shall:

- (a) Manage, control and protect the common school grazing lands under ORS 273.805 to 273.825 so as to secure the greatest permanent value of the lands to all the people of this state, particularly for the dedicated purposes of the lands and the common schools to which the resources of the lands are devoted.
- (b) Give due consideration, in the sale, exchange or leasing of any state lands under its control, to the protection and conservation of all natural resources, including scenic and recreational resources, of such lands, so as to conserve the public health and recreational enjoyment of the people, protect property and human life, and conserve plant, aquatic and animal life.

OAR 141-082 Rules for Waterway Structures (Note: only applicable information is shown)

(3) State-owned submerged and/or submersible land is managed to ensure the collective rights of the public, including riparian owners, to fully use and enjoy this resource for commerce, navigation, fishing, recreation and other public trust values.

OAR 141-110 Rules for Rangeland Management (Note: only applicable information is shown)

The following policies shall guide the Division in managing and leasing rangeland forage:

(1) All Trust Land shall be managed in accordance with the need to maximize long-term financial benefit to the Common School Fund.

(2) All Trust and Non-Trust Land shall be managed with the objective of obtaining the greatest benefit for the people of this state consistent with the conservation of this resource under sound techniques of land management.

(4) The Division shall manage rangeland to prevent human-induced loss of rangeland health. Toward this end, the Division:

(a) Shall continue to implement rangeland practices that maintain, achieve or restore healthy, properly functioning ecosystems and maintain, restore, or enhance water quality; and

(b) May assist in rangeland improvements and practices that will maintain or enhance rangeland health.

(5) The Division shall monitor and assess rangeland health. The Division shall use rangeland health inventories and routine monitoring to identify rangeland vulnerable to an adverse transitional change (for example, healthy, at risk, or unhealthy), and to serve as the basis for rangeland management decisions.

Concerning Wetland Conservation

ORS 196.605 (Note: only applicable information is shown)

(3) Offset losses of wetland functional attributes caused by activities which otherwise comply with state and federal law in order to create, restore or enhance wetland functional attributes;

(4) Maintain and encourage a predictable, efficient regulatory framework for environmentally acceptable development.

ORS 196.668 (Note: only applicable information is shown)

(7) Much of this state's original wetlands have been diked, drained, filled, dredged, ditched or otherwise altered;

(8) There is continuing development pressure on wetlands in Oregon;

(9) There are often conflicts between wetland protection and other resource values and uses;

(10) Uncoordinated regulation of wetlands by local, state and federal agencies can cause confusion, frustration and unreasonable delay and uncertainty for the general public; and

(11) Wetland management is a matter of this state's concern since benefits and impacts related to wetland resources can be international, national, regional and statewide in scope.

ORS 196.672 (Note: only applicable information is shown)

It is the policy of the State of Oregon to:

- (1) Promote the protection, conservation and best use of wetland resources, their functions and values through the integration and close coordination of statewide planning goals, local comprehensive plans and state and federal regulatory programs.
- (4) Maintain a stable resource base of wetlands through the mitigation of losses of wetland resources and the adoption of the procedural mitigation standard currently used by federal agencies.
- (5) Establish the opportunity to increase wetland resources by encouraging wetland restoration and creation where appropriate.

Concerning the Regulation of Removal-Fill within Oregon's Wetlands and Waterways

ORS 196.805 (Note: only applicable information is shown)

Policy. (1) The protection, conservation and best use of the water resources of this state are matters of the utmost public concern. Streams, lakes, bays, estuaries and other bodies of water in this state, including not only water and materials for domestic, agricultural and industrial use but also habitats and spawning areas for fish, avenues for transportation and sites for commerce and public recreation, are vital to the economy and well-being of this state and its people. Unregulated removal of material from the beds and banks of the waters of this state may create hazards to the health, safety and welfare of the people of this state. Unregulated filling in the waters of this state for any purpose, may result in interfering with or injuring public navigation, fishery and recreational uses of the waters. In order to provide for the best possible use of the water resources of this state, it is desirable to centralize authority in the Director of the Department of State Lands, and implement control of the removal of material from the beds and banks or filling of the waters of this state.

Concerning the Use and Management of the South Slough National Estuarine Research Reserve

ORS 273.533 (Note: only applicable information is shown)

The management policy for the reserve is to:

- (a) Maintain the integrity of the estuary;
- (b) Protect the estuary from uses and activities, both within and beyond its boundaries, that may alter or affect the ecosystem and its natural dynamic processes; and
- (c) Preserve the area for long-term scientific and educational uses.



Oregon Sustainability Board

Governor's Sustainability Office
 900 Court St, NE, Ste. 160
 Salem, OR 97301
 503-378-6460

The Honorable Kate Brown
 State of Oregon
 State Capitol
 Salem, OR 97301

RE: State Agency Sustainability Efforts

Dear Governor Brown,

Over the last 15 years, the Oregon Sustainability Board (Board) has encouraged activities that best sustain, protect and enhance the environment, economy and community for the present and future benefit of Oregonians. This includes working with the Interagency Sustainability Coordinators Network (ISCN) to help agencies integrate sustainability within their core operations and mission. The ISCN continues to be a valuable resource to state agencies and is critical to improving sustainability in agency operations and its impact throughout the state.

One significant activity includes Board and ISCN collaboration to establish three state-wide sustainability metrics. These focus on resource conservation (building energy, waste, and water use), transportation (fleet fuel emissions) and procurement (purchase of green/sustainable materials). These metrics will be added to agency sustainability plans and the Board report and will provide a foundation to measure sustainability progress in state agencies.

While tremendous progress has been made, opportunities still exist for state agencies to renew our state-wide commitment to sustainability and achieve tasks listed in past Executive Orders. The Board and ISCN has identified several administrative and collaborative barriers and provided proposed actions that can help agencies, in collaboration with the Board and ISCN, address these barriers.

Proposed Actions for All Agencies

- Ensure the Sustainability Coordinator attends ISCN meetings, has access to the agency's senior management and the support necessary to facilitate sustainability plans and activities for their agency.
- Allow employees to participate in building and/or agency sustainability teams during normal work hours.
- Incorporate basic sustainability training into new employee orientation and offer training opportunities for ongoing professional development.
- Incorporate adherence to sustainability practices and policies into employee position descriptions.
- Promote teleworking and telecommuting for staff where duties/position allow.
- Prioritize use of carpool and alternative transportation to attend work meetings and events, where practicable.
- Eliminate idling of vehicles and engines where safety and operational needs are not compromised, including large fleets like ODOT and State Police vehicles.
- Consolidate and coordinate inter- and intra-agency shipments around the state and region, where practicable.

- Purchase a minimum of 30% post-consumer paper and increase purchase to 100% by 2020. Also, determine ways to eliminate junk mail in state government.
- Report sustainability efforts and metrics in the ISCN annual report to the Board, which will be included in the Board's biennial report to your office.

Proposed Actions for Specific Agencies

- Incorporate the role of Sustainability Coordinator into a designated employee's position description for agencies named in past executive orders as members of the ISCN: Administrative Services, Agriculture, Business Oregon, Consumer and Business Services, Corrections, Energy, Environmental Quality, Fish and Wildlife, Forestry, Housing and Community Services, Land Conservation and Development, Public Utilities Commission, State Lands, State Parks, Transportation and Travel Oregon. In the event of employee change, the role will be re-assigned. Other agencies may adopt this position, if desired, and participate in the ISCN.
- Assess opportunity to reinstate the bus pass program for Capitol Mall employees - DAS, ODOT and Cherriots to lead effort. Review feasibility of expanding free bus passes to other state agency locations, when feasible.
- Update the state "Sustainable Facilities Standards and Guidelines Policy" to establish a goal of carbon-neutral buildings by 2030 and include best practices from green building standards – DAS to lead effort.

Implementation of these actions will increase focus on sustainability in agency internal operations, improve participation and coordination with the ISCN and Board, increase awareness and provide enrichment to staff and the public, and further incorporate sustainability into critical state procedures, purchases, and activities.

To help all agencies meet this request, it is recommended that each agency collaborate with their Sustainability Coordinator and ISCN to implement these actions. The ISCN and Sustainability Coordinators will also offer resources and mentorship to those agencies needing additional assistance. This will include critical leadership from Department of Administrative Services, with its central role in state buildings, procurement and communication, which shall lead efforts focused on internal government operations (EO 00-07).

Requested Action

The Board asks that you request Agency Directors to assign a Sustainability Coordinator for their agency (if not already designated) and work with the Coordinator and ISCN to implement the proposed actions above. To increase the effectiveness of these actions, we recommend the Coordinator be assigned shortly after making this request and that agencies report on the progress towards these actions the following year.

The Board thanks you for your tireless efforts to creating a more sustainable Oregon, and we thank you for your consideration of our recommendations above.

Highest Regards,



John D. Miller, Chair
Oregon Sustainability Board