

DRAFT Board of Forestry Meeting Minutes

June 3, 2015

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Items listed in order heard.

Complete [audio recordings](#) from the meeting and [attachments](#) listed below are available on the web at www.oregonforestry.gov

- 1) Public Comment, Lianne Thompson, Agenda Item 1A
- 2) Presentation, 2015 Fire Season Briefing, Agenda Item 3
- 3) Presentation, Subcommittee on Alternative Forest Management Plans, Agenda Item 6
- 4) Handout, Planning Area Constraints, Agenda Item 6
- 5) Handout, Inoperable Areas, Agenda Item 6
- 6) Handout, Forest Management Plan Timeline w/Seasons, Agenda Item 6
- 7) Public Comment, Fire Chief Michael Kinkade, Forest Grove Fire & Rescue, Agenda Item 6
- 8) Public Comment, Alice Hunsaker, Agenda Item 6
- 9) Public Comment, Tom Bergin, Clatsop County Sheriff, Agenda Item 6
- 10) Public Comment, Kari Fleisher, AFSCME Local 2734 President, Agenda Item 6
- 11) Public Comment, Sheriff John Bishop, Agenda Item 6
- 12) Presentation, Riparian Rule Analysis Prescription Information, Agenda Item 7
- 13) Presentation, RFPC Report, Prescription Recommendations, Agenda Item 7
- 14) Public Comment, Jim James, Oregon Small Woodlands Association, Agenda Item 7
- 15) Public Comment, Scott Hanson, Agenda Item 7
- 16) Public Comment, Gilbert Shibley, Agenda Item 7
- 17) Public Comment, Rex Storm, Associated Oregon Loggers, Agenda Item 7
- 18) Public Comment, Clair Klock, Agenda Item 7
- 19) Public Comment, Alan Henning, Environmental Protection Agency, Agenda Item 7
- 20) Public Comment, Steve Tesch, Oregon State University, Agenda Item 7
- 21) Public Comment, Arne Skaugset, Agenda Item 7
- 22) Public Comment, Greg Hallar, Pacific Rivers Council, Agenda Item 7
- 23) Public Comment, Pacific Rivers Council Petition, Agenda Item 7
- 24) Public Comment, Heath Curtiss, OFIC, Agenda Item 7
- 25) Public Comment, Ted Lorensen, Agenda Item 7

- 26) Public Comment, Kevin Godbout, Agenda Item 7
- 27) Public Comment, Jeff Light, Agenda Item 7
- 28) Public Comment, Tom Wolf, Trout Unlimited, Agenda Item 7
- 29) Public Comment, Christopher Frissell, Agenda Item 7
- 30) Public Comment, Mary Scurlock, Oregon Stream Protection Coalition, Agenda Item 7
- 31) Public Comment, Christopher Mendoza, Agenda Item 7
- 32) Public Comment, Dr. John Talberth, Center for Sustainable Economy, Agenda Item 7
- 33) Public Comment, Daniel Hall, Guide Environmental, Agenda Item 7
- 34) Public Comment, Liz Hamilton, Northwest Sportfishing Industry Association, Agenda Item 7
- 35) Public Comment, Nina Bell, Northwest Environmental Advocates, Agenda Item 7
- 36) Public Comment, Candace Bonner, Agenda Item 7
- 37) Public Comment, Phil Roni, NOAA Fisheries, Agenda Item 7

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on June 3, 2015 at the State Forester's Headquarters Office, 2600 State St. Salem, Oregon 97310.

Chair Imeson called the public meeting to order at 9:00 a.m.

Board Members Present:

Sybil Ackerman-Munson
Nils Christoffersen
Tom Imeson

Tom Insko
Gary Springer

Absent:

Cindy Deacon Williams
Mike Rose

CONSENT AGENDA:

[Listen to audio](#) MP3 – (18 minutes –8.47 MB)

Chair Imeson questioned the Board on their approval of the Consent Agenda.

Voting in favor: Nils Christoffersen, Tom Insko, Gary Springer, Sybil Ackerman-Munson, and Tom Imeson, against: none. With Board consensus, Items A through E were approved.

A. APRIL 22 MEETING MINUTES

Approval of Board Meeting Minutes

The Board approved the April 22, 2015 Meeting Minutes.

B. ANNUAL LETTERS TO THE STATE FORESTER

Presented the Board with contents of the annual letters received from the nine non-operating forest protective associations and the written responses made to those letters.

The Board received copies of the annual letters submitted to the State Forester from the non-operating forest protective associations.

C. APPROVAL OF THE 2016 RANGELAND PROTECTION BUDGETS

Sought Board approval of the annual budgets of the Rangeland Fire Protection Associations currently operating in eastern Oregon.

The Board approved the fiscal year 2016 budgets of the Ash Butte, Blue Mountain, Brothers Hampton, Burnt River, Crane, Fields-Andrews, Frenchglen, Gateway, Ironside, Jordan Valley, Juntura, Lone Pine, Lookout Glasglow, Post Paulina, Silver Creek, Twickenham, Vale, and Warner Valley Rangeland Fire Protection Associations.

D. HEARING REQUEST FOR A RANGELAND PROTECTION ASSOCIATION IN WHEELER COUNTY

Sought Board approval to proceed with a public hearing on the subject of providing protection from fire for rangelands in the vicinity of Spray and Fossil, in Wheeler County, Oregon.

The Board approved the landowners' request to hold a public hearing on the subject of providing protection from fire for rangelands in Wheeler County, Oregon.

E. WORK PLAN PROGRESS REPORT

Provided the Board a progress report on items in the Board work plans.

The Board received a progress report on items within the Board work plans.

ACTION AND INFORMATION:

1. STATE FORESTER AND BOARD MEMBER COMMENTS

[Listen to audio](#) MP3 – (18 minutes – 8.47 MB)

State Forester Decker provided introductory comments noting:

- staff focused on the riparian rulemaking, forest management plan, and fire season preparation;
 - retiring farewell to Paul Bell and Dan Postrel, while welcoming Nancy Hirsch, Tony Andersen, Travis Medema, John Buckman, and Jonathan Herman;
 - Jonathan Herman, new Human Resources Director, will join the Board at the fall retreat providing a dashboard of human resources metrics;
 - in legislative matters, statutorily have to conclude session by July 11, June 26 is the last day of signing, Friday is the deadline to make it out of the second chamber, progress on the Log Sorts Bill, Harvest Tax Bill and the Department's Budget is underway with a work session scheduled for tomorrow;
 - recent work with Meg Mitchell, Jim Pena, and Chad Davis to showcase efforts of working together in federal forests, Good Neighbor Authority, work underway at the Western Governors Association, expecting a Subcommittee meeting to be scheduled soon;
 - spent three days with the National Association of State Foresters, visits with the Delegation, speaking of the Oregon Small Woodlands community, appropriations with the Forest Service, and support for the Wildfire Funding Act;
 - reminder to complete the annual self-governance evaluation forms;
 - Sabrina Perez on a temporary assignment as a Policy & Business Analyst in the Administrative Services Division working for Satish; and
 - receipt of a petition for reconsideration of hearing in the Brimstone civil penalties case; after visiting with the Department of Justice (DOJ) and Chair Imeson several options are available: reconsider the final order, adopt the administrative law judge's proposed final order, or ask to rehear the case by Office of Administrative Hearings; Brimstone is seeking to introduce evidence that is not part of the record, DOJ instructed against, could pass on the request altogether; agency can grant or deny without conferring, want to operate through a transparent process, ensure we're aligned to take a pass on responding to the request, if not comfortable, can do a phone meeting;
- Board Member Tom Insko commented to his recent selection as President of Eastern Oregon University and transitioning into that role now, starting July 1, expressing interest in how the university can become more engaged in the region and the resource side of things, working with the communities.
- Board Member Sybil Ackerman-Munson congratulated Sabrina Perez on her promotion, offering thanks and gratitude for her many years of service to the Board.
- Board Member Nils Christoffersen expressed interest in reconvening the Subcommittee on Federal Forests to discuss recent feedback provided on the Forest Service Renewal document and areas that are ready for continued collaboration while noting recent attendance at an event at the World Forestry Center,

discussing different modes of county and local community forestry, strategies to maintain working forests, partnerships tools and support to allow other buyers in the marketplace.

Board Member Gary Springer commented to liaison efforts with the Environmental Quality Commission and Commissioner, Ed Armstrong, in attendance.

1A. PUBLIC COMMENTS

[Listen to audio](#) MP3 (3 minutes – 1.78 MB)

Lianne Thompson provided public testimony and written comments ([Attachment 1](#)) addressing the interconnectedness of economic, ecological, and cultural systems, while encouraging the Board allow several principles to guide their interactions, including accountability as a tool to enhance performance, communications based on affection and respect, and empowerment based on appropriate rules, roles, and responsibilities.

2. DEPARTMENT OF FORESTRY FISCAL REPORT

Administrative Work Plan – Ongoing Financial Status Check

[Listen to audio](#) MP3 (8 minutes – 3.96 MB)

Satish Upadhyay, Administrative Services Division Chief, referenced the [Financial Dashboard](#) to provide a current look into the Department’s funding, revenues and expenditures.

Board members asked clarifying questions of the financial data.

Information only.

3. 2015 FIRE SEASON OUTLOOK AND READINESS REPORT

Fire Protection Work Plan – Ongoing Topic: Fire Season Outlook and Readiness

[Listen to audio](#) MP3 (24 min – 11.2 MB)

Doug Grafe, Deputy Fire Protection Division Chief provided an update on the Department’s readiness for the upcoming 2015 Fire Season, referencing a presentation ([Attachment 2](#)) and highlighting current fire weather and conditions, fire funding and insurance, seasonal hiring, operational efforts, incident management teams, severity aircraft resources, statistics to-date, and strong working relationships comprising Oregon’s complete and coordinated protection system.

Board discussion and comment ensued with clarification from staff on expectations for the upcoming heat wave, the unique partnership with Canada available through the Northwest Compact Act, recent strategy to gain five additional aircraft resources for the price of one, and invitation for Board members to visit a fire if the opportunity exists.

Information only.

4. FOREST PROTECTION DISTRICT 2016 FISCAL BUDGETS AND RATES

Fire Protection Work Plan – Annual Topic: Approval of Forest Protection District Budgets and Rates

[Listen to audio](#) MP3 – (17 minutes 7.97 MB)

Travis Medema, Interim Fire Protection Division Chief, reviewed the fire budget development process and funding partnerships designed to provide an adequate level of fire protection, while highlighting key points emerging in this fiscal year's 2016 district and association budget meetings including: the rising costs of fire protection from the 2013-2014 seasons and correlation to increased rates; numerous discussions surrounding the fire insurance policy; concerns surrounding fire loads, exercising the teams, and fire season duration; support for the passage of the Wildfire Protection Act; strong relationships with all cooperators; staff appreciation of support from the landowners and no cost resources, commitment and knowledge when the fire bell rings; acknowledgement of ongoing work of landowners and the Forest Service in relationship building, cooperation, and integration of landowners into the system; challenges when cost is outpacing the ability of the land to generate revenue; and overall everyone is engaged, looking forward, ready for a more normal fire season.

The Department recommended approval of all fiscal year 2016 District and Association budgets.

Board discussion ensued on matters of providing an adequate level of fire protection, interactions and attendance in the budget meetings, and concerns surrounding the notion of rising costs of fire protection affecting ownership and financial viability of private landowners and maintaining working forest lands.

Chair Imeson called for public comment.

Chris Johnson, Whitefish Cascade, provided public comments as a manager of 200,000 acres of timberlands northwest of Bend, offering compliments to the Department in providing severity resources and mitigation in the Wildfire Protection Act, while expressing concern with the recent year increases in assessments and sustainability of logging operations, requesting the Board keep the budgets affordable in the future and consider the issues moving forward.

Board Member Gary Springer motioned for the Board's approval of all Fiscal Year 2016 District and Association Budgets.

Board Member Tom Insko seconded the motion.

Voting in favor: Gary Springer, Tom Insko, Nils Christoffersen, Sybil Ackerman-Munson, and Tom Imeson; against: none.

With an affirming vote of consensus, Chair Imeson ordered:

The Board approved of all Fiscal Year 2016 District and Association Protection Budgets as presented in Attachment 1.

5. COMMITTEE FOR FAMILY FORESTLANDS - APPOINTMENTS

Private Forests Work Plan – Committee Appointments

[Listen to audio](#) MP3– (6 minutes – 3 MB)

Lena Tucker, Deputy Chief for the Private Forests Division, noted the proposed appointment schedule for committee member replacements on the Committee for Family Forestlands, while introducing Committee Chair Nominee Dr. Edward Weber, Professor of Political Science in the School of Public Policy at Oregon State University, with an extensive background in the field of environmental natural resource policy and governance.

Dr. Edward Weber offered introductory comments to the Board describing his time in the Pacific Northwest, working with natural resources and a broad range of interests, recent work as a professor at Oregon State University where his primary expertise is in decision-making in collaborative governments in the natural resource arena, and his early work as a carpenter and general contractor.

Board members welcomed Dr. Weber expressing appreciation for his willingness to work on such significant issues facing the Committee.

Board Member Gary Springer motioned for the Board’s approval of the proposed schedule for Committee for Family Forestlands voting member appointments to include John Peel as Landowner at Large, Evan Barnes representing the Southern Oregon Area, and Ed Weber as Citizen at Large and Committee Chair.

Board Member Tom Insko seconded the motion.

Voting in favor: Gary Springer, Tom Insko, Nils Christoffersen, Sybil Ackerman-Munson, and Tom Imeson; against: none.

With an affirming vote of consensus, Chair Imeson ordered:

The Board approved the proposed schedule for Committee for Family Forestlands voting member appointments including John Peel as Landowner at Large, Evan Barnes representing the Southern Oregon Area, and Ed Weber as Citizen at Large and Committee Chair.

6. UPDATE FROM THE SUBCOMMITTEE ON ALTERNATIVE FOREST MANAGEMENT PLANS

State Forests Work Plan – Evaluating Opportunities for Improving Economic Performance on Board Forestlands; Subcommittee on Alternative Forest Management Plans

[Listen to audio](#) Part 1 of 2 MP3 – (45 minutes – 21 MB)

Chair Imeson provided opening comments briefly highlighting activities of the Subcommittee on Alternative Forest Management Plans for northwest State Forests with their last meeting on May 18.

Liz Dent, State Forests Division Chief, provided an overview of staff efforts in the development of an alternative forest management plan with recent focus on the modeling inputs, reviewing processes the field uses to evaluate modeling outputs, and working with the Subcommittee to review complex landscape components.

Brian Pew, Deputy State Forests Division Chief, referenced a presentation ([Attachment 3](#)) and several handouts to review the Planning Area Constraints ([Attachment 4](#)) and Inoperable Areas ([Attachment 5](#)), how these various areas are categorized, associated policies affecting those areas, and various percentages of the land base allocated to each designation, while providing clarification on specific values as Board questions arose.

Kate Skinner, Tillamook District Forester, provided an overview of ongoing data improvements occurring in the field and how that data integrates within the forest management planning process.

Ms. Dent referenced a revised timeline ([Attachment 6](#)) for the forest management plan development for the Board's review, responding to questions and clarifications as requested by the Board.

Board discussion ensued with clarification from Staff and further comments on matters of:

- Timing of timber sales and financial revenue flows upon passing of a revised plan;
- Emphasis on key statements found in the current Forest Management Plan –
 - Ecosystem restoration and watershed health are among the key goals which this plan should achieve i.e. translating it to allocation,
 - Maintaining habitat of species at risk of extinction and unique ecosystems
 - Provide adequate interior forest habitats at the stand level maintain structural features such as snags, wildlife trees, downed wood logs and old trees, vertical and horizontal structures and urban shrub community
 - Comparing indicators for conservation - murrelet nesting habitat, spotted owls, complex early seral habitat and regeneration harvest within one tree height of perennial streams;
- Appreciation for the coordination between the Salem staff and District field offices, key for implementation of any plan;
- Importance of everyone continuing to move forward;
- Recognizing twin goals of achieving financial viability and improving conservation outcomes and acknowledging conversations on increasing harvest and production, interest expressed in understanding strategies and emphases for improving conservation;
- Conservation is connected to financial viability; increased acres of conservation allocation is one method, another is functionality and how those conservation areas are functioning to provide conservation benefits; and
- Forests in their entirety provide conservation benefits, every single acre; as we think about the tradeoffs and balances, ask what is science and society valuing most on the conservation side, probably interest in seeing more old growth; think we want to understand, it's not just adding more acres, it's acres devoted to a conservation emphasis, being more clear about the values and how we get there.

[Listen to audio](#) Part 2 of 2 MP3 – (36 minutes – 16.5 MB)

Chair Imeson called for public comment.

Ray Jones provided public testimony expressing concern that more than half of the current land base is already off limits for harvesting due to a series of policy decisions by previous boards and ODF direction and encouraged the Board consider a 70/30 mix based on acreage as it further determines land

allocations. Mr. Jones expressed interest in recent inventory and growth information provided to the Subcommittee and understanding how inoperable area percentages were determined.

Board Member Gary Springer noted importance in clarifying that inoperable areas may not be truly inoperable but may be economically challenged instead.

Dave Ivanoff provided public testimony expressing concern with delays in the timeline and opportunity costs of a year's delay, frustration with an exhaustive process over the last two years and still not having a new plan in place, concern with recent growth and inventory data provided and differences between prior figures, interest in attributing unavailable acres to conservation benefits, notation that in model verification you can greatly influence the outputs by the assumptions, complex forests should be managed to optimize timber production across 70% of the landscape, and emphasized opportunity to enhance functionality of conservation acres through benefits of a conservation fund.

Fire Chief Michael Kincaid of Forest Grove Fire & Rescue provided public comment and written testimony ([Attachment 7](#)) supporting the role of timber revenues in helping the fire department provide protection to Forest Grove and the rural communities that make up the Forest Grove Rural Fire Protection District, challenges the District faces with budget concerns, growth of Washington County, and increases in wildland-urban interface residences, and correlating impacts of the forest management plan decisions made by the Board.

Alice Hunsaker, Jewell School District Superintendent, provided public comment and written testimony ([Attachment 8](#)) describing the Jewell community's dependence on the timber industry with their primary source of revenue derived from local timber sales, challenges the school district faces when budgeting and planning with unknown revenues, and impacts to the school if timber sale revenues decline, while expressing strong encouragement for the Board to take steps to ensure an equitable management plan that will meet the dual goals by dedicating 70% for timber production and setting aside 30% for conservation.

Tom Bergin, Clatsop County Sheriff, provided public comment and written testimony ([Attachment 9](#)) describing the role the Sheriff's Office has in providing public safety for rural Clatsop County residents and visitors, expressing concern with the current plan's ability to achieve greatest permanent value, and encouraging the Board manage northwest state forests to provide necessary funding that allows all forest trust counties the ability to carry out their critical public safety mission.

Kari Fleisher, President of the American Federation of State, County and Municipal Employees Union Local #2734, provided public comment and written testimony ([Attachment 10](#)) described critical community services provided to the residents of Tillamook County and challenges the county has faced through the economic recession and the steady decline in revenue from federal timber payments, while encouraging the Board consider the impact on local services when establishing a forest management plan for state forests.

Bob Van Dyk, Wild Salmon Center and North Coast State Forest Coalition, provided public testimony offering support for recent progress getting to a common conversation around forest growth numbers, opportunities for increased harvest and conservation, and efforts to bring stakeholders together to review model results. Concern and interest was expressed in understanding how much extra harvest would get the department to financial viability when state forests revenues were continually supporting Department activities not related to harvest including young stand management, recreation, prison camp, and the Tillamook Forest Center.

Retired Sheriff John Bishop, Executive Director of the Oregon State Sheriff's Association, submitted written testimony ([Attachment 11](#)) expressing concern with budget challenges facing association members and constraining their ability to provide public safety coverage to the citizens of Oregon and encouraging the Board adopt a management plan that will utilize the forest resource for the financial benefit of the forest trust land counties while also ensuring appropriate conservation measures that will ensure the sustainability and health of our forests for the future.

Information only.

7. **DEVELOPING RIPARIAN RULE PRESCRIPTIONS**

Private Forests Work Plan – Water Quality Protection

[Listen to audio](#) Part 1 of 5 MP3 – (56 minutes – 25.7 MB)

State Forester Decker introduced the topic focused on developing prescriptions for the riparian rule analysis recognizing the tremendous efforts of many involved working to fully inform the science and policy debate before the Board, remembering roots in previous policy reviews and studies, and acknowledging the significant challenges before the Board in reaching a decision on the riparian rule.

Private Forests Division Chief Peter Daugherty joined Jeremy Groom, Monitoring Coordinator, and Terry Frueh, Monitoring Specialist, in a presentation ([Attachment 12](#)) on the Forest Practices Act Riparian Rule Analysis providing an overview of the rule analysis process, decisions to be made in July, and review of the proposed decision matrix.

Jeremy Groom, Monitoring Coordinator, reviewed each prescription considered in the rule analysis and technical results related to predicted temperature change for each prescription.

Terry Frueh Monitoring Specialist, reviewed technical data related to changes in encumbrances to landowners in acres for each prescription, changes in wood production values, and ecological information related to large wood recruitment and change in shade.

Board discussion ensued on the presentation, noted patterns, trade-offs, and the proposed decision matrix with clarification provided from Staff on matters of:

- questions that can't be answered with the model, challenge in finding scientific information, importance in footnoting any assumptions used;
- significant value in the “lollipop” slide focused on the assorted temperature increases;
- how the difference in values was acquired for industrial versus non-industrial forestlands;
- assumptions in identifying the percentage of riparian areas that are mature conifer forest;
- acknowledgement of noted patterns and tradeoffs,
- helpful to show tradeoffs for landowner costs, escalating as buffer width gets wider,
- perspective of economic impacts to the landowners, understanding the value of land encumbered compared to costs directly incurred;
- with south side buffer applications, interest in how to regulate, landowners required to own both sides of the stream,
- interest in comparisons between Washington and California, and
- recognition that not many prescriptions that lend themselves to active management of the riparian area, some cases where it would improve stand conditions.

[Listen to audio](#) Part 2 of 5 MP3 – (20 minutes – 9.5 MB)

Chair Imeson called for comments from the Regional Forest Practice Committees.

Brian Schlaefli, Chair of the SW Regional Forest Practice Committee and Mike Barnes, Chair of the NW Regional Forest Practice Committee, jointly referenced a presentation ([Attachment 13](#)) to report on the process taken by the committees to review analysis of the RipStream findings, trends observed, potential solutions identified, general recommendations, and specific recommended prescriptions for small and medium salmon, steelhead, and bull trout streams.

Board discussion ensued with interest in perspectives on the impact of fish and conversations occurring around beneficial use, recognizing those conversation deterred from the actual charge of the committees, interest in different approaches used to evaluate the prescriptions, and interest in understanding what drove the committees to align or other things influencing the recommendations.

[Listen to audio](#) Part 3 of 5 MP3 – (46 minutes – 21.2 MB)

Chair Imeson called for public comment.

Jim James, Executive Director of Oregon Small Woodlands Association, provided public comment and written testimony ([Attachment 14](#)), expressing concern with the sole use of science to solve policy issues resulting from the Protecting Cold Water criterion while encouraging the Board consider all science available on forest streams, acknowledging the wealth of science from the Paired Watershed studies, and offering support for the recommendations made by the Regional Forest Practices Committees.

Mr. James also presented testimony from Dr. Michael Newton questioning the relevance of data provided to management of the fishery and additional testimony from Mr. Neil Westfall, a family forestland owner in Coos County, expressing concern with the potential expansion of riparian buffers.

Scott Hanson, President of Oregon Small Woodlands Association, provided public comment and written testimony ([Attachment 15](#)) expressing concern with additional encumbrances that would occur with a 100-foot no touch buffer, offering support for the recommendations made by the Regional Forest Practices Committee, and urging the Board take a “light touch” on riparian rule changes to address a small to non-existent problem in temporary stream temperature increases.

Gilbert Shibley, Forest Home Woodlands LLC, provided public comment and written testimony ([Attachment 16](#)) expressing concern with the economic and ecological aspects of increasing the riparian buffer, how the increase would translate to financial impacts as valued family forestlands were encompassed in a no touch zone, and how science clearly shows the small, temporary stream temperature increases after timber harvest do not hurt fish, while offering support for the recommendations made by the Regional Forest Practices Committee.

Rex Storm, Associated Oregon Loggers, provided public comment and written testimony ([Attachment 17](#)) referencing prior testimony provided to the Board related to discretion within the “maximum extent practicable” and several factors that can rationalize small, but meaningful riparian rulemaking changes, encouraging the Board continue to foster the existing “cooperative stewardship” enabled with both regulatory and non-regulatory measures, and specific recommended rule upgrades to address the Protecting Cold Water standard, as detailed in his testimony.

Clair Klock, Farmer and Resource Conservationist, provided public comment and written testimony ([Attachment 18](#)) expressing concern that the Oregon Forest Practices Act does not give adequate protection to streams from both erosion and pesticide runoff, and that quality, intact watersheds can only be found on state and federal lands, while urging the Board adopt the 170/275 variable retention option.

Lianne Thompson, Clatsop County Commissioner, speaking as an individual, urged the Board have a respectful collaboration that secures conservation values and reliable revenue for public entities and businesses.

Phil Roni, Research Scientist/Watershed Program Manager, Northwest Fisheries Science Center, NOAA Fisheries, provided public comment and written testimony ([Attachment 37](#)) indicating the science supports 90 to 100 foot no-cut buffers to protect stream temperature, the same protection should be applied to fish-bearing and non-fish bearing streams, and the Protecting Cold Water criterion of 0.3° C is scientifically sound and should not be increased.

Alan Henning, Forest Team, Watershed Unit, Environmental Protection Agency (EPA), Region 10, provided public comment and written testimony ([Attachment 19](#)) describing EPA's role as it relates to water quality and fish in Oregon, indicating support for the Riparian Rule, specifying what EPA believes the rule should address including all small and medium fish-bearing streams to protect existing cold water and restore cold water in streams that currently exceed temperature standards, applicable across Oregon, and how it relates to the approvability of the Oregon's Coastal Nonpoint Program.

Steve Tesch, Director of Research for the College of Forestry at Oregon State University, provided public comment and written testimony ([Attachment 20](#)) offering a reminder of the scientific research being conducted through the Watersheds Research Cooperative focused on the effects of contemporary forest practices on stream temperature and fish, with preliminary results indicating that while there are detectable impacts from modern forest management practices in Oregon, they are small, short-lived and well within the range of natural variability.

Arne Skaugset, Associate Professor in the Forest Engineering, Resources, and Management Department of the College of Forestry at Oregon State University, provided public comment and written testimony ([Attachment 21](#)) referencing paired watershed studies conducted through the Watersheds Research Cooperative; describing Forest Practices Rules as having eliminated short-term, acute, negative impacts of timber harvest on aquatic resources; impacts that have been detected are small, chronic and equivocal; and all impacts detected are within the natural variability of the parameter in the watershed at the time of the study.

Greg Haller, Conservation Director for Pacific Rivers Council, provided public comment and written testimony ([Attachment 22](#)) encouraging the Board strengthen the regulatory baseline established by the Oregon Forests Practices Act, recommending a 100-foot no-cut riparian management areas for all small and medium fish streams; updating rules for small, non-fish bearing streams within 12 months; and updating rules for all streams in eastern Oregon within 12 months, offering further support for these recommendations with a signed Pacific Rivers Council petition ([Attachment 23](#)).

Greg Peterson provided public testimony expressing concern with the modeling process presuming the riparian areas will naturally resolve to pristine conservation areas without regard for the impacts of invasive species, and recommending retention of the existing riparian buffer widths, retention of variability, and management within the riparian area to provide long-term benefits.

Heath Curtiss, Oregon Forest Industries Council, provided public comment and written testimony ([Attachment 24](#)) reviewing the Council's position on the riparian rule, referencing their proposal to decrease the risk of large temperature increases that would harm fish, while at the same time promoting conditions in small and medium fish streams that would enhance aquatic productivity, and offering additional comments related to elements not captured in the modeling, and operational constraints that result in landowners exceeding prescription minimums, voluntarily leaving more basal area than required.

Ted Lorensen, Consultant for Oregon Forest Industries Council, provided public comment and written testimony ([Attachment 25](#)) recommending the Board address the problem in terms of fish, invertebrate and amphibian response as opposed to small increases in temperature, and recommending the Board measure change based on the desired vegetative conditions, not the vegetative conditions existing at the time of harvest.

Kevin Godbout, Weyerhaeuser Director of External & Regulatory Affairs, provided public comment and written testimony ([Attachment 26](#)) expressing concerns with the data and modeling, modeling outputs, implications for the Board, and specific recommendations to highlight data collection and modeling processes, present results of multiple models, and conduct a follow-up study to evaluate buffers capable of meeting the Protecting Cold Water standard.

Jeff Light, Plum Creek Timber Company, provided public comment and written testimony ([Attachment 27](#)), urging caution in relying on models to predict real-life outcomes in complex natural systems, and challenging the notion that small tributaries exert significant influence on the temperatures of receiving waters with reference to real-life examples and validation found in the findings of the paired watershed studies.

[Listen to audio](#) Part 4 of 5 MP3 – (29 minutes – 13.2 MB)

Tom Wolf, Trout Unlimited, provided public comment and written testimony ([Attachment 28](#)) recommending a 110 foot, no-cut riparian management area be applied to all fish bearing streams in western Oregon, and recommending the Board commit to appropriate protections from harvest-related stream warming in all fish bearing streams in eastern Oregon and all non-fish bearing streams in Oregon within twenty-four months.

Christopher Frissell, Frissell and Raven Hydrobiological and Landscape Sciences, provided public comment and written testimony ([Attachment 29](#)) detailing key scientific aspects of the riparian rule analysis and encouraging the Board apply a conservative coldwater protective standard to streams contributing to salmon, steelhead, and bull trout waters to assure compliance with the Protecting Cold Water criterion and all contributing segment streams if effective regulatory control cannot be obtained.

Mary Scurlock, Oregon Stream Protection Coalition, provided public comment and written testimony ([Attachment 30](#)) detailing specific recommendations for increased riparian protections with proposal for at least a 100 foot no-cut riparian management areas with support for an additional variable retention option if performing to same level of compliance with the Protecting Cold Water standard, recommending the prescription apply to all small and medium fish bearing streams in all ecoregions of Western Oregon with a commitment to propose appropriate commensurate protection from harvest-related stream warming for small and medium fish streams in eastern Oregon and nonfish streams statewide within 12 months.

Ms. Scurlock also provided written testimony from Richard Fitzgerald expressing concern with applying the buffer to salmon steelhead and bull trout streams only while offering specific

recommendations for consideration during rulemaking, and written testimony from Ernie Niemi estimating the potential economic value of carbon that could be stored in expanded riparian buffers on private forestlands in western Oregon.

Christopher Mendoza, Aquatic and Riparian Biologist, Mendoza Environmental, LLC, provided public comment and written testimony ([Attachment 31](#)) describing the RipStream study findings as consistent with the research being conducted in Washington State, cautioning the Board to consider any proposal that hand picks sites from that study, requesting more detailed information regarding their large wood recruitment analysis, and consideration for the potential impacts of wind through and edge-effect.

Dr. John Talberth, Center for Sustainable Economy, provided public comment and written testimony ([Attachment 32](#)), encouraging the Board recognize the effects of climate change on stream temperatures, address concerns of cumulative watershed effects arising from too many clear cuts too close together, provide assurance of enforceable rules, view the projected costs of this regulatory action with consideration for the price of clean water, and consider the economic benefits associated with an increase in riparian protection.

Daniel Hall, Guide Environmental, provided public comment and written testimony ([Attachment 33](#)) encouraging the Board consider potential synergies between improved stream protections and broader market trends with benefits found in reducing the baseline costs for forest landowners to become certified as sustainable enabling them to access potentially significant market benefits, and the benefit of adopting stronger stream protections for non-certified landowners, urging the Board make real improvements to the aquatic protection requirements.

Cat Koehn provided public testimony recognizing Oregonians want wild salmon saved and encouraging the Board address the Protecting Cold Water standards, following the proactive precautionary principle in a way that addresses the cumulative effects of climate change and biological assessments through robust monitoring.

Bob Rees, Association of Northwest Steelheaders and Northwest Guides and Anglers Association, provided public testimony encouraging the Board consider the positive impacts on the sportfishing industry through restored wetlands and salmonid habitat, while urging the Board adopt a minimum 100 foot riparian bench mark and consider stronger conditions to mitigate future climate change factors while also considering protections for upland non-fish bearing streams.

Liz Hamilton, Northwest Sportfishing Industry Association, provided public comment and written testimony ([Attachment 34](#)) providing detailed information on the sportfishing industry and encouraging the Board establish 100 foot no-cut buffers on small and medium fish streams in western Oregon while also addressing stream warming problems in eastern Oregon and on small non-fish streams statewide.

Nina Bell, Northwest Environmental Advocates, provided written testimony ([Attachment 35](#)) urging the Board move forward with 120 foot buffers as the most likely to meet water quality standards applying the buffers to all perennial and intermittent fish-bearing streams.

Candace Bonner provided written testimony ([Attachment 36](#)) and offering a difference of opinion from fellow Regional Forest Practices Committee members and detailed concerns related to the science gathered, ongoing consideration of variable retention, narrow application to salmon steelhead and bull trout streams, narrow application to the coast range georegion, concerns with voluntary measures, and negative characterization of the economic impacts.

[Listen to audio](#) Part 5 of 5 MP3 – (21 minutes – 10 MB)

Private Forests Division Chief Peter Daugherty reviewed next steps in the process.

Board discussion ensued with comments summarized as follows:

- interest in receiving information as early as possible;
- recognizing the difficult decision pending in July, expressed interest in narrowing down the options to a suite of possible choices and then having a policy discussion;
- challenge with the notion of science and tradeoffs of cold water and impacts of various decisions, how to maintain flexibility to not pursue just one criteria at the expense of other attributes in the system;
- differences in riparian area stocking affects the trajectory for large wood recruitment;
- how do you encourage active management within these riparian management areas;
- various groups putting together their own recommendations stuck with the current standard and Forest Practices Act of treating small and medium streams differently, providing added challenge when considering the policy choice of combining small and medium streams;
- actual rule language will not be developed by July, instead it will be narrowing the conversation to identify factors and logic to build language from;
- acknowledgment that each Board Member will have a different perspective and there may not be a collective movement forward, potentially consider a vote as opposed to consensus;
- recognition to the broad range of discretion, finding a balance between efficient and effective forest practices to maintain wood production as a primary goal on private lands with sound management of air water and soil resources, and clear view of the tradeoffs;
- concern with the fish information provided with interest in viewing comprehensive data;
- focusing on the 0.3 degrees, considering the debate but recognizing the state and federal law;
- consideration of added costs to private forestland owners after discussion on increased fire rates, concern that we continue to raise the cost of private forestland ownership and the potential of real action to weaken Oregon's land use laws losing more conservation benefit than we have today; and
- consideration that everything on the decision matrix is clearly within the purview of the Board to make a decision but prior changes to the Forest Practices Act has been with a critical mass of landowners willing to accept the changes and this time may be different.

Information only.

With no further business before the Board, Chair Imeson adjourned the public meeting at 4:15 p.m.

Respectfully submitted,

/s/ Doug Decker



Doug Decker, State Forester and
Secretary to the Board

SP