

INDEX

September 6, 2006 Board of Forestry Meeting Minutes

<u>Item #</u>	<u>Page #</u>
A. Minutes – July 28, 2006 Board Meeting	3
C. <i>Forestry Program for Oregon</i> Implementation – Issue 1, Obj. 3– Interagency Briefings...	3
D. Post-Paulina Rangeland Fire Protection Association.....	4
E. Legislative Concept Update	4
F. Emergency Fire Cost Committee Appointment	4
H. Forest Regulation – Issue 6, Obj. 4 – Special Resources	4
B. Biennial Budget Update	4
G. Forest Regulation – Issue 6, Obj. 3 – Large Wood Placement.....	5
1. State Forester’s Comments – Federal Forestlands Project / Board Comments.....	6
1a. Public Comments – Eady, Giesy and Posekany.....	6
2a. Wildfire Risk Management – Issue 7, Obj. 2 – Treatment of Vacant Lots.....	6
2b. Wildfire Risk Management – Issue 7, Obj. 3 – Smoke Mgt. Plan Implementation.....	7
4. Forest Regulation – Issue 6, Obj. 2 – Rule Concepts 3 and 4.....	8
5. <i>Forestry Program for Oregon</i> Implementation – Issue 1, Obj. 2 Measure Progress.....	10
3. Forest Vitality – Issue 3, Obj. 3 – Forest Resource Trust	10
6. Outreach to Urban Populations – Issue 4, Obj. 6 – Forest Education.....	11
7. Board Decision System.....	11

Items listed in order heard

Attachments (hard copy)

- (1) State Economist's Quarterly Economic and Revenue Forecast, Agenda Item B
- (2) Revised Agenda Item G
- (3) Draft Regional Forester Goodman Letter, Agenda Item 1
- (4) Public Comments - Carolyn Eady, Agenda Item 1A
- (5) Public Comments - Wayne Giesy & Dick Posekany, Agenda Item 1A
- (6) Staff Presentation - Vacant Lots, Agenda Item 2a
- (7) Public Comment - Jim King, Agenda Item 2a
- (8) Staff Presentation - Rule Concepts 3 & 4, Agenda Item 4
- (9) Comments - State Representative Patti Smith, Agenda Item 4
- (10) Public Comments - Wayne Giesy, Agenda Item 4
- (11) Written Comments - State Representative Brian Boquist, Agenda Item 4
- (12) Staff Presentation - Indicators of Sustainable Forest Management, Agenda Item 5
- (13) Staff Presentation - Forest Resource Trust, Agenda Item 3
- (14) Panel Presentation Notes, Agenda Item 6

OREGON STATE BOARD OF FORESTRY
September 6, 2006 Meeting Minutes

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held at the State Forester's Headquarters, 2600 State Street, Salem, Oregon.

Chair Hobbs called the public meeting to order at 8:05a.m.

Board Members Present:

Steve Hobbs, Chair Larry Giustina Diane Snyder
Jennifer Phillippi Barbara Craig Bill Hutchison

Absent:

Chris Heffernan

Others Present:

Sally Campbell, USDA Forest Service
Norie Dimeo-Edigar, Oregon Forest Resources Institute
Mike Dykzeul, Oregon Forest Industries Council
Carolyn Eady
Brian Finneran, Department of Environmental Quality
Eric Geyer, Roseburg Forest Products
Jake Gibbs, Lone Rock Timber Co.
Wayne Giesy
Mike Gaudern, Oregon Small Woodlands Association
Kevin Godbout, Weyerhaeuser
Craig Hanneman, Oregon Forest Industries Council
Mike Haske, Bureau of Land Management
Patrick Horns, Trust Advisory Committee
Chris Jarmer, Oregon Forest Industries Council
Barry Jones, Pacific Rivers Council
Tim Josi, Forest Trust Land Advisory Committee
Jim King
Koto Kishida, Department of Environmental Quality
Rod Krahmer, Department of Fish & Wildlife
Michele Logan, Department of Justice
Ivan Maluski, Sierra Club
Kristina McNitt, Oregon Small Woodlands Association
Greg Miller, Weyerhaeuser
Susan Morgan, State Representative
Pat Norris, Forest Resource Trust Advisory Committee
Dick Posekany, Frank Lumber Co.
Conrad Rule
Lincoln Russell, BR Nursery
Susan Sahnaw, Oregon State University
Ralph Saperstein, Boise Cascade
Craig Shinn, Portland State University
Patti Smith, State Representative
Gary Springer, Starker Forests

Jim Stark, Weyerhaeuser	
Rex Storm, Associated Oregon Loggers	
Jean Starks, Weyerhaeuser	
Bob Van Dyk	
Sara Vickerman, Defenders of Wildlife	
Ray Wilkeson, Oregon Forest Industries Council	
Rick Zenn, Work Forestry Center	
Marvin Brown, State Forester	Clark Seely, Associate State Forester
Gayle Birch, Board Support	Pam Stroebel Valencia
Jim Paul, ASF Forest Mgt	Dan Postrel, Agency Affairs
Ted Lorensen, ASF Resources	Rod Nichols
Lena Tucker	Paul Bell, ASF Protection
Mike Cafferata	Tim Keith
Brad Knotts	Charlie Stone
Jo Morgan	Bill Lafferty
Keith Baldwin	Rick Gibson
Jason Hinkle	Jim Trost
Steve Vaught	Mike Bordelon, NWOA Director
Lanny Quackenbush	Doug Decker
David Morman	Jim Quiring
Kevin Birch	Kris Babbs
Andrew Yost	

Consent Agenda

At the request of Bill Hutchison and Chair Hobbs, Items B and G, respectively, were removed from the consent agenda for discussion.

A. MINUTES –JULY 28, 2006 BOARD MEETING

Approved by consent.

The minutes of the July 28, 2006 Board Meeting are approved.

C. FORESTRY PROGRAM FOR OREGON IMPLEMENTATION - ISSUE 1

Objective 3 - Interagency Briefings

Update on the Department's activities communicating information about the *Forestry Program for Oregon* to cooperating agencies and stakeholders.

Information item.

D. POST-PAULINA RANGELAND FIRE PROTECTION ASSOCIATION

Approved by consent.

The inclusion of rangeland in portions of central Crook county into a rangeland fire protection association is approved. The Department is directed to assist with the formation of the Post-Paulina Rangeland Fire Protection Association, pursuant to ORS 477.320.

E. LEGISLATIVE CONCEPT UPDATE

Information item.

F. EMERGENCY FIRE COST COMMITTEE APPOINTMENT

Approved by consent.

Dick Beeby is appointed to the Emergency Fire Cost Committee, to serve the remainder of Rod Greene's four-year term, expiring January 2010.

H. FOREST REGULATION - ISSUE 6

Objective 4 - Effective and Efficient Forest Practices Act Implementation

Special Resources project timeline revision and status update.

Information item.

Action and Information Agenda

B. BIENNIAL BUDGET UPDATE

The State Economist's Quarterly *Oregon Economic and Revenue Forecast*, Summary, September 1, 2006, was distributed [Attachment 1].

Responding to Bill Hutchison's request for additional discussion, Clark Seely, Associate State Forester noted additional criteria could be added to the proposed Key Performance Measures for Board and Commissions.

Bill Hutchison suggested a Board sub-committee be formed to develop unique criteria specific to forestry, and recommended the Department develop suggestions for the Board's consideration on future consent agendas or information items. He added the Board could get credit for following the suggestions in the initiative.

Chair Hobbs agreed that thoughtful consideration should be given to self-evaluation.

Jennifer Phillippi supported self-evaluation, yet cautioned against inefficient use of time.

Summarizing Mr. Hutchison's additions, and with Board consensus, Chair Hobbs ordered:

The proposed Key Performance Measure for Boards and Commissions "Percent of Total Best Practices Met by the Board of Forestry", not precluding the addition of other criteria, is adopted.

The Department is directed to initiate implementation of the Performance Measure to include annual self-evaluation. The first evaluation process will begin early in 2007.

The Board may consider the formation of a subcommittee.

G. FOREST REGULATION - ISSUE 6

Objective 3 - Promote the Use of Voluntary Methods and the Oregon Plan

Mike Cafferata, Private Forests Program Policy Unit described the recommendation that the Board determine the proposed administrative rule was a Type (1)(a) rule not subject to the additional finding provisions of ORS 527.714. The Department also recommended the Board move forward with permanent rulemaking to extend Forest Practices Act authority to the placement of large wood in certain streams to improve fish habitat.

With Board consensus, Chair Hobbs ordered:

The Board finds proposed administrative rule for large wood placed under the authority of the Forest Practices Act is a Type (1)(a) rule as defined by ORS 527.714.

The State Forester is directed to begin the formal rulemaking process for the proposed administrative rules.

1. STATE FORESTER AND BOARD MEMBER COMMENTS

Kevin Birch, Forest Resources Policy Program described the letter from Chair Hobbs to Linda Goodman, Regional Forester, expressing the Board's concerns and supporting the Federal Forestlands Project (Attachment 3).

[At Diane Snyder's request, the item was tabled until an earlier draft could be provided to her. For consistency, the full item is shown here]

Following a brief discussion of increasing focus on federal forestland management, the Board reached consensus on the content of the letter.

Chair Hobbs announced the Forest Management Plan (FMP) Workshop had been postponed to November 3, 2006 to allow the development of additional model runs, and additional guidance from the Attorney General's office.

Bill Hutchison noted that the Workshop was preparation for the intensive review 10-year review of the FMP. He encouraged staff to disseminate pertinent material when available. He also stated his intent to evaluate the effect of Implementation Plan amendments on the FMP.

1a. PUBLIC COMMENTS

Carolyn Eady commented that hurried, major revisions to the FMP were not in anyone's interests and would be premature for such a complex plan. Work began in 1994 for the FMP adoption in 2001. The public wants the balanced approach to timber and recreation values which structured-based management provides. She also reminded the Board that state forests comprised only 3% of the forestland base, and could not solve timber availability needs (Attachment 4).

Wayne Giesy and Dick Posekany urged the Board to begin developing a solution for the viability of rural Oregon. Mr. Giesy stated the nearly-zero allowable harvest of timber from federal lands was largely due to environmental and endangered species regulations and rules. Mr. Posekany commented on the rural wage gap (Attachment 5).

2a. WILDFIRE RISK MANAGEMENT - ISSUE 7

Objective 2 - Treatment of Vacant Lots under the Oregon Forestland-Urban Fire Protection Act (SB 360)

Rick Gibson, Protection from Fire Program summarized the Board's direction to review the adequacy of the standards and develop recommendations for specific amendments. Mr. Gibson noted that vacant lots classified as high-density extreme were

subject to the standards of the Act. An Advisory Committee was formed which developed proposed rule amendments and statute revision (Attachment 6). The proposed amendments recommend a five-year review cycle, provide additional flexibility to county classification committees to classify more lands as high-density extreme and modify fuel break standards. Ultimately, the process is voluntary for self-certification, yet liability may be incurred if fire suppression action is required on non-certified property subject to the act.

Conrad Rule, SB 360 Vacant Lot Committee member urged the Board to develop enforcement mechanisms, and reduce the five-year review window for classification.

Jim King, Deschutes County resident, noted that local homeowner association covenants, conditions and restrictions could be useful enforcement vehicles for fuel reduction on vacant lots. He encouraged the Board to extend the standards for high-density extreme lots to the extreme and high classifications rather than revising classifications (Attachment 7).

Rick Gibson noted that neither the proposed rule nor statute precluded county classification committees from meeting prior to the end of the five-year cycle. Landowners are given two years to self-certify the lots meet the standards. Changing the standards mid-stream as suggested during the public comment period would create landowner confusion and raise questions about when liability would be established for non-certified lots. Extending the high-density extreme standards to other classifications would affect the county evaluations already completed requiring work to be redone.

Following Board discussion and with Board consensus, Chair Hobbs ordered:

The recommendations of the SB 360 Vacant Lot Advisory Committee are accepted. The State Forester is directed to begin the rulemaking process by soliciting public input on amendments to OAR 629-044-1020 and 629-044-1075.

2b. Objective 3 - Smoke Management Plan Implementation

Charlie Stone, Protection from Fire Program provided an update on the progress of implementation of the Smoke Management Review Committee's recommendations, and focused an in-depth review on the legislative concept related to Smoke Management [LC 878], the funding/business plan for the sub-program and the portion of the draft rule proposal addressing smoke sensitive receptor areas (SSRA).

Brian Finneran, Department of Environmental Quality expressed support for the legislative concept, and urged continued refinement of the draft administrative rule. DEQ recognizes the public sensitivity to smoke and the need for burning. DEQ supported adding cities of a certain size to a SSRA list, and has agreed upon the combined approach.

Mike Dykzeul, Oregon Forest Industries Council supported the work to date and expressed cautious optimism that the changes would result in truer forecasts, better burn opportunity days, and maximizing the best burn days while protecting the air quality. He did not support the designation of SSRA based upon population.

Following public comment, the Board discussed the benefits of prescribed burns as a management tool, the timing of rule adoption, legislative action on the proposed bill, and DEQ's adoption of the Smoke Management Plan.

With Board consensus, Chair Hobbs ordered:

Approval is given to move forward with LC 878 relating to the Oregon Smoke Management Plan

4. FOREST REGULATION - ISSUE 6

Objective 2 - Minimize the Adverse Financial Effects of Regulations

Rule concept 3 - Riparian Management Areas above Fish Barriers
OAR 629-635-0200(11)

Rule concept 4 - Wood from Debris Flows and Landslides
OAR 629-640-0210

At its July 2006 meeting, the Board requested staff report on the workload associated with the implementation of rule concepts 3 and 4, and the resources necessary to implement the rule concepts. The Board also requested information related to priority and the effect on services should staff shift resources to accommodate the new rule concepts. Ted Lorensen, Assistant State Forester reminded the audience that the public comment period on the draft language had passed.

Using a PowerPoint presentation (Attachment 8) Mike Cafferata, Private Forests Program estimated the workload increases associated with implementation of the rules would be the equivalent of four positions each for the Department and landowners. He also described the discretionary and non-discretionary tasks undertaken by staff that would shift to implement the rule concepts, without additional resources.

The Department recommended the adoption of both proposed administrative rules, adding an implementation date of October 2007 into OAR 629-635-0200(11). OAR 629-640-0210 contains an effective date of October 1, 2007. Further workload analysis should occur following the 2007 Legislative Session.

State Representative Patti Smith, District 52, Chair of the House Interim Committee on Agriculture and Natural Resources urged the Board delay implementation of rule concept 3 be postponed, noting the late fall effective date of rule concept 4, until

the 2007 Legislative Assembly budget process considered additional resources (Attachment 9). The proposed rules shift the primary burden of pre-operation identification of special resources from the Department to the landowner, which puts the landowner at greater risk of committing Forest Practices Act violations through misjudgment and inexperience, and changes the Forest Practices Act regulations to more of a post-operation enforcement scenario. Maintaining the credibility of the Forest Practices Act with landowners and the public was critical. She stated the Act must not slip from an Act that facilitates forest operations to one that regulates them.

State Representative Susan Morgan, District 2, complimented the Board on its science-based approach to policy making and commitment to The Oregon Plan for Salmon and Watersheds. She urged the Board to delay implementation of rule concepts 3 and 4 until guidelines could be clearly explored and clarified in close collaboration with landowners and until the necessary positions are funded by the Legislature.

Representative Morgan noted that 90% of the general fund budget funds education, human services and public safety, and that implementation of new regulations would be unsuccessful without the ability to add staff. She urged the Board to send a clear message to the Legislature regarding the capacity of the Department to implement new regulations.

Wayne Giesy recommended the Board to stop the adoption of more forestry regulations until more reviewed science is available (Attachment 10).

State Representative Brian Boquist provided written comments regarding the Measure 37 implications of the proposed stream rules (Attachment 11).

Following public comments, the Board engaged in discussion of the recommendations with assistance from Private Forests staff Mike Cafferata, Jason Hinkle, Brad Knotts and Assistant State Forester Ted Lorensen. Mr. Lorensen addressed the Measure 37 implications offering defensible arguments.

The Board discussed implementation following the 2007 Legislative Session, the cumulative effect of additional tasks for staff, and the critical relationship of trust with landowners.

Following discussion, and with Board consensus, Chair Hobbs ordered:

Amendments OAR 629-635-0200 Riparian Management Areas Above Fish Barriers, with an effective date of October 1, 2007 is adopted. OAR 629-640-0210 Wood from Debris Flows and Landslides is adopted, with an effective date of October 1, 2007. Rule guidance will be further clarified and refined with landowner collaboration.

5. Forestry Program For Oregon IMPLEMENTATION – ISSUE 1

Objective 2 - Measure Progress toward Achievement of Strategies

David Morman, Forest Resources Planning Program Director provided a brief background of the development of sustainable forest management indicators for use in measuring the progress of *Forestry Program for Oregon* implementation.

Dr. Craig Shinn, Ad Hoc Sustainable Forest Management Indicators Advisory Committee Chair, highlighted the elements of the Committee's report and recommendations (Attachment 12). The Committee developed a suite of 19 indicators as a way to approach sustainable forest management at the statewide level in Oregon. Sara Vickerman, Defenders of Wildlife, Rex Storm, Associated Oregon Loggers and Mike Haske, Bureau of Land Management each reviewed a set of the recommended indicators and corresponding *Forestry Program for Oregon* strategies. [The complete Committee report was contained in the September 6, 2006 agenda]

Sally Campbell, USDA Forest Service commented on the close, cooperative relationship with the Department and briefly described recent and ongoing collaborative projects.

3. FOREST VITALITY - ISSUE 3

Objective 3 - Carbon Offset Markets - Forest Resource Trust

The Forest Resource Trust Advisory Committee reconvened in June and August 2006, and recommended draft language for legislative concept 879 that restructures the Forest Resource Trust to encourage statewide participation, broaden eligibility, and promote forest stewardship practices. Cost share and environmental services programs were added to help the Trust meet the goal of improving forest stewardship, carbon sequestration, fish and wildlife habitat, water quality and other values. The Committee also proposed revisions to the Forest Resource administrative rules [629-022] to simplify the loan program.

Pat Norris, Forest Resource Trust Advisory Committee Chair, and Lanny Quackenbush and Keith Baldwin, Private Forest Program described the components of the statutory and administrative proposals (Attachment 13).

Following discussion, and with Board consensus, Chair Hobbs ordered:

The membership of the Forest Resource Trust Advisory Committee is appointed as recommended.

LC 879 relating to the Forest Resource Trust is approved for further drafting.

The State Forester is directed to follow established procedures and begin the rulemaking process to amend OAR 629-022.

6. OUTREACH TO URBAN POPULATIONS - ISSUE 4

Objective 6 - Forest Education

Doug Decker, Tillamook Forest Center Project Leader led a panel of forestry education providers that identified current successes, addressed ongoing partnership activities and discussed trends or opportunities relating to forestry education in Oregon. Kris Babbs, Tillamook Forest Center - Department of Forestry, Norie Dimeo-Edigar, K-12 Program Manager - Oregon Forest Resources Council, Susan Sahnaw, Oregon Forestry Education Program - Oregon State University, Rick Zenn, Education Director - World Forestry Center and Jim Stark, Director of Forest Education - Weyerhaeuser, served as panelists. The presentation notes are included as Attachment 14.

[The overview of work plan accomplishments and future activities was deferred to a future meeting.]

7. BOARD DECISION SYSTEM

Clark Seely, Associate State Forester reviewed the five proposed revisions to the Board's Periodic Scan of Issues process, and reported that work was underway for the Board's Decision System.

Larry Giustina cautioned against memorializing the process, noting it was the Board's operating procedure, subject to change.

With Mr. Giustina's caveat, and Board consensus, Chair Hobbs ordered:

The proposed revisions to the "Procedures for Periodic Scan of Issues and Establishment of Work Objectives" August 10, 2006 are approved.

With no further business before the Board, Chair Hobbs adjourned the public meeting at 5:25 p.m.

Respectfully submitted,

/s/

Marvin Brown, State Forester and
Secretary to the Board

GB

Approved by the Board at its November 2, 2006 meeting in Salem.