

Elliott State Research Forest Oversight Structure

For the purpose of safeguarding public oversight, accountability and transparency in the administration of the Elliott State Research Forest (ESRF), the State Land Board on April 9, 2024 approved the following structure for an ESRF Board of Directors (ESRF Board) to guide management of the ESRF by the Department of State Lands (DSL).

The ESRF Board will function in an advisory capacity to DSL based on existing statutory authorities, delegated responsibilities and direction from DSL and the State Land Board. This document is divided into three primary sections:

1. State Land Board roles and duties related to the ESRF, ESRF Board membership and appointment;
2. DSL responsibilities; and
3. ESRF Board duties and responsibilities.

Future changes to this Oversight Structure will follow this process:

- Revisions relevant to Section 1 (ESRF Mission, Management Policies, and State Land Board responsibilities) may be made based on State Land Board review and approval.
- Revisions relevant to Sections 2 and 3 (DSL and ESRF Board responsibilities) may be made based on mutual agreement between DSL and the ESRF Board.
 - If such mutual agreement exists, DSL will notify the State Land Board of the changes at its next scheduled meeting, and State Land Board approval need not occur provided that the changes agreed upon by DSL and ESRF Board are consistent with State Land Board direction.
 - If DSL and the ESRF Board do not reach mutual agreement over a proposed change, either entity may seek State Land Board guidance and resolution.

Section 1: State Land Board Roles

A. ESRF Mission

The State Land Board's mission for the Elliott State Research Forest is the creation of an enduring, publicly owned, world-class research forest that:

(1) Advances and supports forest health, climate resilience, carbon sequestration, biodiversity conservation, recovery of imperiled species, water quality and quantity, recreational opportunities and local economies as well as scientific research that improves knowledge related to forest management's role in achieving these qualities.

(2) Is managed to promote collaboration, partnerships, inclusive public processes and equity, consistent with:

- (A) The management policies in Subsection B below;
- (B) An applicable habitat conservation plan approved pursuant to the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 to 1544); and
- (C) A forest management plan approved by the State Land Board.

B. ESRF Management Policies

The State Land Board's management policies for the ESRF are to:

- (1) Further the mission described in subsection (A) of this section.
- (2) Support scientific inquiry.
- (3) Allow public access for recreational and educational purposes that is compatible with scientific and conservation purposes, and the mission and management policies described in this section.
- (4) Advance long-term, operational-scale research on issues including forest management practices, ecosystem function, biodiversity, habitat conservation, water quality and quantity, carbon sequestration, rural livelihoods and the resilience of forests to the impacts of climate change.
- (5) Support rural economies through active forest management, timber harvest and other forest products, recreation, research, habitat restoration and related jobs.
- (6) Improve the ecological health of the forest through conservation and restoration measures relevant to habitat, biodiversity, carbon and climate resilience outcomes;
- (7) Promote opportunities at all education levels to interact with the forest and advance public understanding of the ecological, economic and social benefits of healthy forest ecosystems.
- (8) Seek active partnerships with Tribal governments to:
 - (A) Research and demonstrate traditional and contemporary Tribal cultural practices and ecological knowledge related to forest management.
 - (B) Provide opportunities for Tribal governments and Tribal members to harvest traditional forest products and engage in traditional Tribal cultural practices related to the forest.

(C) Consult on potential impacts on natural, cultural and traditional resources in the forest.

(9) Maintain a financially self-sufficient forest management entity and structure capable of operating and overseeing the forest and necessary infrastructure.

(10) Prioritize collaborative partnerships that recognize both the local and statewide values the forest provides.

(11) Maintain a high level of public accountability and transparency in forest management decisions and operations.

C. ESRF Guidance and Decision Responsibilities

Consistent with the ESRF's mission and management policies, the State Land Board will provide the following to DSL and the ESRF Board:

(1) Policy guidance.

(2) Feedback on DSL's biennial programmatic reports.

(3) Approval or denial of:

(A) A forest management plan, and any amendments thereof.

(B) Any amendments to the habitat conservation plan, prior to submittal to federal or state regulatory agencies.

(C) Any expansion of lands in the forest, or exchange of lands in the forest or timber on the lands.

D. ESRF Board Membership and Appointment Process

The State Land Board will appoint voting members to the ESRF Board. The ESRF Board shall consist of seven or nine voting members and a person designated by the lead research entity for the ESRF, who shall be a nonvoting member.

(1) The State Land Board shall:

(A) Appoint the voting members for terms of four years and for not more than two consecutive terms, except as set forth below in subsection 5.

(B) Fill any vacancy among the voting members by appointing a voting member to serve the remainder of the unexpired term.

(C) Consult with, and consider input from, the primary ESRF research partner and the existing ESRF Board when determining whom to appoint to the ESRF Board.

(D) Endeavor to appoint members who have a full complement of relevant experience or expertise in subjects related to the mission and management policies and operations of the research forest, and demonstrated interest in the success of the mission and management policies of the forest as a research forest.

(2) ESRF Board Members are not entitled to compensation but may receive reimbursement by DSL of their actual and necessary travel and other expenses incurred in the performance of their official duties, to the extent allowed by applicable law.

(3) On or before June 1, 2024, the DSL Director will develop a list of candidates for appointment as the first voting members of the ESRF Board.

(4) The State Land Board intends to appoint the first voting members of the ESRF Board from a list of candidates at its June 2024 meeting.

(5) Notwithstanding section 1(a) above:

(A) Of the voting members first appointed by the State Land Board:

(i) Three shall serve for a term ending one year after the date of the appointment.

(ii) Two shall serve for a term ending two years after the date of the appointment.

(iii) Two shall serve for a term ending three years after the date of the appointment.

(iv) If there are nine members, three shall serve for a term ending two years after the date of the appointment, and three shall serve for a term ending three years after the date of the appointment.

(B) A voting member serving a term described in this subsection, or serving the remainder of an unexpired term resulting from vacancy referred to in Subsection 1(B), may be appointed to serve two additional consecutive terms.

Section 2: DSL Responsibilities

(1) DSL shall advance ESRF management in a manner consistent with the mission and management policies of Section 1 above, including in compliance with an approved habitat conservation plan, forest management plan, or other plans or direction referenced in Section 3(2)(A)-(N) below.

(2) DSL will safeguard public transparency, accountability and participation in decision-making related to the ESRF by ensuring the ESRF Board complies with Oregon Public Meetings Laws, ORS 192.610 to 192.705 and by advancing the following:

(A) Provide opportunities for public comment at each ESRF Board meeting.

(B) Provide ESRF Board members with copies of written public comments before the ESRF Board acts.

(C) Provide the public with written materials as well as a public review and comment opportunity on items listed in Section 3(2)(A)-(N). For any proposed biennial operations plans, forest management plan or related amendments, or amendments to the habitat conservation plan, at least 45 days will exist for public comment before the ESRF Board votes on any recommendations related to such plans.

(D) Conduct at least five meetings of the ESRF Board per year for which public participation is facilitated.

(3) DSL will adopt the recommendations of the ESRF Board to the fullest extent possible, especially if offered with full consensus of the ESRF Board, unless DSL determines the ESRF Board recommendation is inconsistent with state law, inconsistent with State Land Board or DSL policy, or other reasons exist for making a different decision. DSL will respond to ESRF Board Recommendations within 30 days. If DSL does not adopt the advice or recommendations of the ESRF Board, DSL will articulate its reasons to the ESRF Board in writing concurrent with the Department's decision.

Section 3: ESRF Board Duties & Responsibilities

(1) The ESRF Board shall advise the DSL Director and ESRF Forest Manager, and advance recommendations if it has them, on the following:

(A) Evaluation, or contract for evaluation, of whether management of the forest (operational planning, implementation, monitoring and reporting) is being effectively integrated with a lead research entity or entities.

(B) Evaluation of whether the mission and management policies for the Elliott State Research Forest are being effectively implemented.

(C) The operational and fiscal integrity of the ESRF.

(D) The hiring of an ESRF forest manager as well as delegation of responsibilities to this position.

(E) The scope of biennial operations plans.

(F) The advancement and/or implementation of operations and research programs, whether prospective (based on proposed programs) or retrospective (based on ongoing or past implementation of programs).

(2) After considering public comments received in response to the Department's circulation of materials related to items below, as well as any further input the ESRF Board solicits, the ESRF Board shall advise the ESRF Forest Manager and/or DSL Director with recommendations on:

(A) Department budgets for the ESRF, including related to its Agency Request Budget.

(B) Biennial operations reports.

(C) Biennial operations plans.

(D) Proposed research plans or programs.

(E) Recreation plans.

(F) Education plans.

(G) A forest management plan.

(H) Any sale of carbon credits or entry into easements or other encumbrances of lands in the forest.

(I) Any expansion or exchange of lands in the forest.

(J) Any amendments to a habitat conservation plan related to the forest

(K) Any proposed amendments to the Elliott State Research Forest Proposal.

(L) Any other submission to federal or state agencies that relates to revising or clarifying ESRF management or policy direction.

(M) Any proposed receipt of funds, including bequests, or funding requests made to the federal government, private sector, state agencies or the Legislative Assembly not otherwise covered in subsection 2(A), including any request for issuance of revenue bonds, certificates of participation financing, or state-funded debt service.

(N) Any other plans or decisions DSL intends to make of significance to advancement of or compliance with the ESRF's mission and management policies.

(3) In advancing oversight, advice or recommendations, the ESRF Board shall review DSL proposals, plans, reports or other information submitted to it (by DSL, the public or otherwise) relevant to the subject matter in subsections (1) and (2) above. While DSL and the State Land Board have responsibility for decisions on plans, amendments, or other decision areas referenced in subsection (1) and (2), the ESRF Board's review and any advice or recommendations related to those subsections will focus on and strive to ensure consistency with the direction and intent of the applicable Forest Management Plan, Habitat Conservation Plan, research direction, or overall mission and management policies of the ESRF.

(4) The ESRF Board shall also:

(A) Review DSL's biennial or other programmatic reports to the State Land Board on the ESRF and may provide recommendations to the State Land Board on the DSL reports.

(B) Promote transparency around decisions concerning the forest, including forums to provide public input in association with ESRF Board meetings or separately.

(5) The ESRF Board may also:

(A) Form advisory bodies or subcommittees as the Board deems necessary and appropriate.

(B) Request that DSL pursue funding of ESRF operations and/or research through state-issued bonds, certificates of participation or similar instruments as well as other opportunities identified by the ESRF Board.