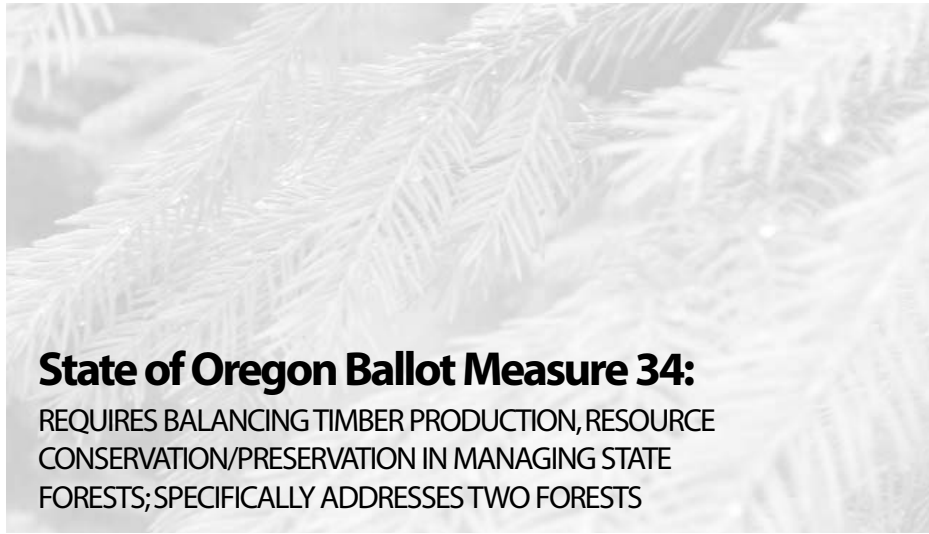


2004 Ballot Measure Report Measure 34

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State of Oregon Ballot Measure 34:

REQUIRES BALANCING TIMBER PRODUCTION, RESOURCE CONSERVATION/PRESERVATION IN MANAGING STATE FORESTS; SPECIFICALLY ADDRESSES TWO FORESTS

Your committee finds that management of state forests requires the balancing of many competing interests, chiefly protecting the environment while maintaining timber harvests. Measure 34 would impose a new standard for balancing these interests and change the current plan for managing the Tillamook and Clatsop State Forests.

Your committee finds insufficient evidence that the long-term health of the forest lands is threatened by current management policies, or that the 50 percent reserve for the Tillamook and Clatsop State Forests mandated by Measure 34 would better serve the interests of the citizens of Oregon. Measure 34 does not offer a better approach to forest management policy.

Your committee unanimously recommends a NO vote on Measure 34.

City Club members voted on October 15, 2004 to adopt the contents and recommendation of this report as the Club's official position. City Club recommends a NO vote on Ballot Measure 34.

I. INTRODUCTION

Ballot Measure 34 will appear on the ballot as follows:

REQUIRES BALANCING TIMBER PRODUCTION, RESOURCE CONSERVATION/PRESERVATION IN MANAGING STATE FORESTS; SPECIFICALLY ADDRESSES TWO FORESTS

Result of "Yes" Vote:

Requires managing state forests balancing, as equally beneficial, conservation/preservation and timber production; manages Tillamook, Clatsop forests half for restoration, half for production.

Result of "No" Vote:

Retains current law allowing mixed use state forest management; rejects: requiring management that values conservation and production equally, separately managing Tillamook, Clatsop Forests.

Summary:

Current law directs that Board of Forestry manage all state forests to maximize "permanent value" (defined by board) through mixed use, including timber sales, mining, protecting, conserving, utilizing forests. Measure requires management defining "permanent value" as balancing sustainable timber production with water, wildlife, watershed protection, recreation, forest restoration, considering resource conservation equally beneficial to timber production. Manages Tillamook, Clatsop Forests half for forest restoration, prioritizing drinking water, habitat, fish protection; half for sustainable timber production, with restoration management steps recommended by restoration science team. Addresses using timber revenues for common School Fund, forest restoration management (board providing additional funding as needed); continues current local school funding levels. Measure declares it replaces any other management plan for Clatsop, Tillamook Forests adopted in 2004 election. Other provisions.

Estimate of Financial Impact:

With respect to the Tillamook and Clatsop State Forests:

The measure is estimated to increase state expenditures by \$1.5 million to \$6.3 million per year;

The measure is estimated to decrease state revenue by \$4.2 million to \$10.3 million per year;

The measure is estimated to require approximately \$2 million of one-time state expenditures;

The measure is estimated to decrease revenues for local governments by \$17.2 million to \$19.4 million per year; and

There is no financial effect on local government expenditures.

The impact of the measure on other state forests cannot be determined.

(The language of the caption, question, and summary was prepared by the Oregon Secretary of State.)

The petitioners who placed Ballot Measure 34 on the November 2004 ballot seek to redefine current state forest management policy, and to set specific limits for the Tillamook and Clatsop forests. Proponents call Measure 34 the "50-50 plan" because it would set aside one-half of the Tillamook and Clatsop forests as a permanent reserve for "restoration of a native old growth forest," while allowing sustainable logging on the remaining half of the land. Measure 34 would also change the definition of the term "permanent value," which is employed in managing all state forests.

City Club created a committee of eight Club members to analyze Measure 34 and issue a voting recommendation to Club members and other voters. Committee members were screened to ensure that no person had an economic or personal interest in the outcome of the study or has taken a public position on the subject of the measure. The study was conducted from August 9 to September 22. The committee interviewed proponents and opponents of the measure and other interested individuals, and reviewed relevant articles, reports and other materials.

II. BACKGROUND

State Forest Management and Measure 34

Chapter 530 of the Oregon Revised Statutes authorizes the Oregon Board of Forestry ("the Board"), a group of private citizens appointed by the Governor, to obtain and manage state forest land.¹ State law and policy mandate that the Board be comprised of individuals representing a balance of interests. Current state law directs the Board to manage the forest land for the "greatest permanent value" through a mixed use approach that includes timber sales, mining, conservation and utilization of the forests.² The current definition of greatest permanent value requires that the Board manage "healthy, productive and sustainable forest ecosystems that over time and across the landscape provide a full range of social, economic and environmental benefits to the people of Oregon."³ The Board directs the State Forester how to achieve the "greatest permanent value." The State Forester, in turn, manages state forestlands as the head of the Oregon Department of Forest ("the ODF"). At present, the state of Oregon owns approximately 3 percent of all forestlands in Oregon; the federal government and private landowners own most of the state's forests.

In January 2001, following several years of study and public input, the ODF adopted its current Northwest Oregon State Forests Management Plan ("Forest Management Plan" or "the Plan"). The Tillamook and Clatsop State Forests are among the forests managed pursuant to the Plan.

¹ ORS 530.010

² ORS 530.050

³ OAR 629-035-0020(1)

Measure 34 appears on the ballot following two unsuccessful efforts in the 2003 Legislature to change the management of the Tillamook and Clatsop forests. Senate Bill 430 would have enacted a version of the 50-50 plan now embodied in Measure 34. Another bill, House Bill 3662, would have required the state to pursue increased logging in the state forests. Neither bill became law.

A coalition of more than 30 businesses and conservation groups, including the Audubon Society, the Sierra Club, Oregonians for a Balanced Tillamook and The Wild Salmon Center, endorse the citizen initiative that will appear on the November 2004 ballot as Measure 34.

Passage of Measure 34 would require the Board to manage the Tillamook and Clatsop forests in a way that permanently restores "a native old growth forest on 50 percent of those lands over time." The other half of the forests would be managed for sustainable timber production. Measure 34 would create an Independent Restoration Science team to develop a management plan to meet these goals. Measure 34 would further change the definition of "permanent value" to require that the Department of Forestry, the Board of Forestry and the State Forester, when making management decisions for all state forests, to "consider the conservation of land for drinking water, recreation and fish and wildlife habitat to be as beneficial to the state as timber harvests."

Tillamook and Clatsop State Forests: A Brief History

Spanning Clatsop, Tillamook and a small portion of Washington and Columbia counties, the Tillamook and Clatsop State Forests comprise over 500,000 acres of primarily second generation growth forest, and about two-thirds of all state-owned forestland. These two forests within the northern Oregon Coast Range are part of the largest contiguous temperate rainforest in the lower 48 states.

The Tillamook State Forest is well known to many Oregon residents because of the "Tillamook Burn," the collective name for a series of wildfires that struck the northern Oregon Coast Range in the 1930s and 1940s. Four significant fires blackened more than 550 square miles of privately held lands and brought profound environmental, economic and social change to Northwest Oregon. These successive fires interrupted the normal regeneration that follows a forest fire.

After the fires, the owners of the affected forestlands allowed their property to be foreclosed by the counties rather than pay taxes. Counties began to deed land in the Tillamook Burn to the Board of Forestry in 1940, pursuant to a state law that authorizes counties to convey tax foreclosed forest lands to the Board of Forestry for reforestation. Under that law, the state manages the land as state forest land, and the state and the transferring county divide revenues derived from the land.⁴

In 1948, the Legislature submitted to voters a proposal for a \$12 million reforestation bond to finance the reforestation of the Tillamook Burn area. Reforestation started in November 1949.

⁴ ORS 530.010 to 530.170

While many Oregonians remember participating in replanting the Tillamook Burn as schoolchildren, in fact, helicopter seeding, hired workcrews and prison inmates accomplished the vast majority of the replanting.

On July 18, 1973, Governor Tom McCall dedicated the acreage affected by the Tillamook Burn as the Tillamook State Forest. The replanted trees began maturing in the 1980s and 90s. The first commercial harvest of the lands was conducted in 1983 and logging continues to this day.

The Clatsop State Forest includes a small portion of the Tillamook Burn area, and otherwise consists primarily of logged-over land that was tax-foreclosed by the counties starting in the 1930s. Parts of the Clatsop State Forest were subject to the reforestation efforts associated with the Tillamook Burn. Commercial harvesting of mature trees in that forest started in the mid-1950s.

III. ARGUMENTS PRO AND CON

A. Arguments Advanced in Favor of the Measure

Proponents of Measure 34 contend the following:

Current management of the Tillamook and Clatsop State Forests is inadequate because

1. The Forest Management Plan leaves most of the land open to logging at some point in the future;
2. The Forest Management Plan does not give adequate consideration to preserving and enhancing recreation, water quality, and fish and wildlife habitat. The forests' indirect economic value from tourism, fishing and recreation exceeds the value of the timber harvest;
3. The Forest Management Plan relies on "structure-based management," which has not been tested on a large scale;
4. Timber harvests from the Tillamook and Clatsop forests have increased in recent years, and this is a threat to the health of the forests; and
5. The timber industry dominates management of the state forests and creates pressure to increase harvests. In addition, forest managers receive direction from within state government to increase harvests in order to stimulate the economy and generate operating funds for state and local governments.

The current definition of "greatest permanent value" as part of the policy for managing state forests is flawed because it does not give adequate weight to conservation of land for drinking water, recreation, and fish and wildlife habitat.

Measure 34's 50-50 plan for the Tillamook and Clatsop forests will benefit the environment and the economy because

1. Reserving half the forests for restoration of native old-growth forests will preserve and enhance recreation, water quality, and fish and wildlife habitat;
2. Measure 34 requires the creation of well-paid reforestation jobs;
3. The number of jobs expected to be lost by the timber industry as a result of creating the 50-percent reserve is not significant;
4. Creating the 50-percent reserve will encourage recreation and spur new recreation-related jobs;
5. Logging revenues should not significantly change under Measure 34, and the measure provides that school funding will not be affected even if revenues do decrease; and
6. Measure 34 provides that an Independent Restoration Science Team would be selected by the chairs of the biology departments of three state universities to develop a plan for managing the forests. This team would be immune from the political pressures brought to bear on the ODF and the Board of Forestry.

B. Arguments Advanced Against the Measure

Opponents of Measure 34 contend the following:

Current management of the Tillamook and Clatsop State Forests is adequate because

1. There is no evidence that the Forest Management Plan fails to protect recreation, drinking water, and fish and wildlife habitat. Recreation activities are thriving. Fish counts in the forests' streams and rivers are increasing;
2. Managing reforested land through selective thinning will result in older forest structures sooner than if the trees are left unmanaged. The Forest Management Plan contemplates managing the forest to have significant stands of older forest structure over time;
3. The Forest Management Plan is the result of a lengthy process involving study of the best scientific methods and compromise among many competing interests; and
4. Harvests have increased in recent years because the trees planted following the Tillamook Burn are becoming mature, not because the managers of the forests are unduly influenced by political pressure to increase harvests.

The current definition of "greatest permanent value" to guide forest management does require, among other things, maintenance and restoration of aquatic and wildlife habitats, conservation of natural resources, and provision of recreation opportunities, as well as promotion of timber harvesting.

Measure 34's 50-50 plan will be harmful because

1. A 50-percent set-aside will decrease revenues from logging, which will decrease revenues to the state, schools and coastal counties;
2. Counties in which the forests are located will likely file suit claiming that Measure 34 violates an arrangement between the counties and the state that the Tillamook and Clatsop forests would generate logging revenues to fund schools and county government. Logging is likely to stop altogether while any legal challenges are resolved; and
3. A 50-percent set-aside will cause a loss of family-wage jobs in the timber industry. Measure 34 seeks to encourage recreation-based jobs, which tend to be minimum-wage, not family-wage, jobs.

IV. DISCUSSION

The Tillamook Rainforest Coalition, sponsor of Measure 34, expresses concern that (1) the statutory mandate to manage the state's forests to the "greatest permanent value" emphasizes increased logging yields and de-emphasizes preservation, habitat and water quality, and (2) that the state's main forest policy-making agency, the Board of Forestry, is improperly influenced by the timber industry. Measure 34 proposes a new definition for "greatest permanent value" that calls for "balancing" sustainable timber harvest with water quality, habitat conservation and recreation. And, with respect to the Tillamook and Clatsop State Forests, it puts the key decisions regarding allocation of the forests to those purposes under the control of an independent science team.

Your committee's investigation and analysis focused on two questions: (1) Is the current plan for management of the Tillamook and Clatsop State Forests, and of state forests generally, so flawed that it should be abandoned?; (2) If so, then is Measure 34 the right solution? The following discussion addresses these questions.

A. Should the Forest Management Plan as applied in the Tillamook and Clatsop State Forests be abandoned?

Management of public lands requires the balancing of many diverse interests. The Tillamook and Clatsop State Forests were created with the understanding that the reforested timber would be

The Tillamook and Clatsop State Forests were created with the understanding that the reforested timber would be harvested and would generate revenues for the counties in which they are located.

harvested and would generate revenues for the counties in which they are located. At the same time, the proximity of the forests to heavily populated areas means that they are widely used for outdoor recreation, including fishing, hunting, ATV use, camping and hiking. Environmental concerns in recent years have put a focus on protecting habitat for fish and other wildlife, as well as protecting drinking water supplies. The westernmost portions of the Portland metropolitan area rely on these forests' watershed for their water supply.

Proponents of Measure 34 perceive that the current Forest Management Plan does not adequately address environmental, conservation and recreation concerns, and that it significantly undervalues the income currently generated and available in the future from recreational use as compared to revenue from timber sales and related activities. Further, the proponents argue that the Plan does not expressly set aside substantial areas for permanent protection from logging.

Your committee's investigation found that the Forest Management Plan, issued in 2001, is the product of several years of investigation and deliberation. A diverse group of professionals, including foresters and specialists in fish and wildlife habitat, soils, and air and water quality, participated in the development of the Plan. The ODF held public hearings on the Plan. It is a lengthy and detailed document that outlines steps to protect watersheds, to protect wildlife and to encourage recreation, while providing for significant timber harvest. The Plan states that it supports long-term protection of the forests as well as protection of timber jobs and production of revenues for the state and counties.

The ODF states that it selected structure-based management for the Tillamook and Clatsop State Forests because, in their current condition, they are not old-growth forests.⁵ In particular, the area of the Tillamook Burn was logged, severely burned, logged for salvage and then densely reforested with a single species of tree, Douglas-fir.

Structure-based management seeks to produce diversity in the forests. It calls for the forest to be thinned, other native tree species introduced and other management activities carried out to a point where, in the coming decades, the forest would include an older, complex forest structure. That complex structure is desirable because it is the most suitable habitat for many endangered wildlife species. The ODF contends that structure-based management will achieve a complex forest structure much more quickly than would simply allowing half the reforested trees to grow without significant management. At the same time, under the Forest Management Plan certain areas will be subject to minimal or no active management either because the terrain is not suitable for logging or to protect rivers, streams and identified nesting areas of endangered birds.

Your committee heard testimony that the management of the Tillamook and Clatsop forests is

⁵ The Forest Management Plan states that structure-based management "is designed to produce and maintain an array of forest stand structures across the landscape in a functional arrangement that provides for the social, economic and environmental benefits called for from these state forest lands . . . Structure-based management is designed to emulate many aspects of natural stand development patterns and to produce structural components found in natural stands, but in fewer years." p. S-11.

hampered by an outdated inventory of the timber available for harvest. Governor Ted Kulongoski supports the Forest Management Plan but has called for its continued refinement to take into account, among other things, the up-to-date timber inventory that is expected to be completed soon. In this respect, the Forest Management Plan is dynamic, allowing for mid-course corrections and requiring interim reviews and achievement of particular benchmarks.

Proponents and opponents of Measure 34 made conflicting claims regarding current management policies, including whether the timber industry exercises improper influence over the management of the forests, and the extent to which the Forest Management Plan protects resources such as drinking water and wildlife habitats.

Though it was difficult for your committee to assess the validity of these claims, we did determine that the 2001 Forest Management Plan is the product of considerable deliberation and compromise by forestry experts, and represents a balancing of the various competing interests. Representatives of the timber industry, as well as proponents of environmental interests, had input into the Plan. It should not be discarded so soon after its adoption, but should continue to be reviewed and refined as conditions and the state of scientific knowledge warrant. Your committee concludes that the proponents of Measure 34 have not proved that the Forest Management Plan presents such a threat to the health of the forests that it should be abandoned.

B. Does Measure 34 set a better course for management of state forests?

Proponents of Measure 34 seek to override the Forest Management Plan and to create a new paradigm for managing the forests. This would occur both by changing the definition of "permanent value" in connection with managing all state forests, and by setting aside half of the Tillamook and Clatsop forests for restoration of a "native old growth forest."

Proponents of Measure 34 claim that setting aside a 50-percent reserve in the Tillamook and Clatsop State Forests will not adversely affect the level of timber harvest and the resulting revenues to the state and counties, and will have a positive impact on employment in the area. Opponents disagree, and foresee dire consequences for the economy and funding of schools and state and local government.

Measure 34 does contain provisions to protect funding of schools and to fund the new management plan that it would mandate. It anticipates that the funds neces-

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Opponents [of Measure 34] foresee dire consequences for the economy and funding of schools and state and local government.

sary to implement the new management plan would be drawn from 10 percent of the revenues from timber sales. It also provides that 5 percent of timber revenues will be directed to the Oregon Common School Fund.⁶ This mandate is apparently intended to ensure that "the local public school districts [presumably aimed at Tillamook and Clatsop County schools] shall not receive less funding than the revenue represented in their 2002/03-budget period from timber harvests in the Tillamook and Clatsop State Forests."

In contrast, the state's estimate of the financial impact of the measure does not see the financial impact as neutral. It projects that the timber harvest will drop from its current level, revenues to the state and local governments will decrease, and state expenditures will increase, if Measure 34 passes. Your committee was unable to resolve the competing claims regarding the likely economic effects of Measure 34. The uncertainty regarding the level of harvest in the Tillamook and Clatsop State Forests under the measure lead your committee to conclude that Measure 34 is not a preferable alternative to the current Forest Management Plan.

Measure 34 provides for an Independent Restoration Science Team to develop a plan for managing the Tillamook and Clatsop forests. Proponents contend this team would be immune from the pressures brought by the timber industry on the ODF and the Board of Forestry. Your committee was not convinced that the timber industry has excessive influence on the management of state forests. The lengthy, broad-based and open effort to develop the Forest Management Plan suggests that parties on all sides of the issues are able to have their voices heard. There is no assurance that a team of scientists, which would not be required to operate with the same level of public input, would create a better management plan.

The state's estimate of the financial impact of the measure does not see the financial impact as neutral.

Your committee has concerns about the propriety of addressing the scientifically and economically complex subject of forest management in a citizen initiative. In an interview with your committee, Governor Kulongoski asserted his opposition to Measure 34, stating that forest management policy should not be made through the initiative process. While the 50-50 formulation—half of the forests held in reserve, half open to logging—has an initial appeal insofar as it suggests a balanced approach to management, your committee believes that flexibility is critical in managing a forest, and that restricting forest managers with the 50-50 formula is inappropriate.

⁶ Oregon Common School Fund is used to support and maintain public education statewide. ORS 327.405

Measure 34 is too vague in certain respects, including a lack of clarity as to how the 50-percent reserve is to be measured. It is undisputed that, under the current management plan, some portions of the Tillamook and Clatsop forests are unavailable for logging because of topography and proximity to rivers and streams. It is unclear whether the 50-percent reserve under Measure 34 would consist of half of the areas otherwise available for logging, or would consist of half of the entire forest area, including portions not suitable for logging.

Your committee, in addition, was not persuaded that the current formulation of "greatest permanent value" as a principle to guide forest management inadequately protects environmental and recreational interests. The existing definition of "permanent value" does require, among other things, maintenance and restoration of aquatic and wildlife habitats, conservation of natural resources, and provision of recreation opportunities, as well as promotion of timber harvesting.⁷ The change to that definition mandated by Measure 34 would not appear to provide significantly more protection to the environment.

Your committee has concerns about the propriety of addressing the scientifically and economically complex subject of forest management in a citizen initiative.

Your committee ... was not persuaded that the current formulation of "greatest permanent value" as a principle to guide forest management inadequately protects environmental and recreational interests.

An important concern regarding Measure 34 is its possible effect on the sharing of timber revenues by the state and the counties of the north coast. As previously noted, the state forests consist of tax-foreclosed land transferred by the counties to the state under a statutory program requiring an allocation of timber proceeds between the state and the transferring counties. Representatives of the counties' governments contend that taking half the Tillamook and Clatsop forests out of active timber production would violate the state's obligation to generate timber revenues for the counties.

A previous threat of this sort led a number of counties to sue the state in the early 1980s. The claim arose from the state's plan to compel Linn County to trade revenue-producing timberland for forestland to be set aside for a park. In a 1987 opinion, the Oregon Supreme Court held that the state violated the statutory revenue-sharing arrangement because Linn County had a protected, recognizable interest in the agreement that was violated when the state conveyed away the forestland.⁸ It is possible that the 50-percent set-aside under Measure 34 will be viewed as a similarly unlawful violation of the revenue-sharing arrangement.

⁷ ORS 530.050, OAR 629-035-0010, OAR 629-035-0020

⁸ *Tillamook County v. State Board of Forestry*, 302 Or 404 (1987)

To date, county commissions in Tillamook, Clatsop, Lincoln, Deschutes, Linn, Coos and Douglas counties have announced their opposition to Measure 34. If the affected counties pursue a legal challenge to Measure 34 as an unlawful change in the revenue sharing arrangement, logging could stop altogether for a period of years while the courts resolve the issue. Your committee concludes that the possible benefits to the environment and recreation under Measure 34 are outweighed by the risk of disruptive litigation.

Because of these concerns about the uncertain impact of the 50-50 plan, your committee concludes that Measure 34 is not a better alternative to current forest management policies.

V. CONCLUSION

Your committee concludes that the proponents of Measure 34 have failed to show that the current Forest Management Plan and the current definition of "permanent value" represent such a threat to the long-term health of the forests that they should be abandoned. Your committee found insufficient evidence that the 50-50 plan for the Tillamook and Clatsop State Forests is preferable to the policy choices of the state foresters as reflected in the current Forest Management Plan.

VI. RECOMMENDATION

Your committee recommends a NO vote on Measure 34.

Respectfully submitted,

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VII. APPENDICES

Witnesses

Mari Anne Gest, Campaign Director, Oregonians for a Balanced Tillamook
David E. Ivanoff, Vice President-Resources, Hampton Resources, Inc.
Tim Josi, Tillamook County Commissioner
Governor Ted Kulongoski, State of Oregon
Mark W. Labhart, District Forester, Tillamook District, Oregon Department of Forestry
Doug Maguire, Silviculture Specialist, Forest Science Department, Oregon State University
Ivan Maluski, Volunteer Coordinator, Sierra Club, Oregon Chapter
Hans D. Radtke, Natural Resource Economist
Guido Rahr, President, The Wild Salmon Center
Senator Charlie Ringo, State of Oregon
Tom Savage, District Forester, Astoria District, Oregon Department of Forestry
Ray Wilkeson, Legislative Director, Oregon Forest Industries Council

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