

# DRAFT Board of Forestry Meeting Minutes

March 9, 2016

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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](http://www.oregonforestry.gov)

- 1) Handout, Forest Threats, Consent Agenda Item 1A
- 2) Presentation, Human Resources Dashboard, Agenda Item 3
- 3) Presentation, Oregon Community Trees, Agenda Item 6
- 4) Presentation, Eastern Oregon: Small Diameter Wood Study, Agenda Item 9
- 5) Handout, Recommendations from the Fees Advisory Committee, Agenda Item 10
- 6) Handout, Summary of Public Comments and Hearings, Agenda Item 10
- 7) Handout, Recreation Areas, Agenda Item 10
- 8) Presentation, Board of Forestry Subcommittee on NW Oregon State Forest Management Plan, Agenda Item 11
- 9) Public Comment, Bob Van Dyk, Wild Salmon Center, Agenda Item 11

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on March 9, 2016 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:*

Tom Imeson  
Nils Christoffersen  
Sybil Ackerman-Munson  
Cindy Deacon Williams

Gary Springer  
Tom Insko  
Mike Rose

*Absent:*

none

**CONSENT AGENDA:**

[Listen to audio](#) MP3 (26 minutes – 12 MB)

Chair Imeson announced that in the afternoon the Board would meet in Executive Session for the purpose of conferring with legal counsel regarding the Board's rights and duties related to current litigation or litigation likely to be filed pursuant to ORS 192.660(2)(h).

Chair Imeson questioned the Board on their approval of the Consent Agenda. Mike Rose moved to approve and Nils Christoffersen seconded.

Sybil Ackerman-Munson moved to remove Agenda Item B from the Consent Agenda. Gary Springer seconded.

Voting in favor: Gary Springer, Tom Insko, Nils Christoffersen, and Tom Imeson, against: none. With Board consensus, Items A, C, D, E, F, and G were approved.

Board discussion ensued regarding the work plans presented to the Board in Agenda Item B, specifically around the work plans for the Private Forests Division and the State Forests Division. Peter Daugherty, Private Forests Division Chief, and Liz Dent, State Forests Division Chief, provided clarification for the Board on their work plans. It was decided to bring the work plans back to the April Board meeting for approval by the Board.

A. JANUARY 6, 2016 BOARD MEETING MINUTES

Approval of Board meeting minutes.

**The Board approved the January 6, 2016 Board meeting minutes.**

B. FINAL 2015-17 BOARD WORK PLANS

Approval of the Board meeting minutes.

**The Board removed the work plan item from the consent agenda and requested it be brought back as an action item at the April Board meeting.**

C. REGIONAL FOREST PRACTICES COMMITTEE APPOINTMENTS

Recommended the appointment of one new member to the Regional Forest Practice Committees.

**The Board appointed Jeff Johnson to the Northwest Oregon Regional Forest Practice Committee with term expiring September 2017.**

D. ANNUAL RULE REVIEW MEETING REPORT

Presents the Board with a memorandum and attachment reports on the 2015 annual meetings held with other state agencies regarding the sufficiency of the Forest Practice Rules and proper coordination with other agencies with an interest in the forest environment.

**The Board received the 2015 Forest Practice Annual Rule Review Meeting Report.**

E. RE-APPOINTMENT OF KEN CUMMINGS TO EFCC

Recommended the re-appointment of Ken Cummings to the Emergency Fire Cost Committee to a four-year term expiring the end of April 2020.

**The Board re-appointed Ken Cummings to the Emergency Fire Cost Committee to a four-year term expiring the end of April 2020.**

F. APPROVAL OF AGENCY DIRECTOR FINANCIAL TRANSACTIONS, FISCAL YEAR 2015

Seeks Board review and approval of transactions submitted by State Forester Doug Decker for Fiscal Year 2015.

**The Board approved the travel expense transactions and the leave usage transactions submitted by State Forester Doug Decker for Fiscal Year 2015, as summarized on the State Forester's Travel Claims Summary and the State Forester's Leave Usage Summary.**

G. 2017 LEGISLATIVE CONCEPT UPDATE

Seeks Board review of and guidance on legislative concepts for submission to DAS.

**The Board reviewed the concepts summarized in the 2017 Legislative Concepts – Summary List and will continue to provide guidance to staff on the preparation of legislative concepts for submission to DAS.**

**ACTION AND INFORMATION:**

1. STATE FORESTER AND BOARD MEMBER COMMENTS

[Listen to audio](#) MP3 (26 minutes – 12MB)

State Forester Decker provided introductory comments with highlights including:

- an overview of the February 2016 short legislative session, noting that the agency was successful in receiving funding and authorization associated with closing out fire season costs from 2015 as well as successful in securing the funding and authorization for a new purchasing system;
- a summary of the mid-February visit with Lloyd's of London ([Attachment 1](#)), with key themes including the importance of the personal visit, allowing for an improved understanding of the agency's risk, a greater insight into the insurance industry, and an insight into the complexity of the risk of the agency; premium reduced by several

hundred thousand dollars; and the Emergency Fire Cost Committee has made the recommendation to consider increasing the insurance purchase for the coming year;

- ODF earned the Gold Star from the DAS Chief Financial Office;
- Secretary of State annual audit of financial statements did not identify any deficiencies in internal control or any material weakness;
- upcoming items include the 10<sup>th</sup> Anniversary for the Tillamook Forest Center on Saturday, April 2, 2016; the Western Forestry Leadership Coalition and the Council of Western State Foresters will be in Portland on May 10 – 12, 2016; and the Board meeting and tour in April will be held in Tillamook, Board Member Gary Springer will be honored at the evening social, and the tour will be around the theme of Greatest Permanent Value in the Context of a Working Forest Landscape;
- a review of the urgency of the financial situation for the State Forests Division; and
- the possibility of a topic to be added to the April Board meeting agenda regarding the broader guiding principles for the Board and creating a common foundation for the role of Forestry in Oregon.

#### 1A. PUBLIC COMMENTS

[Listen to audio](#) MP3 (8 minutes – 4 MB)

Mary Scurlock, Oregon Stream Protection Coalition, provided public testimony and written comment ([Attachment 2](#)) requesting that work be included this year on the Siskiyou and eastern Oregon regions to provide management practices to meet the protecting cold water criterion, quoting a letter from the Applegate Partnership and Watershed Council asking the Board to reconsider their decision to include the Siskiyou, and noting that the Private Forests work plan is unclear to the public, recommending that the resources necessary for each item be made clearer on future work plans.

Clair Klock provided public testimony and written comment ([Attachment 3](#)) expressing concern that while the Board is evenly balanced, the Board committees seem to be weighted heavily toward the interests of the timber community and expressing concern about the composition of the Riparian Rule Advisory Committee, stating that majority of the members have a primary interest in profitability rather than public interest for future generation, and urging the Board to accelerate the timing of the Riparian Rulemaking and to equalize the representation on the committees.

Peter Daugherty, Private Forests Division Chief, addressed the concerns expressed by Mr. Klock regarding the Riparian Rule Advisory Committee, stressing that it is not a voting committee, reviewing the role of the committee and the commitment of all members to find the best way to implement the decision made by the Board in November 2015, and noting that there is an agenda item on the April Board meeting agenda to provide an update on the rulemaking to date.

Board Member Gary Springer noted that he attended the first meeting of the Riparian Rule Advisory Committee and it is clear to the members of the committee that the idea is that policy questions that are not clear out of the November Board decision will come back to the Board.

#### 2. FIREFIGHTER LEGAL DEFENSE

Protection Work Plan – Firefighter Legal Defense

[Listen to audio](#) MP3 (24 minutes – 11 MB)

Charlie Stone, Protection Policy Analyst, introduced Ron Graham, Protection Deputy Division Chief, and provided a brief history of the need for firefighter legal defense and the action that had been taken to date to address this issue, highlighting ORS 477.128 that was passed in 2011 and authorizes the State Forester to make expenditures from available funds in defense of a firefighter if charged with a crime as a result of their duties and job responsibilities under Chapter 477. Mr. Stone clarified the difference between the criminal and civil aspects of the rule, noting the role that the Department of Justice would be available for in both situations.

Mr. Stone presented an overview of the draft rules, highlighting the following:

- rule is limited to Oregon Department of Forestry employees and protective associations and does not extend to contracted resources, federal employees, etc., with the potential exception of members of the compact in Oregon statute that allows resources to be exchanged with several northwestern states and Canadian provinces;
- the purpose of the rule is to outline a process to deal with expenditure and to demonstrate to employees that aid is available;
- a written request is required by the affected employee at the earliest possible time;
- the three prime elements of the State Forester's investigation would be that at the time of the alleged actions the firefighter was performing suppression activities at the direction of the State Forester, that the alleged actions underlying the charge actually occurred and were directly related to the firefighter's duties or performance of fire suppression activities, and were the alleged actions of the firefighter within the range of reasonable fire suppression actions;
- a work group was not formed but in lieu of the work group a list of Department and association firefighters that are well acquainted with process was contacted and several responses were received;
- an overview of the funding should a State Forester's investigation reveal the need;
- a written agreement between the employee and the State Forester outlining the terms of the defense and when funds will be distributed; and
- addressing the steps that would be taken in the event that the State Forester is the person having charges brought against them.

Mr. Stone recommended that the Board direct the State Forester to file rulemaking with the Secretary of State, solicit further public input, and develop final rule language to bring back for Board consideration.

Board discussion ensued with clarification from staff on the following:

- how private contractors deal with this issue with regards to firefighting;
- the scope of charges that would be covered under this rule;
- why Forest Protection Associations are included but Rangeland Protection Associations are not;
- how this rule would apply to ODF employees serving on a joint fire such as Forest Service fires;
- and how the rule would apply if a contractor that is not covered by this rule is directed to do something by an ODF employee that results in charges being brought.

Chair Imeson calls for a motion to adopt the staff recommendation outlined by Mr. Stone. Board member Gary Springer moved to adopt the staff recommendation outlined by Mr. Stone; Board member Cindy Deacon-Williams seconded.

Voting in favor: Tom Imeson, Gary Springer, Nils Christoffersen, Cindy Deacon-Williams, Sybil Ackerman-Munson, Mike Rose, and Tom Insko; voting against; none.

**With Board consensus, the Board directed the State Forester to file rulemaking with the Secretary of State, solicit further public input, and develop final rule language to bring back for Board consideration.**

3. **FIRE PROGRAM REVIEW UPDATE**

Protection Work Plan – Ongoing Protection Issues

[Listen to audio](#) MP3 (13 minutes – 6MB)

Nancy Hirsch, Deputy State Forester and co-vice chair of the Fire Program Review Committee, introduced Ron Graham, Deputy Chief of the Protection Division, and recognized the ongoing engagement and active involvement from Board members Nils Christoffersen and Gary Springer as well as Chair Imeson.

Ron Graham provided an overview of the work that has been done by the Fire Program Review Committee to date, including background and context, highlighting the status of the three working groups: Sustainable Large Fire Funding workgroup, Sustainable Fire Organization workgroup, and Wildfire Policy workgroup. Mr. Graham outlined the next steps for the Fire Program Review Committee and its workgroups.

Chair Imeson and Board member Gary Springer provided a brief summary of their impression of the meetings that they have had the opportunity to attend, noting that it is a complex process with a lot of moving parts and the engagement of those involved is impressive.

State Forester Decker summarized how the budget concepts for the agency tie in to the work being done by the Fire Program Review Committee.

Chair Imeson reiterated that this is an informational item but does include a revised charter and allowed for the opportunity for the Board to comment on the revised charter if they so desired. There were no comments from the Board on the revised charter.

**Information only.**

4. **FEDERAL FOREST HEALTH PROGRAM UPDATE**

Federal Forests

[Listen to audio](#) MP3 (52 minutes – 24MB)

Chad Davis, Federal Forests Health Program Manager, referenced a presentation ([Attachment 4](#)) to provide history and context on the Federal Forest Health Program (FFH), looking at work that was done in the 2013-15 biennium and the work currently being done in the 2015-17 biennium, highlighting where funds have been allocated, the collaborative efforts that are at the base of the Oregon Model, and what changes are being made to the FFH this biennium as compared to 2013-15.

Mr. Davis provided a summary of the Good Neighbor Authority and how this is being implemented in Oregon. He then outlined the direction of the FFH and where it is headed in the future, highlighting the need for a home within the agency for this work.

Board discussion ensued with clarification from Mr. Davis on where the jobs being created by this program are residing and the Good Neighbor Authority and how that will interact with fire risk

State Forester Decker recognized Chad Davis and the work that he has done on the Federal Forest Health Program.

**Information only.**

5. **FEDERAL FOREST SUBCOMMITTEE NEXT STEPS**

Federal Forests

[Listen to audio](#) MP3 (52 minutes – 24MB)

Board member Nils Christoffersen provided context for the Federal Forest Subcommittee, outlining the work that has been taking place, listing the areas of opportunity and potential topics to be discussed by the subcommittee, and expressing an interest in reinstating subcommittee meetings.

Chair Imeson noted that it is not necessary to wait until a proposal is prepared before linking key individuals into the federal forests work.

State Forester Decker highlighted the importance of the communication side of the federal forests work, noting the opportunities that exist for communication.

**Information only.**

6. **2015 FOREST PRACTICES OPERATOR OF THE YEAR AWARDS**

Administrative Work Plan – Ceremonial Events and Recognitions

[Listen to audio](#) MP3 (36 minutes – 16MB)

Peter Daugherty, Private Forests Division Chief, provided an overview of the agenda item and introduced Nick Hennemann, Public Affairs Specialist.

Nick Hennemann referenced a presentation with videos ([Attachment 5](#)) to highlight the award winning achievements of the 2015 Forest Practices Operator of the Year Award recipients, recognizing the operators who consistently exceed the Oregon Forest Practices Act and rules: WyEast Timber Services, LLC of Hood River, Giustina Land & Timber Company of Eugene, Hull-Oakes Lumber Company of Monroe, and R&R King Logging, Inc. of Florence, and two additional recipients of Merit Awards, Melcher Logging of Sweet Home and J.M. Browning Logging of Astoria.

**The Board recognized the recipients of the 2015 Forest Practices Operator of the Year Awards, commending them for their excellence in forest operations.**

7. CRESCENT SANITARY DISTRICT PARCEL TRANSFER – GILCHRIST STATE FOREST

State Forests Work Plan – State Forests Management

[Listen to audio](#) MP3 (21 minutes – 9MB)

Liz Dent, State Forests Division Chief, provided history and an overview of the project to transfer a parcel of the Gilchrist State Forest to the Crescent Sanitary District, recognized the work done on this project by John Pellisier, Forester, and introduced Ed Deblander, Asset Unit Manager, and Annette Liebe, Governor’s Regional Solutions Director.

Annette Liebe provided a brief overview of the proposed sale of 200 acres of the Gilchrist State Forests to the Crescent Sanitary District and the regional solutions effort, summarizing the history of the project to date as well as the reasons that this solution is ideal.

Ed Deblander outlined the next steps for the project, including what will be brought back before the Board in June and the findings that the Board will need to make in order to approve the proposed sale.

Board discussion ensued with clarification from staff and presenters, including Chuck Lawrence, Project Manager for the Crescent Sanitary District, on the following topics:

- comparison of what was paid for the parcel versus what it is being sold for;
- public recreation access to the Gilchrist once the sanitation facility is completed;
- the population of the town of Crescent; and
- the history and guiding principles behind the Board transferring land zoned as forestry land to another use.

**Information only.**

8. ELLIOTT STATE FOREST UPDATE

State Forests Work Plan – State Forests Management

[Listen to audio](#) MP3 (24 minutes – 11MB)

Liz Dent, State Forests Division Chief, summarized the two roles that the agency has at this point: 1) to support the Department of State Lands (DSL) on the protocol side and 2) the work related to any potential for the agency to participate in a proposal of any kind. Ms. Dent introduced John Tokarczyk, Policy Analyst, and Jim Paul, Director, DSL.

John Tokarczyk summarized the involvement and engagement that the department currently has and will continue to have with the transfer process so long as the opportunity to continue advancing a productive presence in the process exists and the potential for a collaboration remains open.

Jim Paul referenced three handouts ([Attachment 6](#), [Attachment 7](#), and [Attachment 8](#)) to provide context and background for the Elliott transfer process, reviewed the Elliott protocol, also referred to as the Elliott transfer opportunity, highlighting key dates and summarizing what has taken place to date, and outlined what will happen going forward.

Board discussion ensued with clarification from Jim Paul and staff on the following topics:

- how the Elliott property was appraised;
- how the State Land Board plans to account for costs associated with public benefits and how they are valuing those benefits;
- concerns, both from the timber and environmental perspective, with regards to the price of the property; and
- whether or not there have been any discussions by the State Land Board around what will happen if no proposals that meet the requirements are received.

State Forester Decker reviewed the two roles that the agency has, both as a manager under contract to DSL as well as staying engaged in the transfer process as it goes forward, and requesting that Jim Paul possibly return to the July Board meeting for a further update.

**Information only.**

9. **\*STATE FORESTS RECREATION RULEMAKING**

State Forests Work Plan – State Forests Management

[Listen to audio MP3](#) (8 minutes – 4MB)

Liz Dent, State Forests Division Chief, provided an overview of the recreation rulemaking to date and introduced Justin Butteris, Policy Analyst.

Justin Butteris summarized the public comment that was received and the changes made to the rule language based on that public comment, recommending that the Board adopt the proposed Division 25 rules as they've been amended based on public comment.

Board member Gary Springer moves to adopt the proposed Division 25 rules, including recommended changes to the rules based on public comment; motion is seconded by Board member Tom Insko.

Board discussion ensued with clarification from staff regarding the public comment received on the topic of nudity and perspective from the department on how those comments affected the rulemaking.

Chair Imeson called for a vote on the motion brought forth by Gary Springer. Voting in favor: Tom Imeson, Tom Insko, Cindy Deacon-Williams, Sybil Ackerman-Munson, Nils Christoffersen, Mike Rose, and Gary Springer; voting against: none.

**With Board consensus, the Board adopted the proposed Division 25 rules, including recommended changes to the rules based on public comment.**

10. **EXECUTIVE SESSION**

[Listen to audio](#) MP3 (1 minute – 681KB)

Chair Imeson announced that the Board would meet in Executive Session for the purpose of conferring with legal counsel regarding the Board's rights and duties related to current litigation or litigation likely to be filed pursuant to ORS 192.660(2)(h), that no decision would be made in Executive Session, and that the representatives of the news media are specifically directed not to report on any of the

deliberations during the Executive Session, except to state the general subject of the session as announced.

Chair Imeson then noted that the Executive Session would take place in an adjacent room and would conclude at 3:10 p.m., at which time the Board would return to regular session.

11. FOREST MANAGEMENT PLAN REVISION UPDATE

State Forests Work Plan – State Forests Management

[Listen to audio](#) MP3 (39 minutes – 18MB)

Chair Imeson announced that the Board has concluded their Executive Session and has now returned to open session.

Liz Dent, State Forests Division Chief, informed the Board of the intent of the report to provide an update on work being done looking at alternatives to the State Forests Management Plan, to provide an update on the financial situation of the State Forests division, and to provide a synopsis of the immediate focus areas for the division.

Ms. Dent provided a history of the Forest Management Plan evaluation to date, noting the increasingly urgent need to address the dwindling balance of the Forest Development Fund, projecting a negative balance in fiscal year 2020, and stating that the agency's highest priority is to balance the State Forests budget, ensuring that annual revenues retained by the division meet or exceed annual expenses, in combination with the additional high priorities of revising implementation plans, continued work on inventory growth and yield modeling, and exploring the potential to obtain a programmatic ESA compliance tool.

Andy White, Northwest Oregon Area Director, reviewed ways that the budget could be balanced, including the effort that is under way to make sure that implementation plans better align with policy revisions that are in place, providing background and context on the implementation plan process and what policy revisions have been made since the last time they were revised, and improved business practices, noting that there is a project team in place to look at a variety of options.

Board discussion ensued with clarification from staff regarding the partnerships being utilized for investments in recreation, the potential impact of the options being explored in the short term versus the long term, and how those options are being evaluated for potential implementation.

Liz Dent presented the topic of improving inventory growth and yield information and modeling, noting that the division has received feedback and concerns from multiple groups, including the Technical Expert Review Group, and outlined the plan to move forward with the suggestion to seek a third party review.

Board discussion ensued with clarification from staff regarding the timeline for the third party review and the potential value of getting a third party technical review of the inventory and analytic mechanisms for the conservation output.

Ms. Dent provided background on programmatic ESA compliance tools, what they are, how they work, and the benefits of such agreements as compared to the current take avoidance strategy being utilized on a case-by-case basis.

Ms. Dent summarized the high priorities for the division and agency discussed in this agenda item and informed the Board of the division's intent to continue to provide updates as things move forward.

Board discussion ensued with clarification from staff on the following topics:

- the modeling of the current Forest Management Plan and where that falls for the division in terms of priority;
- further explanation of the graph depicting the projected financials;
- the accuracy of the projections that have been done in the past regarding the financial situation of the division and whether it would be useful to compare the projected data to the actual data to determine the reliability of the projections; and
- how much could be leveraged from community partnerships.

Chair Imeson stated that it is customary to hear testimony from the statutorily established Forest Trustlands Advisory Committee (FTLAC) at this point, however, there has been some confusion as a result of the notice of intent from Linn County about the Board's ability to hear from the FTLAC.

Chair Imeson read an excerpt from a letter ([Attachment 9](#)) sent to the FTLAC and county commissioners on February 19, 2016 by himself and State Forester Decker to clarify:

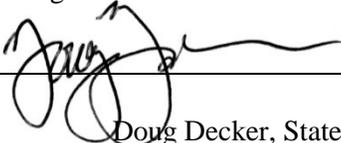
*We are aware some of you may be under the impression that DOJ has instructed us to not communicate with you. We want you to know that is not correct. We also want to be clear that we did not cancel and were not asked to cancel the FTLAC meeting on February 18<sup>th</sup>. Through the Board's work on the state forests, we have been diligent about open engagement and communication with you, and we desire this kind of relationship.*

Chair Imeson stated that the Board looks forward to having open communication with the FTLAC in the future.

With no further business before the Board, Chair Imeson adjourned the public meeting at 3:50 p.m.

Respectfully submitted,

/s/ Doug Decker

A handwritten signature in black ink, appearing to read 'Doug Decker', is written over a horizontal line.

Doug Decker, State Forester and  
Secretary to the Board

TS