

Mohawk Decision May Set Precedent

By AL CURREY

Extreme importance of publication here Wednesday and Thursday regarding the establishment of a "guinea pig" sustained yield unit in the Mohawk River valley was rather clearly drawn out in a statement by Davidson, assistant secretary of interior who conducted the hearing.

The long and repetitious nature of charges and countercharges pertaining to the proposed unit of Oregon & California timber holdings was open to his introductory remarks: "After full discussion and deliberation this method is used to be an appropriate unit will be extended to other where sustained yield unit can be accomplished by combining O & C and intermingled private into appropriate management."

Two issues were included in the discussions over which Davidson presided. The first was the plan for a cooperative

sustained yield administration of O & C timber in the Mohawk region and comingled private forest holdings; the second was a proposed 100-year contract through which the Fischer Lumber Co. of Marcola hopes to become a co-operating producer—perhaps the only one—in the Mohawk unit.

Seldom Separate

However, due to the inherent interdependence of the two proposals, they were seldom divorced during the course of the hearings.

The proposed Mohawk sustained yield unit, lying two-thirds in Lane county and one-third in Linn, will—if finally approved by the secretary of the interior—include 34,500 acres of O & C timber, 18,300 acres belonging to the Fischer Co. and 21,000 acres owned by other private companies, the state and the counties.

First Drawn

The contract negotiated between the bureau of land management and the Fischer Co. will—if it also is approved—be the first drawn under provisions of the 1937 O & C act and another pertinent law passed by Congress in 1944.

It would provide for the "pool-

ing" of the O & C timberlands and those of the Fischer Co. under sustained yield cutting controls.

Last November, following public hearings during the summer at Salem and Roseburg, the secretary of interior ordered the formation of 12 "master" sustained yield units containing 2,500,000 acres of O & C lands in western Oregon.

These master units were set up primarily to provide that O & C timber will be milled in the areas where it is grown, thus insuring the future log supplies of the mills in these various districts.

The theory for which the Mohawk unit may serve as a working pattern is that both the "marketing area" and sustained yield principles will be continued on the O & C lands involved and extended to the holdings of co-operating private companies.

The inducement for the private timber owners is that in return for pledging their timber for use in the calculated cutting and marketing plans, each company included in a cooperative agreement will be given a share in the annual "harvest" of the timber that has been pooled.

The shares would be proportionate to the acre each company contributed in the formation of the cooperative unit.

The initiative for the establishment of the minor cooperative units within the master divisions lies with the owners of private lands which are comingled with the O & C lands in a "crazy quilt" pattern throughout 18 different Oregon counties.

Under the 1937 O & C act, the private companies may petition the secretary of the interior for a cooperative agreement, provided they hold sufficient timber to enter into a feasible sustained yield program with the O & C.

W. H. Horning, northwest re-

gional administrator for the bureau of land management, has estimated that cooperative units throughout western Oregon will eventually provide for the milling of 651,700,000 board feet annually, a third from O & C stands and the rest from timber put up by co-operating private interests.

In the case of the Mohawk unit, only the Fischer Lumber Co. has made overtures to obtain a co-operative arrangement, to date at least. For this reason the Fischer Co. may receive the undivided "harvest" of both the lands it is to put into the Mohawk unit and those of the O & C.

Because of this situation, and because of the prerequisites which the O & C act stipulates for companies seeking to negotiate co-operative sustained yield agreements, criticism has been made of "monopoly" features of both the basic plan and the proposed contract for the Fischer company.

Opposition

At the hearings, which were held on the University of Oregon campus, small mill owners and their counsel claimed that the government has no right to grant monopolistic privileges to particular companies, and contended that O & C timber should be disposed of as it reaches maturity through the competitive bidding practice which has prevailed heretofore.

The propositions involved were also attacked by a spokesman for the state Grange who said they were in violation of the 14th amendment of the Constitution inasmuch as they would benefit some lumber operators at the expense of others.

Filed Suit

Similar arguments were put forth Wednesday in an injunction suit filed by George Owen, Eugene lumberman, in federal court at Portland. Owen seeks to have the court prohibit the Secretary of the Interior from concluding the proposed contract with the Fischer Lumber Co.

Among other questions raised in opposition was that posed by Merton Folts, representing the Isaac Walton League of Lane County, as to the restriction of public domains which could result under agreements entrusting such lands to the care of private companies.

The principle of sustained yield was not contested during the hearings, and it was several times admitted by those opposed to the Mohawk plan that the present rate of timber cutting in Linn and Lane Counties cannot be long continued. Some to Go

The doom of a certain portion of the mills in these counties is certain, it was generally agreed, but opponents of principles contained in the Mohawk plan made a persistent argument no particular company should be granted an assured future on the basis of timber to be taken from federally owned lands.

Those of this view contended that the competitive bidding principle should continue to prevail and said that it would result in "survival of the fittest."

Not Private

Others supporting the plan re-

ferred to the fact that the present practice does not extend sustained yield controls over privately owned timber as is the major object of the cooperative unit scheme.

In the welter of contentions, proponents of the plan added that theory embodied in the Mohawk proposal has been common knowledge throughout Oregon's lumber industry at least since 1944 when Congress reaffirmed the principles laid down in the O & C act of 1937.

'Only Natural'

That farsighted companies would take steps to become eligible to join in cooperative sustained yield units by purchasing additional property—some of it from the counties for as little as 5 cents an acre—was only natural, these parties said.

A former employee of the O & C administration attending the hearings summarized the attitude by saying, "God helps those who help themselves."

The 100-year term of the Fischer Company's contract was repeatedly questioned. Dean Earl Mason, former head of the Oregon State College school of forestry, and Owen both contended that technological advances in the lumber industry may be such that they would outmode provisions of such a contract.

Davidson took particular notice of this point and questioned gov-

ernment counsel who informed him that 100 years was selected as the term of the contract because it is the length of time required for a Douglas fir to grow to maturity.

However, they stated, the principle of sustained yield implies perpetuity, and therefore if this plan proves at all feasible, the particular span selected for the contract would be immaterial.

Davidson informed the capacity audience attending the Wednesday night portion of the hearings that he would accept additional written representations regarding the proposals until Feb. 15.

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