

Forest land lawsuit will take years to play out

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Linn County officials took a few hours longer than expected last week when they filed their \$1.4 billion lawsuit against the state over management of state forest land. But that's OK: It's not as if this business is headed for any kind of speedy resolution.

No, this is a story that will take many years to play out. The filing of the lawsuit brings to an end the first chapter in this legal saga, but many more chapters remain to be written.

It promises to be fascinating.

This case is bound to get more and more convoluted as it works its tortuous way through Oregon courts (and since this is a civil case, you can be sure that it will take its time to do that).

But, at its heart, the Linn County case is fairly simple. Here's the argument the county is making, in a nutshell: When these lands were conveyed to the state, mostly in the 1930s, the promise was that the land would be managed for the "greatest permanent value." The question of how you define "greatest permanent value" — and who gets to define it — likely will be a key issue as the case moves forward.

In any event, Linn County argues in the lawsuit that "greatest permanent value" means the lands were to be managed for the economic benefit of the counties. In the years since the lands were conveyed, the state has moved toward a broader definition of "greatest permanent value," emphasizing other uses of the land in addition to logging.

But that move has cost counties millions of dollars in lost revenue from timber. And so, the lawsuit argues, the failure to manage the land for maximum revenue amounts to a breach of contract between the state and the counties.

That's the heart of the lawsuit, but you can see why it's already gotten the attention of environmental groups who insist that "greatest permanent value" must be defined in a broader sense, with benefits to all Oregon residents, not just the general funds of the 15 counties that include some state forest trust lands. (Environmentalists also worry the lawsuit will complicate, if not entirely halt, efforts by the state Board of Forestry to rethink how state forests are managed.)

Linn County officials are hoping a judge eventually will certify this as a class-action lawsuit, with all the taxing entities that have been affected by the decline in timber revenues joining the class. That likely will be one of the first questions to be resolved in the case. Linn County commissioners say they have widespread support among officials in the 14 other affected

counties, but those counties will have the opportunity to opt out, and it will be interesting to see how many decide to do so. The Linn County commissioners have said they will pursue this suit on their own even if every other county drops out.

That seems unlikely to happen. The story of this lawsuit will take years to play out, but this legal action is the culmination of decades of mounting frustration, not just about how state lands are managed but federal lands as well. Those county officials have watched as their budgets have been stretched tighter and tighter. So you can bet that even those officials whose counties aren't listed as plaintiffs will be watching this case as it plays out over the long run.

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