

David Gould  
96079 Kentuck Way Lane  
North Bend, OR 97459

October 20, 2010

Governor Kate Brown:

I want you to understand North Bend School Dist. #13 Superintendent Bill Yester and I are working for the children's value in their Trust. I worked with Jim Paul and Amber Ross to develop a Recreation Class at SWOCC for the Elliott Forest. I worked with State agencies that provide lectures and tours for this class. This is in on the internet at: ORWW under Elliott State Forest.

North Bend High has added to their curriculum, a class about the history of the Elliott Forest. The instructor is Jennifer Hampel. She knows much about this subject and was Teacher of the Year last year. Former history teacher at North Bend High School, and currently teaching some classes at SOCC, Steve Grief will help me develop the lesson plans and the presentation aspect. The first class on the agenda will be a field trip in The Elliott Forest in about two weeks.

We are starting with teaching the local children in rural communities about Forestry and the Elliott State Forest, in hopes that the information drawn together and made available as a curriculum item can be utilized by other districts in Oregon.

Sincerely,

David G. Gould

David Gould  
96079 Kentuck Way Lane  
North Bend, Or 97459

June 29, 2015

Oregon Governor  
160 State Capital  
900 Court Street  
Salem, Oregon  
97301-4048

Dear Governor Brown:

I appreciate Bob Ragon's introduction to you at the State Land Board Meeting June 9<sup>th</sup>. Margaret Bird and I missed you when we came to Salem last year. I came to testify that I thought the Attorney General needed to protect the school children as beneficiaries of the Common School Fund from timber sales in the Elliott State Forest.

I recently contacted the Attorney General's and was informed of the phone number of the Department of Education. The receptionist said I needed to talk to Rob Saxton, and also indicated he was resigning, effective the end of June.

I had met with Rob Saxton before the Take Law Suit was filed. He took notes for three hours and asked how much money we are talking about. His response was that it amounted to seven full time teachers' jobs.

I was asked by the North Bend School District 13 to attend a meeting discussing the Elliott State Forest Alternative Plan. I have worked hard and have drawn the conclusion that there is a lot of talk about schools but not a legal stand on the Trust. I will be at the Western Regional Land Board Meeting in Moab, Utah July 20 with CLASS (Children's Land Alliance Supporting Schools) to address this issue.

I understand that this is a complicated project.

Thank you for your Leadership.

Sincerely,

David Gould

Draft: February 14, 2017, land board take plea

Happy Valentine's Day Governor Brown, Board Members, and others in attendance.

This 82,500 acre Children's trust should remain whole as a trust for the children.

Advocates for School Trust Lands, formerly known as CLASS, is talking with Oregon School Board Association about a take of children's funds in the Common School Fund.

As the representative for my grandchildren and all school children of Oregon, I am requesting a meeting with Governor Kate Brown and Attorney General Ellen Rosenblum to seek legal counsel regarding the TAKE of the School Trust lands within the Elliott State Forest. If possible, I would like to invite Jacob Arnold of OSBA; Bill Lucero, Principal of North Bend High School; Margaret Bird of Advocates for School Trust Lands; and Jerry Phillips, retired, and first manager of the Elliott State Forest.

I appreciate this opportunity to testify.

David G. Gould

North Bend, Oregon

Advocates for School Trust Lands

Office of the Oregon State Governor

Stormy Boyles

Assistant Scheduler for Governor Kate Brown

900 Court St. NE, Ste 254

Salem, OR 97301-4047

During the February 14, 2017 Oregon State Land Board meeting, I gave testimony asking for a meeting with Governor Brown and Oregon Attorney General Ellen Rosenblum. On March 1, I presented notice for a meeting at the Attorney General's front desk; and my request was delivered to the top of A.G. Rosenblum's desk.

I met at two governor's scheduler's desks in the Capital and was told to schedule through the internet to invite her to a public meeting, which is not what I have requested.

Again, I am reiterating my original request to meet with both the Governor and the Attorney General and myself. I would like to include at least four other critically involved people: Margaret Bird of Utah, representing Advocates for School Trust Lands; Bill Lucero, Principal of North Bend High School; Jacob Arnold, Oregon School Boards Assoc.; and James "Jerry" Phillips, ret., Head Forester of the Elliot State Forest for thirty five years. If the other four named cannot attend, perhaps they may be included on a conference call.

Sincerely,

David Gould

Advocates for School Trust Lands, Elliott Forest Children's Trust Advisor

96079 Kentuck Ln

North Bend, Oregon 97459

Home 541-756-5464

96079 Kentuck Way Lane

North Bend, OR 97459

541-756-5464 cbto1974@yahoo.com

July 26, 2017

The Honorable Governor Kate Brown

160 State Capitals

900 Court Street

Salem, Oregon 97301-4048

Dear Governor Brown:

I have enjoyed working with the children's trust forest and participating with you at the land board meeting these four years. I was asked by Bill Yester to represent North Bend High School and attend meetings to report the progress. My goal was to get the most value for the Common School Fund. While reading the information provided by John Potter about the Oregon Division of State Lands Elliott State Forest Alternative Plan, it explained the duties of the Trust. He referred to the Children's Land Alliance Supporting Schools. I contacted them and became involved with representing the children of our area and Oregon to obtain the most value from the Elliott.

I joined and participate in their teaching of undivided loyalty to the beneficiary. I will give an example of one work session by Montana Attorney, Ray H Andes. He gave an indication of laws that protect children in most states including, Oregon's Elliott State Forest today.

I found the timber harvest graph for all sales of timber from 1955-2014. Timber sales averaged 50 million board feet till 1990 (this becomes a legal vested sustainable harvest) when the production was broken by the Endangered Species Act. The Act becomes Onerous, because Congress cannot impose more onerous conditions after trust vested; and became a taking of our trust.

I also want to show the value of the old growth reserve established in 1970 by Jerry Phillips, a thirty year head forester in the Elliot. Attached is a photo of the Silver Creek Old growth reserve, 50 acres appraised at the price \$200/ thousand board feet at the time = Value \$1,000,000. Any additional set aside acres of old growth should be valued at today's prices and paid to the Common School Fund, or it becomes a take.

The value taken away from the Trust, by my evaluation, is the \$220,000,000 not harvested between 1990-2014. The fund lost money, a take, of the vested 50 million board feet that was not harvested per year at a value of \$25,000,000 during each year guaranteed by vesting. During 2015, 2016, and 2017, an estimated harvest value would be \$75,000,000 for total taking \$295,000,000.

If 40,000 acres is set aside for old growth reserve an additional 50 acres at \$400/thousand board ft. current value = \$2,000,000 for the Silver Creek Old Growth Reserve. If 40,000 acres is set aside for old growth habitat, never to be logged; then \$ 1.600,000,000 would be owed for species habitat. (one.sixbillion)

I have asked to meet with you and Attorney General Ellen Rosenblum with no response. I will ask North Bend School Board to pursue seeking a meeting with you.

Sincerely,

David Gould

Advocates for School Trust Lands (formerly CLASS)

Enc: 2/14/17 letter of request to meet

Roy H. Andes, "School Trust Lands..."

Graph, Estimated Timber Volume from Elliott...

Photo, Silver Creek Heritage Grove

Photo, Silver Creek Grove w/ Jerry Phillips

Cc: Ellen Rosenblum, A.G.

Jacob Arnold, OSBA

Bill Lucero, Principal NBHS

Margaret Bird, ASTL

Jerry Phillips, Forester, retired

I represent the school children in my own community on behalf of Superintendent Bill Yester, North Bend School District # 13 Oregon. I have been working with the Oregon State Land Board; and Oregon School Board Association, President Jim Green, throughout this long process. I have made it clear to State Land Board Director, Jim Paul, and the lead attorney for this process that this all is a Taking of the Common School Fund. Furthermore I demanded in testimony to meet with Governor Kate Brown and Attorney General Ellen Rosenblum and was ignored with no response. I joined a nationwide group representing the thirty states that have School Trust Funds, Advocates for School Trust Lands, to learn about Children's Trust Law. I have talked to many attorneys and law firms and received no one willing to represent the children's trust. Since the United States Department of Agriculture and United States Department of Interior signed this equal value trade for the Elliott State Forest for the Common School Fund I believe they also have a fiduciary duty for the beneficiary.

This is a Constitutional issue allowing this Taking by not harvesting the 50 million board feet per year that became vested the first 30 years of harvest. The Enabling Act required at Statehood in 1859 and the formation of the Elliott State Forest in 1930 established this one and only Elliott State Children Trust Forest. The Department of Agriculture [Siuslaw National Forest of 64,287 acres] and Department Interior [ONC lands of 6,818 acres] are involved in this process. This is why I am asking you to help the children find and get legal action for the Common School Fund which is dependent upon funds generated by timber sales in the Elliott State Forest.

The following web site, contains more information, including the other listed sources.

[https://orww.org/Elliott\\_Forest/](https://orww.org/Elliott_Forest/)

"Caulked Boots and Cheese Sandwiches: A Forester's History of Oregon's First State Forest 'The Elliott 1912-1996'", Jerry Phillips, Butler's Pronto Print, Coos Bay, OR, 1997

"The Great Fires: Indian Burning and Catastrophic Forest Fire Patterns of the Oregon Coast Range, 1291-1951" Dr. Bob Zybach, Dissertation submitted to Oregon State University, NW Maps Co, Cottage Grove, OR, 2003.

Graph created for Advocates for School Trust Lands; Graph Data: Oregon Department of Forestry 1955-2014. Valuation of timber harvests during that time: Greg Stone, P.E. Forestry and Surveying. Merging of data from sources for comparison of volume harvested and money: David Gould, BS, Oregon State University.

David Glae Gould:

Advocates for School Trust Lands

Margaret

Rikki This is a rough letter I am sending to ask if this meets Your approval before I finish and send?

David Gould 541 756 5464

August 20, 2018

I am informing you that selling the Elliott State Forest Children's Trust cannot be sold or Decoupled at a horrific loss to the Common School Fund.

ORS 530.450 Status provides: "Any lands in the National Forests on February 25, 1913 selected by and patented to, the State of Oregon, for the purpose of establishing a state forest, hereby are withdrawn from sale except as provided in ORS 530.510 the state forest shall be known as the Elliott State Forest".

The following was a strategy used by Cascadia Wildlands recently. This could be reworked as a strategy for Oregon School children. And win in federal court.

According, ODSL 'Oregon Division of State Lands' final order selling Hakki Ridge parcel to Senna Jones violates ORS 530.450 and must be set aside. See ORS 183.484[5] [a]. "The court finds that the agency has erroneously.

[a] interpreted a provision of law that a correct interpretation compels a particular action it shall: [A] Set aside or modify the order; or [B] Remove the case to the agency for further action under correct interpretation of provision of law."

Reversed and remanded [antagonistic action in opposite adverseness.

DEFINITION of adverseness [noun] usage: the adjective adverse and averse both have "opposition" as a central sense. Adverse is seldom used of people but rather of effect and events with a sense of hostility or harmfulness: adverse criticism: adverse trends in the economy.

The School Children are entitled for legal action in this original 71,000+ acre Trust Forest.

David Gould: Advocates for School Lands

541 756 5464

Knute Buhler needs to represent Oregon School Children and pursue this when elected Governor.

With current sympathy for children this would be a [ripe for picking] battle cry.



August 21, 2018

United States Department of Interior

Secretary Ryan Zinke:

I am informing you of a Take of the Common School Fund in the Elliott State Forest. In 1930 The Elliott State Forest Children's Trust was established by trading Forest Service, Indian, and Bureau of Land

signed this into law as a Trust forest to get the most funds for the Common School Fund.

With the history of three recorded wild fires the first activity within the young forest was construction of lookouts and road systems to deter fire. This was funded by the government Civilian Conservation Corps. The Oregon Legislature directed the Oregon Department of Forestry to manage and start logging the newly created forest for the Common School Fund in 1954. This was harvested using sustainable yield and was doing quite well. It became Vested after 35 years, when the average annual harvest was 50,000,000 bd ft. In 1990 these same people who signed the documents creating the Elliott, also signed the Endangered Species Act. Cut timber production was tied up in environmental red tape and law suits. By 2014, a loss to the Common School Fund of the vested value of \$200,000,000- two hundred million dollars was created. Furthermore, there was a \$3,000,000 loss in 2014 because all sales were stopped; this was the first loss recorded by any states in our great nation managing the Common School Funds. I have attached the production graph developed by the Oregon State Board of Forestry with further info added by myself. I graduated from Oregon State University in Natural Resources and understand graphs quite well.

The State Land Board has been trying to sell this forest at a loss after they lost a suit about Marbled Murrelet. With timber sales tied up and no revenue coming in to manage the forest, Governor Brown asked Senate President Peter Courtney and Oregon's Senate for funds. The State Land Board received the benefit of the authorized \$100,000,000 Bond and the citizens and Children's Trust will have to repay the bond with interest.

State Law: ORS 530.450, restricts selling the Elliott State Forest. It states that: any lands in the National Forest on February 25, 1913 selected by and patented to, the State of Oregon, for the purpose of establishing a state forest, hereby are withdrawn from sale except as provided in ORS 530.510. The state forest shall be known as the Elliott State Forest. [71,105 acres]

The Land Board request three appraisals averaging; those submitted averaged a valuation \$220,800,000. The State Land Board was going to sell the trust at a great loss before I testified at the Land Board meeting that they had a fiduciary duty with the children. I also gave the same letter to Peter Courtney They did not sell to the only legitimate bidder, Lone Rock Timber Company, who is now suing the Common School Fund.

The restrictions imposed by the Endangered Species Act are taking the Children's Trust moneys in excess of two billion dollars Oregon State University is studying the Marbled Murrelet to try to get a Habitat Conservation Plan. Now the plan is to decouple the Elliott State Forest from the Common School Trust Fund. This is another Taking.

David Gould,

Representing North Bend School District #13

David Gould  
96079 Kentuck Way Lane  
North Bend, Or 97459  
Cbto1974@yahoo.com

October 16, 2018

To: Oregon State Land Board

My Gould, family history observes the historic birth of our Elliott State Forest since the cleansing fire of 1868.

When we arrived in 1886 this land was a vast stand of snags and downed wind falls as far as we could see. We built trails and grazed cattle in the heart of this large untamed wilderness. When I was twelve in 1953, my Grandfather I walked the original trail to 'Elkhorn Ranch' our homestead in the middle of this beautiful forest. The remains of the old snags along the trail and windfalls with sawed off end decomposing into the ground were visible in the fern and scattered brush along the trail. A stand of Douglas fir shaded the trail.

The sum of 2018, my grandson, daughter and I returned to travel this trail. We could follow the trail till we came to a mass of huckleberry vine that covered the trail down the ridge. What I observed and want to point out was very little of the original snag and wind-fall is left; they are gone, vanished, disappeared, out of site. This happened in less than 150 years. I looked up and saw tall tree over 100 feet till the first limbs. In 1886 when my grandparents built the trail system there were a few scattered trees staring to grow.

As these trees grow they shed all needles, cones, limbs, bark, etc. to the forest floor but very little is visible as it has joined the underground as biomass. The trees growing today belong to the Trust created to benefit school children and should be harvested to generate funds in the Common School Fund created along with Elliott State Forest in the 1930's..

Studies have shown that biomass contributes to the new cycle of oxygen and carbon. It would be preferable to log parts of the Elliott rather than allow it to be destroyed in a forest fire,

I am against decoupling the forest from the Common School Fund. It is worth billions of dollars to all Oregonians; more than the \$220,800,000 appraised market value.

David Gould,

Representing North Bend School District #13

David Gould  
96079 Kentuck Way Lane  
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The summer of 2018, my grandson, daughter and I returned to travel this trail. We could follow the trail till we came to masses of huckleberry that covered the trail down the ridge. What I observed and want to point out was very little of the original snag and wind-fall is left; they are gone, vanished, disappeared, out of site and decomposed into the soil. This happened in less than 150 years. I looked up and saw tall tree over 100 feet till the first limbs. In 1886 when my grandparents built the trail system there were a few scattered trees staring to grow.

As these trees grow they shed all needles, cones, limbs, bark, etc. to the forest floor but very little is visible as it has joined the underground as biomass. The trees growing today belong to the Trust created to benefit school children and should be harvested to generate funds in the Common School Fund created along with Elliott State Forest in the 1930's..

Studies have shown that biomass contributes to the new cycle of oxygen and carbon. It would be preferable to log parts of the Elliott rather than allow it to be destroyed in a forest fire returning it to the atmosphere. This would also, save all species and their habitat from the fire.

I am against DECOUPLING the forest from the Common School Fund. It is worth billions of dollars to the children the beneficiary of the trust, and all Oregonians; more than the \$220,800,000 appraised market value.

David Gould Advocates for School Trust Lands

North Bend School Board District #13

During Land Board Meeting October 16, 2018

I signed the sheet to testify on arrival.

Portland State University Delivered the Oregon Consensus Report. I am one of the people that were interview for the report. I made it clear from the start I am against decoupling from the Common School Fund.

The Governor wants Oregon State University to develop a Habitat Plan, do research, and possibly own the forest. \$100,000,000 has been legislated but the \$120,000,000 needed to finalize is absent.

I testified that I liked the OSU plan and had approached Ed Ray president OSU three years ago about the forest. He gave me the Dean of Forestry contact and the discussion was short. I support the OSU plan but oppose decoupling. If decoupling takes place the trust louses the \$1,000,000,000 timber value.

Going forward if OSU manages the forest as planned with adding clear cutting the 1-80 year stands and thinning some mature stands this obligation would be met and generate funds to the Children forever.

I also testified that Governor Brown and Attorney General Ellen F. Rosenblum did not respond to my previous request to meet me and other stakeholders last year. I than pointed to Mat Devore assistant attorney and ask Governor Brown to meet us after the board meeting. During the first break I asked Mat to protect the Children. He said there was no funding and legislature and others were without funds. I told him that the forest could generate the funds to pay the \$120,000,000 needed to have OSU with other partners and satisfy the trust obligation forever. Mat said isn't the timber worth \$1,000,000,000? My reply is yes even if it is partial harvested or standing. I also suggested that I did do business deals in the past where we had a royalty on natural resource that you pay over time. My schooling with Advocates for Children Trust Lands says children trust law is the most powerful in the land. This is because this forest was given to the children by the federal legislature process and the value cannot be taken away without due process because the children are miners with their trust protected by a trustee. My recommendation is to find a Children Trust Lawyer before you decouple from the Common School Fund.

My family history made contact with the Coos Indian in 1886. I am asking that they be involved with OSU in this forest forever. Chief Warren Brainerd and the Confederate Tribes of Coos, Lower Umpqua & Siuslaw have a historic view more passionate with the forest.

David Gould

North Bend School District #13

Advocates for School Trust Lands

Dec 18 land board meeting

Hallo Governor Secretary of State and State treasure:

My name David Gould I represent the school children of North Bend School District #13. I have been in this process from the beginning to protect Oregon's students. I took John Potter and two land board employees on their first tour of our forest. Later I took Rod Saxton deputy superintendent on this same tour. What I have observed is that the children's trust has been violated several times in ways that take away their value. I have taken classes about children trust law and am sure stealing from the children is disproportional. With my family history in this forest I believe I have more Standing in a court of law than Cascadia Wildlands. Governor for that reason I am asking the Land Board to not decouple the Common School Fund at such a horrific loss to the children. The children of NBSD#13 need a lawyer to represent them in a Federal Court. Governor you have a \$100,000,000 bond; defend the children.

David Gould

Advocates for School Trust Lands

December 18, 2018

TO: Oregon State Land Board

I want to report about North Bend High Schools' first Ecology class field trip to our Elliott State Forest. While waiting to meet Vice Principal Jake Smith, and teacher Jennifer Hampel, I talked to a student whose name is Forest Loucks. I started a conversation about him being an owner of the Elliott State Forest. He knew the subject and said it should be an old growth forest with recreational value for the community. I said, "That's interesting, because I was working with a class at Southwestern Oregon Community College, developing a recreational class for the school children's Elliott State Forest."

He offered me the website *Six Ways Mushroom Can Save the World*. When I got home I found the site. It contained a great deal of information about the Carbon Cycle; hyphae, mycelium, and mushroom fungi. Wow, carbon will fund the Common School Fund forever.

Many of the older trees in the Elliott need to mature; but the younger forest needs to be harvested to store carbon off site, to pay into the Common School Fund, to create wildlife habitat, and deter wild fire.

The forest management practice needs to be modified to allow for active land management, a prescription that protects the ecology and generates a capital return to support the Common School Fund.

The cruised timber value of the entire Elliott State Forest 'including the carbon' is more than \$1,000,000,000 (1 Billion). Because there were restrictions put on harvesting, the market value is set at \$220,800,000. This price is unacceptable as a cash buy out of the trust. This forest needs to be managed for the children by another entity that pays a much larger sum or a user fee, royalty or another payment method over time to the Common School Fund that represents the total value.

People I know that would do right to the Children Trust:

President Ed Ray Oregon State University:

John Sweet and Bob Main Coos County:

David Petrie recommended the Umpqua Band of Upper Cow Creek Indians and Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Indians:

David Gould

North Bend School District # 13

Advocates for School Trust Lands

96079 Kentuck Way Lane

North Bend, OR 97459

cbto1974@yahoo.com

May 7, 2019

Oregon Division of State Lands:

Elliott State Forest Open House:

I want to report a Take of the Children's Trust. Here is where this process violates your requirement to decouple from the Common School Fund. To quote from the mandate to decouple, "That the FOREST REMAIN publically owned; the Forest is decoupled from the Common School Fund and the fund is COMPENSATED for the Value of the FOREST; and habitat conservation planning protects species while also allowing for timber harvest."

In 1930 the Elliott State Forest was granted as a Children's trust with generated funds going directly to the Common School Fund. It was a young forest growing to generating value over time to the Common School Fund.

The Endangered Species Act and Law suits have forced the Oregon State Land Board to act; decouple. They have an appraised value of \$220,800,000 they say will buy off the trust obligation. They are not compensating for the older stands that will be retained for carbon and protected species. I ask that the timber appraisals be made public and the value of the older stands determined and payed to the Common School Fund as required by the mandate to decouple. The standing old growth has the same value to the trust, standing or delivered to the mills. I feel this amount could go to North Bend Marshfield and Reedsport School districts that hold the Elliott Forest in their school districts. This could be payed as royalty as a percentage of value over time. If this is not addressed I will declare a TAKING of the Common School Fund.

David Gould

North Bend School District #13

Advocates for School Trust Lands

541 756 5464



## Elliott Forest Children's Trust

From: David Gould (cbto1974@yahoo.com)

To: bsmith@dsmail.net; roymontana@advocatesforschooltrustlands.org;  
russwashington@advocatesforschooltrustlands.org;  
mattwashington@advocatesforschooltrustlands.org; margaretraybird@gmail.com;  
marguerite.herman@advocatesforschooltrustlands.org

Date: Friday, May 24, 2019 02:32 PM PDT

I want to report a Take of the Children's Trust. Here is where this process violates your requirement to decouple from the Common School Fund. To quote from the mandate to decouple, "That the FOREST REMAIN publicly owned; the FOREST is decoupled from the Common School Fund and the fund is COMPENSATER for the VALUE of the FOREST: and habitat conservation planning protect species while allowing TIMBER Harvest.

In 1930 the Elliott State Forest was granted as a Children's Trust with generated funds going directly to the Common School Fund. It was a young FOREST growing to generate value over time to the Common School Fund.

The Endangered Species Act and Law Suites have forced the Oregon State Land Board to act; decouple. They have an appraised value of \$220,800,000 they say will buy off the FOREST trust obligation. They are not compensating for the older FOREST that will be retained for carbon and protected species. I ask that the three timber appraisals be made public and the total value of all the FOREST determined and payed to the Common School Fund as required by the mandate to decouple. The standing older FOREST has the same or more value to the trust standing or delivered to the mills. The older timber is worth MORE than \$800/thousand board feet; and worth more than \$400,000,000 to the children. If decoupling continues this could be payed as a timber royalty over time by the new management of the property. This FOREST is in North Bend, Marshfield, and Reedsport School District and should be figured in to future revenue obligations.

**IF THIS IS NOT ADDRESSED I WILL DECLARE A TAKING OF THE COMMON SCHOOL FUND AT DECOUPLING.**

Douglas and Coos Counties are interested in managing with Oregon State University research.

My wish is for the counties to keep involved.

David Gould  
North Bend School District #13  
Advocates for School Trust Lands  
Save the Elliott Forest  
541 756 5464

elliott forest

From: David Gould (cbto1974@yahoo.com)

To: margaretraybird@gmail.com

Date: Sunday, May 26, 2019 09:04 AM PDT

Well Tuesday is the start of my 1 year prison term for no insurance. I would like to invite Advocates for School Trust Lands to North Bend-Coos Bay, We could visit our Elliott State Forest. There are good services here and a beautiful Ocean. I could arrange bus service for transit; knowing the forest roads well. Access to high school, county commissioners and school superintendents also.

David Gould