

The Department of State Lands does not own the Elliott; the Oregon State University certainly does not own the Elliott; and the State Legislature quite obviously does not own the Elliott. The Elliott is a National Forest, and is thus owned by no one; it is shared by the people of the State of Oregon, held in trust by the people of the State of Oregon. Enjoyment and wonder are the most natural, most elegant forms of ownership. People walk and hike in the Forest; they picnic, and they stand in awe and just breathe deeply deep in the interior of the Elliott State Forest. In some significant sense, the forest is a version of the commons made popular in sixteenth-century England. Which is to say that, if anything, it is held in trust by every one of us. To change its name, to say, that SB 1546 “establishes Elliott State Research Forest consisting of lands formerly constituting Elliott State Forest,” and that we must now call it, The Elliott State Research Forest, is, in effect, not just to change its nature, and nature, itself, but to give away the Elliott to some public entity, an entity managed by the very people to whom it has been given. If that is, indeed, the case, that is, if it is no longer the Elliott State Forest, I want to know why such a radical change should not require a similar and radical change to the State Constitution, since the forest was a constitutional grant to the State of Oregon in 1913.

Again, if it is no longer the Elliott State Forest, I ask what is the role of the Federal Government in the process of its being removed from the common will of the people of Oregon? After all, the elimination of a good deal of the habitat for the Northern Spotted Owl, which makes its home in the high branches of old-growth Elliott, was a so-called midnight resolution pulled off by President Trump, while the recovery of those millions of acres, was rectified by President Biden, in the bright light of day: the Northern Spotted Owl has been allowed to survive by decisions made, that is, at the federal level, by the Secretary of the Interior and ratified by no less than the President of the United States. It is now the case that the DSL, with the help of its advisory committee, along with key officials of OSU, have all placed the Elliot, itself, on the endangered species list.

The Department of State Lands has been trying to decouple the forest from the Common School Fund and sell off a portion of the Elliott for more than seven or eight years now. We know that the last attempt to sell of a portion of the Elliott was cut short by the State Supreme Court, in 2019, which declared that the proposed sale of land in 2014 was illegal, adding the following, shocking comment as warning to us all: “The State viewed the disposal of the East Hakki Ridge as a test case to sell off the *entire* Elliott State Forest to the timber industry (emphasis mine).” And so, that determination continues, with SB 1564 as the most recent scheme allowing an eventual sell off the forest, presented in a

different guise, consigning the Elliott to a slow death by the timber industry, now under the rubric of so-called research. This new scheme can only wind up, once again, in the State Supreme Court, an embarrassment for everyone, especially in such a green state, especially at a time when our own Secretary of the Interior, in these ecologically disastrous times, asks us not to cut any more trees; at a time when the Secretary General of the United Nations, Antonio Guterres, commenting on the 2021 IPCC Report on Climate, warns its news about the state of the environment constitutes “ a code red for humanity.”.

Please, let us be prudent and let us be circumspect, and above all, let us be honest. Please vote down this legislation before the rest of the nation learns about such a plot. Please vote it down before we have yet more legislation demanding that the citizens of

Oregon must face a hike in taxes to pay for the diminished Common School Fund. We all know that must come soon.

Sincerely yours,

**Barry Sanders
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