

Key Elements of Legislation to Establish an Independent Elliott State Research Forest Entity

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Establishing an independent public entity to own the Elliott State Research Forest (ESRF) will help ensure creation of a world-class research forest in Oregon that is governed with the accountability and transparency Oregonians expect.

Legislation is needed to establish an independent public agency, overseen by a board of directors, with the authorities necessary to carry out the research forest's stated mission.

Development of a formal legislative concept for the 2022 legislative session is underway. Collaborative work with the ESRF Advisory Committee has identified key elements that legislation to establish public ownership separate from any existing state agency should include:

- ESRF entity mission and authorities
- Clear roles for a Board of Directors, Executive Director, and the State Land Board
- Details about Board of Directors membership, research forest advisory bodies, and public accountability including third party right of enforcement.

Working information about these key elements is below.

ELLIOTT STATE RESEARCH FOREST MISSION

The mission of the Elliott State Research Forest (ESRF) entity should be to create a world class research forest that advances forest health, climate resilience, biodiversity, water quality, recreational opportunities, and local economies. The forest should be managed with a priority placed on promoting collaboration, partnerships, and inclusive public process.

The forest should be governed and managed as a public forest on behalf of the State of Oregon for the purpose of:

- Providing an enduring world-class publicly owned research forest managed to support scientific inquiry led by Oregon State University;
- Ensuring public access for recreational and educational purposes that is compatible with the scientific and conservation purposes and practice of the research forest;
- Advancing long-term, operational scale research in partnership with OSU on 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;
- Advancing forest health including climate resilience, carbon sequestration, biodiversity, recovery of imperiled species and water quality and quantity;
- Supporting rural economies through active forest management, timber harvest, recreation, and research;
- Promoting opportunity at all education levels to interact with the forest and advancing public understanding of the ecological, economic and social benefits of healthy forest ecosystems

- Seeking active partnerships with Tribal Governments in research and ecological knowledge. Allowing for traditional and contemporary tribal cultural practices and forest use..
- Maintaining a financially self-sufficient entity capable of operating and maintaining the forest and necessary infrastructure.
- Prioritizing collaborative structures, partnerships that recognize both the local and statewide values that the forest provides.
- Maintaining a high level of public accountability and transparency in all forest management applications and operations.
- Advancing equity and inclusion in all aspects of forest management and operations.

AUTHORITIES NEEDED TO CARRY OUT FOREST MISSION

With approval of the Board of Directors, the Elliott State Research Forest entity should have authorities, consistent with its mission, necessary to:

- Enter into and administer contracts and agreements as needed to perform authorized functions of the entity related to purchasing, budget, human resources, legal support services, plan and program implementation, capital projects, wildfire protection, and/or other operational and administrative functions, including but not limited to contracts for services with private entities, interagency agreements with Oregon agencies, Oregon State University, and the Department of Justice or intergovernmental agreements with Tribal sovereigns, federal or local governments;
- Oversee the land management actions necessary to maintain, protect, and improve the functioning condition of the forest in support of the mission;
- Participate in available ecosystem services and/or forestry carbon programs and markets, and/or enter into easements consistent with the mission of the ESRF. Acceptance and expenditure of proceeds from marketing, registering, and transfer or sale of forest carbon, ecosystem services, or easements must be authorized by the Board of Directors and used exclusively to support financial obligations of the ESRF, to conduct research, recreation or other program activities located on the ESRF, or to create future financial reserves exclusively to benefit and ensure the long-term financial integrity and stability of the ESRF as a self-supporting entity;
- Receive, hold and comply with permits, certifications, or permissions from federal, state, and local entities relevant to the project scale as well as programmatic scale, including a Habitat Conservation Plan and related Incidental Take Permit;
- Work with and create partnerships with surrounding federal, state, tribal, local or private ownerships related to land management, research, and consolidation;
- Manage, maintain, protect and improve the functioning condition of the forest in support of the mission, including efforts with surrounding federal, state, tribal, local or private ownerships related to land management, research, and consolidation;
- Raise funds and advance cross-sector partnerships that support the ESRF's purposes, mission, and programs;
- Bonding.

ROLES & RESPONSIBILITIES: BOARD OF DIRECTORS, EXECUTIVE DIRECTOR, LAND BOARD

Legislation should include the following roles and responsibilities:

- **Board of Directors:** Ensures implementation of state mission; oversees operational and fiscal integrity of ESRF entity and contracts with Oregon State University for forest management; employs executive director and oversees their hiring in collaboration with OSU; conducts no less than six publicly noticed business meetings per year; determines scope of operation plans; forms advisory bodies and/or board subcommittees as determined necessary and appropriate to undertake all facets of forest mission and operational management; provide forums and public access to transparent decision making; provide input and guidance to executive director regarding implementation of operations and research programs in alignment with statutory mission of the ESRF and other foundational documents including but not limited to the Forest Management Plan, the Habitat Conservation Plan and the Elliott State Research Forest Proposal submitted to the State Land Board in December 2020; approves funding requests and policy interactions at state and federal levels; submits program reviews and performance reports to the State Land Board; and approving budgets, operation reports and plans; recreation plans; forest management plans; sale of carbon credits and/or entry into easements or other encumbrances; and submittals to federal and state regulatory entities.
- **Executive Director:** Hired, employed by and reports to the Board of Directors and works and collaborates with OSU to ensure management operations and research on the forest meet the ESRF mission. Oversees forest staff, prepares and submits all documents and plans requiring Board of Directors approval; with responsibility for budget execution, regulatory compliance, contracts/agreements, and administration of forest resources and facilities, as delegated by the Board of Directors; manages government and community relations and engages with subcommittees or advisory bodies formed by the Board of Directors; implements the forest operations plan and oversees day-to-day forest operations; maintains open and transparent decision-making processes consistent with state law.
- **State Land Board:** Receives program reviews and performance reports; reviews and approves the forest management plan and any subsequent changes to the plan before final adoption by the Board of Directors; reviews and approves any proposed changes to the habitat conservation plan prior to submittal to federal agencies; reviews and approves ESRF-related property transactions; provides issue-specific and mission-related policy guidance to the Board of Directors at the request of the Board of Directors, OSU, or the Land Board; appoints Board of Director members.

BOARD OF DIRECTORS MEMBERSHIP

The Board of Directors should consist of 7 or 9 voting members, with the Dean of OSU's College of Forestry as a non-voting member, and be appointed by the State Land Board in consultation with seated Board of Directors members and OSU. The State Land Board should endeavor to appoint members with a balance of interests, experience and expertise related to the purposes, and operations of the ESRF, as well as a demonstrable interest in the success of the stated mission of the ESRF.

The initial Board of Directors should be appointed by the State Land Board, from a slate of potential candidates developed by DSL's ESRF Advisory Committee, the DSL Director, and OSU.

PUBLIC ACCOUNTABILITY

Legislation should indicate public records laws apply to the ESRF entity and open meeting laws apply to the ESRF Board of Directors. Legislation should indicate provisions of the Oregon Administrative Procedures Act relating to third party right of judicial review as other-than-contested case orders will apply to specific decisions of Board of Directors and the ESRF entity actions, as a way to ensure forest management and operations are with the ESRF entity's mission and authorities; operations are consistent with the forest management plan, habitat conservation plan; OSU research forest proposal; and applicable state statues and rules including public meeting and records laws.