

# O&C Sustained Yield Act: the Land, the Law, the Legacy

1937 - 1987



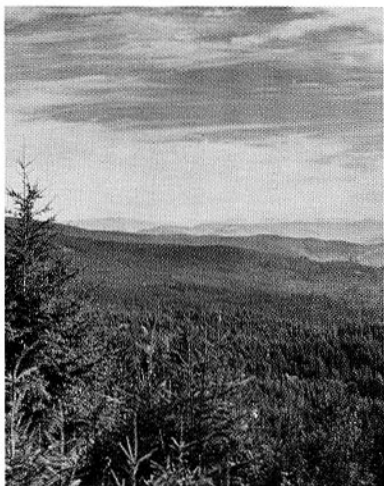
U.S. DEPARTMENT OF THE INTERIOR  
Bureau of Land Management

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## **INTRODUCTION**

**The Oregon and California Railroad lands constitute a unique public trust.**

**Originally intended as a subsidy to a nineteenth century railroad company, the lands were to stimulate economic development and community stability in western Oregon.**

**Sometimes known as Oregon's billion dollar checkerboard because they were formed of alternate square-mile sections, these lands returned to federal ownership in 1917.**

**In 1937 Congress directed that the O&C lands shall be managed for permanent forest production under the principles of sustained yield management. The mandate, administered by**

**the Bureau of Land Management since 1947, seeks to accomplish several multiple-use goals. Eighteen western Oregon counties holding O&C lands have benefited from this public trust.**

**1987 is the fiftieth anniversary of the O&C Act of August 28, 1937, and the one hundredth anniversary of the ultimate completion of the O&C Railroad over the Siskiyou Mountains to California. During the past century the forests of western Oregon have served the needs of a growing American population. They have provided timber, jobs, recreation, and wildlife habitat. The forests are the heritage of the nation, today and for the future.**

## **O&C GRANT, 1866-69**

During the Civil War the Federal Government launched new policies for public lands in the American West. The goals of Congress were to stimulate settlement and foster economic development. Congress granted to private companies 130,000,000 acres west of the Mississippi River to encourage wagon road and railroad construction and provided generous loans to corporations planning the railroad lines.

The federal government envisioned that the new railroads would open up vast areas of the American West. Through the sale of the land grants, the railroad companies would draw in settlers, stimulate trade and commerce, and set the stage for a taxable land base in the newly settled regions.

in this same decade Congress passed the Homestead Act (1862) and the Morrill Act (1862). The former provided for free land to settlers who met the terms of the law. The latter transferred federal lands to states to establish and maintain institutions of higher education for agricultural and technical training.

In 1855 the field crews of the Pacific Railroad Surveys found a feasible route to California along the western flank of the Cascade Range. Their reports aroused public interest. Lumbermen, farmers, and merchants foresaw that a railroad could open the western Oregon valleys to large scale commerce. The Oregon and California Railroad Act of July, 1866, was thus the result of Oregon interest and the new policies of the Federal Government in the era of the Civil War.

In 1866 Congress provided for 3,700,000 acres in Oregon to go to the builder of the railroad. The state, acting for the federal government, was to transfer to the railroad company gaining its approval a grant of 12,800 acres for each mile of track laid between Portland and the Siskiyou Mountains. This bounty encouraged two corporations to compete for the grant. Each took the name Oregon Central Railroad. One planned to build up the east side of the Willamette; the other planned to build along the west side.

In spite of starting construction and whipping up public interest,

neither company did much. In 1869 Congress defined the grant in new terms. The railroad could:

- Sell the grant only to "actual settlers"
- Sell no more than 160 acres in a tract
- Charge no more than \$2.50 an acre

These terms ultimately proved significant in the history of the O&C lands.

## **BUILDING THE O&C, 1869-72**

In 1869 the competitors merged, capitalized at twenty million dollars, and the reorganized Oregon and California Railroad Company began construction. The laborers, including crews of Chinese workers, built south along the east side of the Willamette Valley toward Eugene. Construction, except for bridging rivers like the Clackamas, Molalla, and the Santiam, was fairly simple. At the head of the valley, however, the engineers and workmen faced the Umpqua-Calapooya Divide and a more difficult course into the Umpqua Valley. In 1872 the railroad reached Roseburg.

Along its route the O&C stimulated the growth of towns or increased the importance of older communities. Small hamlets such as Aurora took on new vitality. Canby, Tangent, Halsey, Shedd, Harrisburg, and Creswell emerged as stations, important for handling freight and passengers. Townsite developers laid out Drain, Yoncalla, and Oakland in the Umpqua Valley. A number of these new towns attracted merchants, professionals, and

residents. The O&C became the lifeline to the commerce of the western Oregon valleys. Its service cut deeply into the once-thriving steamboat traffic on the Willamette River, formerly the main thoroughfare of Western Oregon.

The O&C provided valuable and needed transportation. Steamboats rarely ascended the Willamette River above Harrisburg. From early fall until late spring the muddy market roads of the Willamette Valley were seldom passable to heavily loaded wagons carrying sacks of wheat, oats, barley, or other crops. The railroad was an all-season facility which opened the upper Willamette and the Umpqua Valley. Until the 1870's Douglas County farmers possessed few options for the export of surplus farm commodities.

In addition to exports, the O&C line made it possible for shippers to transport farm equipment into western Oregon. Steam tractors, threshers, seed drills, combines, and harrows--manufactured of iron and subsequently of steel--moved on flat cars or in boxcars from the harbors to the heretofore remote farms of the region.

The railroad also opened for the first time the forests of the western Oregon valleys for large scale logging and lumber manufacturing. The woods crews felled the trees and dragged the logs by bull team to the sawmills or to creeks and rivers to float them to the mills. The railroad created the potential for shipping lumber and shingles to regional or even world markets.

In spite of increasing use, the O&C Company lacked capital and had little success in selling land to settlers. Free homesteads on public lands and heavy timber on the railroad grant contributed to the slow sales. In 1873 the company, badly in debt and racked by a panic in eastern financial markets, defaulted on its debts. The O&C passed in 1875 from the control of Ben Holladay to Henry Villard. The representative of German investors and a dynamic figure in western transportation, Villard reorganized the company but faced the same problems of disposing of the lands to raise more capital.





## RENEWED CONSTRUCTION, 1881-87

For nine years the O&C terminated in Roseburg. This was a boom time for the town. Warehouses, filled with goods brought by the railroad, supplied residents as far south as the Klamath River in northern California. Teamsters hauled some items to points east of the Cascades and west to the Pacific Coast. Roseburg hummed with freight handlers and those running livery stables and blacksmith shops.

In 1881 the potential of linking the O&C to the transcontinental Northern Pacific Railroad stimulated new construction. The O&C staff surveyed and designed a route along the South Umpqua and over the Umpqua Mountains into the Rogue River Valley. The line, which ascended the precipitous Cow Creek Canyon, again spawned new towns. Riddle, Glendale, and Grants Pass on the banks of Rogue River developed as the line passed through. Medford, another railroad town, grew up in the middle of the Rogue River

Valley. Jacksonville, the county seat and site of pioneer settlement, withered and almost became a ghost town when the railroad bypassed it.

In spite of this new era work, the railroad was forced into bankruptcy. Villard, once the baron of Northwest railroads, lost control. Finally the Southern Pacific leased the O&C from 1887 until 1927 and completed the railroad to the California border. This last round of construction confronted the greatest hurdle of all--the Siskiyou Mountains on the borders of Oregon and California. Crowds gathered and cheered when on December 17, 1887, dignitaries pounded the Golden Spike at Ashland to complete the line along the West Coast.

## REVESTMENT OF THE O&C GRANT

During the era of O&C construction Americans made a major shift in their attitudes about public lands and railroads. They began to perceive that the rich resources of the continent were limited. The public started to express its interest in the timber, minerals, water, and beauty of the land. This awareness of public interest and conservation grew at the same time that Americans became angry with the practices of railroad companies.

The railroads were heavily subsidized by land grants and bonded public debt. In spite of this they seemed beyond control. They declined to publish their rates, engaged in practices such as rebates, kickbacks, and giving free passes to public officials and newspaper editors. Some critics said that the railroads charged "all the traffic would bear." Lines, such as the O&C, held vast land grants but had deferred securing title until there was a market for the property. By delaying taking the deeds to these lands, the railroad avoided taxes. Until the land was patented to the railroad it was not taxed, yet no one

else could secure it because it was held as the O&C grant.

Public interest in these affairs crested in the 1890's in the emergence of the People's Party, an important third party, especially in American West. The populists, as these people were commonly known, called for federal ownership of all railroads and recovery of the land grants. At the turn of the century Progressivism, a non-partisan reform movement, contributed further to new attitudes and programs. President Theodore Roosevelt set aside millions of acres of Forest Reserves and established by Executive Order wildlife refuges, national monuments, and national parks.

Oregon gained the reputation as one of the leaders in progressive reform. The state amended its constitution in 1901 to permit the Initiative and the Referendum. When evidence mounted of corrupt practices by government officials, President Roosevelt sent in a special prosecutor. Between 1904 and 1908 the Oregon land fraud trials secured wide attention. A number of Oregon congressmen and officials of the General Land

Office were charged with corrupt activities. Their trials and convictions and the muckraking book Looters of the Public Domain (1908) sharpened awareness of the value of publicly held lands.

The holdings of the Southern Pacific Railroad in Oregon drew close scrutiny. In 1907 the Oregon legislature endorsed a memorial to Congress requesting that the railroad company be compelled to meet the terms of the 1869 law. The memorial asked that Congress "declare some sufficient penalty for noncompliance therewith by way of forfeiture of the grant, or otherwise."

Congress authorized a lawsuit in 1908 and the O&C case worked its way through the federal courts. The clauses in the 1869 law proved pivotal. The court found that Congress had fixed the maximum acreage in each parcel at 160 acres and identified purchasers as "actual settlers." On June 9, 1916, Congress passed the Chamberlain-Ferris Act and revested (reclaimed) all of the unsold O&C lands, more than 2,800,000 acres. The Southern Pacific Railroad countersued and won \$4,000,000, a sum the

courts found due the company at the time of revestment.

## O&C ACT OF 1937

In 1937 congress considered important, new legislation for the O&C lands. The western Oregon counties possessing O&C timberlands led the political efforts to secure new action by the federal government over the forests west of the Cascades. The concern of the counties was primarily financial. Although the 1916 act had authorized timber sales, the law had not helped the financially strapped counties meet their school or port obligations. The counties through their Association of O&C Counties pressed for congressional action because of their perennial tax crisis.

In the spring of 1936 the magazine American Forests published an article highly critical of the administration of Western Oregon timberlands. "The Secretary of the Interior, Mr. Harold L. Ickes, was quite sensitive to such criticism because he ardently desired to be considered an enlightened forest conservationist," recalled Walter Horning, later leader of the early O&C foresters. Ickes thus took a personal interest in the conservation and management of the O&C lands and assigned Rufus G. Poole, his legislative attorney, to the problem.

Poole discovered that David Mason, a forester working in private business in Portland, Oregon, had as early as 1927 endorsed the sustained-yield management of the O&C lands. Mason was convinced that if both private and public holdings of major timberland were committed to sustained-yield production it would stabilize the lumber market and provide important economic and social benefits.

In 1936 Mason and Poole of the Interior Department, among others, drafted H.R. 5858. Following hearings in the spring of 1937 and revisions, H.R. 7618, the new version of the legislation, gained passage on June 28. The bill next passed through the Senate, sponsored by Charles McNary of Oregon. President Franklin D. Roosevelt signed the statute on August 28, 1937.

The new law ordered the Interior Department:

- To manage the lands "for permanent forest production . . . in conformity with the principle of sustained yield
- To fix allowable cuts of timber, protect watersheds, regulate stream flow, contribute to

local economic stability, and provide recreational facilities

- To distribute timber receipts to O&C counties and to the federal treasury for O&C land management

The 1937 act reflected the concerns of the Great Depression. Americans had seen the consequences of over-production in the 1920s and the destruction of natural resources such as in the Dust Bowl. By the mid-1930s the federal government mounted new programs to try to improve the economy and to protect resources of national interest. The government launched construction projects to dam the Columbia and the Colorado for flood control and the generation of electricity. Congress authorized the Civilian Conservation Corps, the Works Projects Administration, and other programs which put Americans to work and tried to protect the land and enhance its values. The Taylor Grazing Act (1934) authorized the rehabilitation and management of the rangelands of the American West.

Under the O&C Act of 1937 most of the O&C lands remained in the management of the



Department of the Interior. The General Land Office had to move quickly to establish an organization and transfer the mandate for sustained-yield management of the timber into regulations and operating procedures. Walter Horning was appointed Chief Forester of the O&C lands and assumed duties on June 1, 1938, in Portland. With a budget of about \$150,000, Horning recruited a small staff and opened district offices in Medford, Roseburg, Eugene, and Salem. Among the first district foresters he appointed were, Jim Slattery, William Eastman, Quin A. Blackburn and Otto C.F. Krueger. In 1949, the fifth district office was opened in Coos Bay and the first district manager appointed was Ross Youngblood.

By the fall of 1938 Horning's staff had adopted new timber sale regulations. These called for fixed contract periods and sales based on timber cruise. The staff launched an ambitious program to inventory timber resources, secure rights-of-way agreements, prevent fires,

dispose of slash, and coordinate reforestation with the Civilian Conservation Corps.

The O&C grant was a gigantic checkerboard of alternate grant sections which complicated forest practices. The goal was to coordinate the harvest or retention of stands in "sustained-yield units" to insure a perpetual flow of timber to the wood products plants of western Oregon.

## **O&C LANDS AND THE BLM**

In July, 1946, Congress approved President Truman's plan to merge the General Land Office and the U.S. Grazing Service. These Interior Department agencies became the Bureau of Land Management. The new organization took over the O&C administration and placed timber management in its Forestry and Range Division. Dan Goldy, a Portland forestry economist on the Secretary of Interior's staff, was named Interior Department liaison for the O&C lands. Goldy and others who had no previous ties to the General Land Office brought new perspectives to BLM management in the post-World War II era.

The challenge was to meet the sustained-yield provisions of the 1937 act and manage more than 2.5 million acres of O&C lands and scattered public domain lands in Western Oregon. Nearly 70% of the tracts were classified as forest, some of the finest tree-growing properties in North America. The inventories and cruise confirmed that Douglas-Fir constituted nearly three-fourths of the timber stock. This was an extremely valuable resource for a nation

eager to build new houses. The tapping and sustaining of those forests was closely linked to America's booming economy of the 1950's.

Goldy became regional administrator of the BLM in 1948. He directed the staff during an era of rapidly rising prices for public timber. This increase in values had important consequences for Oregon counties. By 1952 the timber sales had paid back the Treasury for the financial settlement with the Southern Pacific Railroad in 1925. Under the formulas of the 1937 act timber revenues would, on a percentage basis, henceforth flow to the counties.

The BLM steadily implemented policies of sound forest management. Of major concern were the thousands of checkerboard units of 640 acres intermixed with Forest Service, private, state, or other public lands. Congress in 1956 authorized the Forest Service and the BLM to exchange 241,000 acres to consolidate holdings. Congress further designated that O&C lands within the national forest would be managed under normal Forest Service procedures,

however, the revenues from such lands were set aside for distribution under the O&C legislation.

The BLM took the initiative in the 1950s to develop road agreements to facilitate the harvest of federal, state, and private timber. The rights-of-way secured by the BLM have contributed to management stability in the western Oregon forests. The roads provide timber haulers access to the plots under harvest as well as the means for those replanting and protecting the forests to travel freely to project areas. Further, recreation seekers have benefited from the good quality roads which have opened up previously inaccessible areas.

The O&C Act of 1937 specified what was to happen to the revenues earned by the sale of timber. It first put these monies into a special "Oregon and California Land-Grant Fund" in the Treasury Department. The law then identified a formula for allocation of the revenues.

- 50% of the proceeds were payable each year to the eighteen Oregon counties having O&C lands. The counties could use

these revenues in the same manner as other county monies.

- 25% of the proceeds would initially reimburse the "Oregon and California Land-Grant fund" for payments previously made by the Treasury to Oregon counties for lost tax revenues. When this was paid back in 1951, the counties determined to return this portion of the receipts to the federal government to be used as an investment in the management of those lands. Starting in the 1950s, originally the BLM used these revenues for road construction and maintenance and, later, for reforestation, fire protection, and
- 25% of the proceeds were set aside to administer the O&C Act, "in such annual amounts as the Congress shall from time to time determine."

The sale of timber from the O&C lands enabled the BLM to build roads and bridges, reforest the hillsides, work on fisheries and wildlife programs, and develop forests for the future. By 1986 over 1.4 billion dollars in "return revenues" passed to Oregon

over 1.4 billion dollars in "return revenues" passed to Oregon counties. The O&C lands had finally attained the purposes which Congress had envisioned more than a century earlier. They enriched the lives of Oregonians, contributed to economic stability, and played an important part in the nation's commerce.

## O&C COUNTIES

The hard times which befell western Oregon in the 1920s persuaded leaders in the region to organize to pursue their common interests. They formed the Association of Oregon and California Counties (AOCC) and unified the political efforts of the eighteen counties wherein the federal government administered re-vested O&C Railroad lands. The primary goal of the counties was to achieve economic stability and social benefits as envisioned since the passage of the original land grant in the 1860s.

In 1926 the AOCC sent Guy Cordon, the District Attorney of Douglas County, to Washington, D.C., to enlist the help of Oregon's congressional delegation. From these beginnings came the Stanfield Act (1926) which appropriated funds to pay the counties for lost revenues during the years 1916-26. Cordon's work and that of his successors was to continue to monitor county revenues, the local economy, and the management of the O&C lands.

The AOCC has attained many of its goals in the past sixty years. Central to its work was the act of

1937, but most visible to the public has been the impact of the return of over 1.4 billion dollars to its eighteen member counties. These monies have influenced the quality of life and the economy in many ways. In addition to general fund expenditures some counties have used these moneys to construct new courthouses or make major renovations to existing buildings. Others have built county fairgrounds and museums or funded the county library systems. At least two of the counties have upgraded their jail facilities with O&C funds.

The timber harvested on the O&C lands has yielded revenues to construct, pave, and maintain county roads and bridges. Tillamook County has invested some of its funds in fisheries programs, while other counties have developed search and rescue operations with their monies. O&C funds helped construct the Magic Mile Chair Lift on Mount Hood, the popular Dunes Overlook for tourists in Douglas County, and the Mount Ashland Road providing skier access to the Siskiyou in Jackson County. O&C monies have also helped the counties build dams and





reservoirs for flood control, water regulation, and recreation use.

The AOCC has looked out for local interest, worked with political leaders on a national level, monitored and responded to BLM decisions, pressed for programs it has desired, and helped the counties serve as stewards of the revenues flowing from the O&C timberlands.

## THE CHALLENGE OF THE PRESENT

For the past fifty years the BLM has mounted a variety of programs under the 1937 act. Its activities include several arenas.

- Forest Management

The BLM is in charge of planning of timber sales, establishing the layout of the area for logging, cruising and appraising the timber, securing easements and rights-of-way to the sale tract, preparing the sales contract, and administering the sales agreements.

- Forest Protection

The BLM monitors the western Oregon forests for insect infestation and the prevention and control of fires.

- Forest Development

The BLM works on site preparation, genetic tree improvement, reforestation, forest fertilization, pre-commercial thinning, and stand conversion.

- Forest Access

The BLM designs roads, bridges, buildings, and recreation facilities. Its crews

survey routes, secure easements and rights-of-way, develop quarries on federal land, and supervision construction contracts.

The BLM manages the O&C lands for a variety of values. It protects and maintains 47 miles of the wild and scenic canyon of the Rogue River in Southwestern Oregon. It has developed dozens of recreation sites for campers, fishermen, hunters, and lovers of nature. It has designated more than 2,000 miles of protective stream corridors to maintain water quality, temperatures, and wildlife habitat. It has set aside scenic roadside corridors and handles grazing leases, mineral entries, oil and gas exploration, and rights-of-way questions. It is the office of title for all federal lands in Oregon.

The "sustained-yield" of timber is the major mandate to the BLM. This federal agency determines timber sales, monitors market values, designs and builds roads, prevents or controls fires, and implements intensive forest practices, genetic improvement programs, and reforestation. The BLM carries out a variety of laws but never to losing sight of the paramount purpose of the O&C lands--"permanent forest production."

## **THE CHALLENGE FOR THE FUTURE**

Planning for tomorrow is difficult. Actions taken today have consequences for years to come. The challenge to the BLM in its management of the O&C lands is, in part, as trustee to future generations of Oregonians and Americans. Several questions confront the BLM today.

- How do land managers respond to public need and interest and yet contribute to community economic stability and private economic interest?
- How do land managers balance concerns for species habitat and endangered species against other land uses?
- How does the BLM maintain roads, bridges, and recreation sites in periods of fluctuating timber harvest and shifts in "return dollars?"
- What will be the future of old growth forests?
- What steps can land managers take to administer public lands with "state of the art" techniques?

Land management in America today reflects both present attitudes and past practices. It is dynamic, changing with the needs and wants of society. On the O&C lands with their objectives fixed under law, management must also respond to these shifts. Wise managers weigh, sift, and wrestle with the complex issues of the day. They attempt to meet new demands for goods and services while remaining true to the spirit and letter of the act. The O&C lands are a public trust and a continuing challenge for the future.



## **O & C LEADERSHIP, 1937 - 1987**

Over the past 50 years, a group of about 50 persons have provided the critical management at the district and state level needed to accomplish the forestry tasks required by the O & C Sustained Yield Act. Their leadership has enabled employees of the five western Oregon districts to attain the level of excellence in land management found there today.

*(The following listing of O&C leadership was compiled from interviews with O&C veterans. If there are inaccuracies, we are confident they are minor, and ask your forbearance.)*

### **LEADERSHIP AT THE STATE LEVEL**

<b>Walter H. Horning</b> , O&C Administrator	1938-1949
<b>Daniel L. Goldy</b> , Regional Administrator	1949-1951
<b>Roscoe E. Bell</b> , Regional Director	1952-1953
<b>William G. Guernsey</b> , Regional Director	1953-1954
<b>Gwynne H. Sharrer</b> , State Supervisor	1954-1955
<b>Virgil T. Heath</b> , State Supervisor	1955-1959
<b>Russell E. Getty</b> , State Director	1959-1966
<b>James F. Doyle</b> , State Director	1966-1968
<b>Archie D. Craft</b> , State Director	1968-1975
<b>Muri W. Storms</b> , State Director	1975-1979
<b>William G. Leavell</b> , State Director	1980-1986
<b>Charles W. Luscher</b> , State Director	1986-

## LEADERSHIP AT THE DISTRICT LEVEL

### Medford

<b>Otto Kruger</b> , District Forester	1938-1939
<b>E. K. Peterson</b> , District Forester	1939-1952
<b>Virgil Heath</b> , District Manager	1952-1953
<b>E.K. Peterson</b> , District Manager	1953-1957
<b>Ross Youngblood</b> , District Manager	1957-1962
<b>Don Schofield</b> , District Manager	1962-1976
<b>George Francis</b> , District Manager	1976-1981
<b>Hugh Shera</b> , District Manager	1981-1986
<b>David Jones</b> , District Manager	1986-

### Salem

<b>Quin A. Blackburn</b> , District Forester	1939-1946
<b>Al P. Collins</b> , District Forester	1946-1951
<b>Rodney Fety</b> , District Manager	1951-1955
<b>Otto Krueger</b> , District Manager	1955-1968
<b>Boris Vladimiroff</b> , District Manager	1968-1976
<b>Ed Stauber</b> , District Manager	1976-1980
<b>Joe Dose</b> , District Manager	1980-1986
<b>Van Manning</b> , District Manager	1986-

### Roseburg

<b>Mick Slattery</b> , District Forester	1938-1949
<b>Jim Watts</b> , District Forester	1949-1955
<b>Boris Vladimiroff</b> , District Manager	1955-1956
<b>Merle Winn</b> , District Manager	1956-1960
<b>Archie Craft</b> , District Manager	1960-1962
<b>Murl Storms</b> , District Manager	1962-1966
<b>George Francis</b> , District Manager	1966-1976
<b>James Hart</b> , District Manager	1976-1984
<b>Melvin Berg</b> , District Manager	1985-

**Coos Bay**

<b>Ross Youngblood</b> , District Manager	1949-1958
<b>Boris Vladimiroff</b> , District Manager	1958-1968
<b>Ed Stauber</b> , District Manager	1968-1976
<b>Paul Sanger</b> , District Manager	1976-1983
<b>Tom Roessler</b> , District Manager	1983-1984
<b>Bob Dale</b> , District Manager	1984

**Eugene**

<b>William Eastman</b> , District Forester	1939-1940
<b>Ken Burkholder</b> , District Forester	1940-1942
<b>Al P. Collins</b> , District Manager	1942-1945
<b>Otto Krueger</b> , District Manager	1946-1954
<b>Ken Burkholder</b> , District Manager	1955
<b>Lester Dunn</b> , District Manager	1955-1963
<b>Joe Dose</b> , District Manager	1963-1974
<b>Dwight Patton</b> , District Manager	1974-1983
<b>Melvin Clauson</b> , District Manager	1983-

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