

Linn County plans to sue state over forest land management

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SALEM — A county that claims the state mismanaged Oregon Forest Trust Lands and cost it and others millions of dollars in lost revenue for schools and public safety is threatening to file a class-action lawsuit seeking \$1.4 billion.

Linn County notified the governor and state forester of its plans to sue on behalf of 14 other counties over breach of contract. It says Oregon has failed to live up to decades-old contracts that allow counties to receive payments based on annual timber harvests on state-managed land.

The payments go toward local law enforcement, schools and other special county districts to help cover basic services.

"This breach of contract has had devastating effects on local communities that have seen both poverty and unemployment rates skyrocket in the last two decades as a result of current practices," Linn County Commissioner Roger Nyquist said at a news conference in Salem.

The Josephine County Board of Commissioners isn't planning to join the suit, at least not for now, even though it is among the 14 counties mentioned in the notification sent to the governor.

Unlike the vast federal holdings in Josephine County, the state's holdings in the county are so paltry — about 6,000 acres — the incentive to wrest them from state control isn't exactly overwhelming, Commissioner Simon Hare told the Daily Courier this morning.

"As I understood it, it was like \$11,000 with our unappreciated revenue stream over 14 years," he said.

Although the county is a party to a threatened lawsuit by the Association of O&C Counties against the Bureau of Land Management over its latest timber management plan, Hare said there could be symbolic value in joining the Linn County lawsuit against the state. [emphasis added]

He said he hasn't yet heard from Linn County representatives. "We haven't necessarily been approached," he said. "I don't know if they're going to reach out to the counties and ask for our input or our cooperation." [emphasis added]

Josh Laughlin, executive director of Cascadia Wildlands in Eugene, said Linn County's claims lack merit and called the arrangement of clear-cutting forests to fund essential services archaic.

"It appears the counties missed the memo that the state is not required to log to infinity in these state lands," Laughlin said. "They also have a duty to protect clean water, fish and wildlife habitat, recreational opportunities and other values held closely by Oregonians."

The state manages about 654,000 acres of Forest Trust Lands it purchased from the counties several decades ago. Linn County officials say a forest management plan adopted in 2001 emphasized improvements to fish and wildlife habitat and other conservation measures, which reduced logging and slashed timber revenue by half.

"We believe over time a delta has developed: the difference between what these lands could produce ... versus the production that is occurring," said John DiLorenzo, an attorney at the Portland law firm Davis Wright Tremaine LLP who is representing Linn County.

The price tag of that gap comes to \$1.4 billion, including roughly \$35 million in annual revenue owed since 2001, future damages of a similar amount and interest, according to DiLorenzo and county officials.

The governor's office declined to comment on the potential lawsuit. A State Forester's spokesman did not immediately return a call for comment.