

Oregon Board of Forestry – Virtual Public Meeting

Wednesday, July 22, 2020

Although gatherings of up to 50 people are allowed under Phase 2 of Oregon’s reopening plan, the Board of Forestry will hold its July meeting virtually to allow interested persons to view the meeting and participate statewide without having to travel or assemble indoors. The Board of Forestry public meeting will be conducted online and streamed live. There will be an opportunity for the public to provide live testimony on decision items during the meeting. Instructions for providing testimony during the meeting are available on the last page of this agenda and on the department’s website: <https://www.oregon.gov/ODF/Board/Pages/BOFMeetings.aspx>. Written testimony may also be submitted before or up to two weeks after the meeting day to BoardofForestry@oregon.gov.

Link to view Board of Forestry Meeting available at
<https://www.oregon.gov/odf/Board/Pages/BOFMeetings.aspx>

Prior meetings’ audio and this meeting’s written material available on the web www.oregon.gov/odf/board. The matters under the Consent Agenda will be considered in one block. Any board member may request removal of any item from the consent agenda. Items removed for separate discussion will be considered after approval of the consent agenda. Public comment will not be taken on consent agenda items.

Consent Agenda

- 9:00 – 9:01 A. **January 7, 2020 Subcommittee on Federal Forests Meeting Minutes** Nils Christoffersen
- 9:00 – 9:01 B. **June 3, 2020 Board of Forestry Meeting Minutes** State Forester Peter Daugherty
- 9:00 – 9:01 C. **2020 Board Governance Performance Self-Evaluation** Sabrina Perez
- 9:00 – 9:01 D. **Committee for Family Forestlands Appointment and Reappointments** Josh Barnard
- 9:00 – 9:01 E. ***Wildlife Food Plots Rulemaking** Nate Agalzoff and Scott Swearingen
- 9:00 – 9:01 F. **DEQ and ODF Collaboration Quarterly Update** Jennifer Wigal and Kyle Abraham
- 9:00 – 9:01 G. **Permanent Rulemaking for Salmon, Steelhead, and Bull Trout Streams in Siskiyou Region**. Kyle Abraham

Action and Information

- 9:01 – 9:30 1. **State Forester and Board Member Comments**
- 9:30 – 9:50 2. **2021-2023 Agency Budget Request** Bill Herber and James Short
Department seeking approval of the 2021-2023 Agency Request Budget (ARB) and concurrence on a conceptual letter of transmittal from the Board. This is a decision item for the Board.
- 9:50 – 10:50 3. **Financial Update with Dashboard Design Review and Contractor Recommendations** Bill Herber,
..... and James Short
Department to present a projected financial dashboard design for the Board’s review in consideration of regular financial reporting needs. Update provided on Agency finances and review Macias Gini & O’Connell recommendations.
- 10:50 – 11:00 Morning Break
- 11:00 – 11:30 4. **Fire Season Readiness** Doug Grafe
Department to provide an update to the Board on the 2020 fire season.
- 11:30 – 12:15 5. ***Executive Session** Chair Imeson
The Board will meet in executive session for the purpose of considering information or records that are exempt from disclosure by law, pursuant to ORS 192.660(2)(f).
- 12:15 – 1:00 Lunch
- 1:00 – 1:30 6. **Committee for Family Forestland Annual Report** Josh Barnard and Evan Barnes
Presentation on activities of the Committee for Family Forestlands (CFF), discuss progress on key issues, and identify future policy topics affecting family forestland owners.
- 1:30 – 1:45 7. **Forest Trust Lands Advisory Committee Testimony** David Yamamoto
The FTLAC is a statutorily established committee that advises the BOF on State Forests policy.
- 1:45 – 3:15 8. **State Forests Habitat Conservation Plan Update** Liz Dent, Cindy Kolomechuk,
..... Troy Rahmig, and Brett Brownscombe
Division provides updates to the Board on accomplishments and progress towards the development of an Administrative Draft Habitat Conservation Plan (HCP), including HCP modeling, the comparative analysis process, stakeholder engagement process, conservation strategy development, and forest goals and objectives for the companion Forest Management Plan (FMP).
- 3:15 – 3:25 Afternoon Break

- 3:25 – 3:45 **State Forests Habitat Conservation Plan Update Continued**..... Liz Dent, Cindy Kolomechuk,
 Troy Rahmig, and Brett Brownscombe
- 3:45 – 4:15 9. **Recent and Ongoing Climate Change Work Update** Danny Norlander and John Tokarczyk
The Policy and Analysis Unit will provide an update on recent ongoing, completed, and multi-agency projects related to climate change and forest carbon. This will include the Agencies response to Executive Order 20-04, the coordination with Department of Justice (DOJ) on statutory authority and the Statewide Climate Adaptation Framework. Items related to this work plan had timelines shifted to account for COVID-19 and staffing levels.
- 4:15 – 5:15 10. **Good Governance Discussion**..... State Forester Peter Daugherty and Chair Imeson
To discuss the action plan on how the State Forester, Department, and Board can work together to build working relationships, to promote consensus, respectful and effective governance. Board members to continue development of governance topics, expectations, and stakeholder communication best practices. This is a decision item for the Board.
- 5:15 – 5:30 11. **Board Closing Comments and Meeting Wrap Up** Chair Imeson and Board Members
Board Chair and members to summarize meeting’s action items and provide closing comments.

Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of an afternoon break—may change to maintain meeting flow. The board will hear public testimony [*excluding marked items] and engage in discussion before proceeding to the next item.* A single asterisk preceding the item number marks a work session, and public testimony/comment will not be accepted.

BOARD WORK PLANS: Board of Forestry (Board) Work Plans result from the board's identification of priority issues. Each item represents commitment of time by the Board of Forestry and Department of Forestry staff that needs to be fully understood and appropriately planned. Board Work Plans form the basis for establishing Board of Forestry meeting agendas. Latest versions of these plans can be found on the Board's website at: <https://www.oregon.gov/odf/Board/Pages/AboutBOF.aspx>

PUBLIC TESTIMONY: The Board of Forestry places great value on information received from the public. The Board will only hold public testimony at the meeting for decision items. The Board accepts written comments on all agenda items except consent agenda and Work Session items [see explanation below]. Those wishing to testify or present information to the Board are encouraged to:

- Provide written summaries of lengthy, detailed information.
- Recognize that substance, not length, determines the value of testimony or written information.
- Endorse rather than repeat the testimony of others.
- Sign-up with the Board of Forestry support office.

Written comments for public testimony provide a valuable reference and may be submitted before, during, or up to two weeks after the meeting for consideration by the Board. Please submit a copy to BoardofForestry@oregon.gov, and written comments received will be distributed to the Board. Oral or written comments may be summarized, audio-recorded, and filed as record. Audio files and video links of the Board's meetings are posted within one week after the meeting at <https://www.oregon.gov/odf/Board/Pages/BOFMeetings.aspx>

The Board cannot accept comments on consent agenda items or a topic for which a public hearing has been held and the comment period has closed. If you wish to provide oral comments to the Board on a decision item, you must email the Board Administrator at BoardofForestry@oregon.gov; sign up opens at 8 a.m. and closes 5 p.m. the day before the meeting and is only available through email. Instructions for providing public comment virtually will be provided by email.

Three minutes will be allotted for each individual to provide their comments. Those requesting additional time for testimony should contact the Board Support office at 503-945-7210 at least three days prior to the meeting. The maximum amount of time for all public testimony for agenda items with a Board decision will be thirty minutes.

WORK SESSIONS: Certain agenda topics may be marked with an asterisk indicating a "Work Session" item. Work Sessions provide the Board opportunity to receive information and/or make decisions after considering previous public comment and staff recommendations. No new public comment will be taken. However, the Board may choose to ask questions of the audience to clarify issues raised.

- During consideration of contested civil penalty cases, the Board will entertain oral argument only if Board members have questions relating to the information presented.
- Relating to the adoption of Oregon Administrative Rules: Under Oregon's Administrative Procedures Act, the Board can only consider those comments received by the established deadline as listed on the Notice of Rulemaking form. Additional input can only be accepted if the comment period is formally extended (ORS 183.335).

GENERAL INFORMATION: For regularly scheduled meetings, the Board's agenda is posted on the web at www.oregonforestry.gov two weeks prior to the meeting date. During that time, circumstances may dictate a revision to the agenda, either in the sequence of items to be addressed, or in the time of day the item is to be presented. The Board will make every attempt to follow its published schedule, and requests your indulgence when that is not possible.

In order to provide the broadest range of services, lead-time is needed to make the necessary arrangements. If special materials, services, or assistance is required, such as a sign language interpreter, assistive listening device, or large print material, please contact our Public Affairs Office at least three working days prior to the meeting via telephone at 503-945-7200 or fax at 503-945-7212.

Use of all tobacco products in state-owned buildings and on adjacent grounds is prohibited.

DRAFT Subcommittee on Federal Forests January 7, 2020

In Attendance		
Board Members	ODF Staff	Other
Nils Christoffersen Cindy Deacon Williams (Absent) Tom Imeson (Ex. Officio) Joe Justice	Jeff Burns Chad Davis Peter Daugherty Megan Ehnle Hilary Olivos-Rood	

Audio [Link](#) (One hour, 39 minutes, and 47 seconds; 25.2 MB) | Meeting Handouts [Link](#)

Meeting called to order at 5:23 p.m.

Roll call completed by Board Chair Nils Christoffersen.

Agenda Item 1: Introduction and Minutes Review

Minutes reviewed. Justice moved to approve minutes. Christoffersen seconded. Minutes approved.

Christoffersen summarized the objectives of the agenda, provided a brief summary of the options being considered to carry forward the work of the Governor’s Wildfire Response Council and the Shared Stewardship Agreement between the USDA and State of Oregon. Discussion followed.

- Laid out potential contingency plans and what role the Federal Forests subcommittee could fill in 2020 moving forward. Considered role if an advisory committee is formed by the Governor’s Office with mandate to provide advice for shared stewardship agreement or Governor’s Wildfire Response Council recommendations. Subcommittee could advocate for a role and Department representation on that committee, but that involvement may change the scope of the current Board subcommittee.
- Explored where a potential advisory committee would sit, if formed. Described how other states are operating in relation to the shared stewardship agreement, and considered if a committee would be convened by the Governor, as this is a statewide effort across many agencies. Discussed how the committee may best function, scope of advisory role, agency representation, composition possibilities, and potential goals. State Forester Daugherty noted more to come, as a meeting will be scheduled between US Forest Service, the Department, and Governor’s office.

Agenda Item 2: Overview of Council on Wildfire Response

Davis reviewed a graph that illustrated the broad nature of shared stewardship, explained how it can interplay with the Federal Forest Restoration (FFR) or Good Neighborhood Authority (GNA) program, and summarized how these programs may contribute or incorporate elements of the Governor’s Council on Wildfire Response (GCWR) recommendations within their work.

- Explored the various connectors between the FFR and GNA program under shared stewardship. Discussed the perspectives and distinct characteristics of the connectors described. Ran through nexus scenarios such as wildfire risk mitigation, agency purviews of risk, and strategic approaches to sharing risk across the state.

- Discussed the 37 GCWR recommendations, unpacked the recommendations, and described the crosswalk with the Mitigation Committee Report. Davis explained the mitigation report is an expansion to the seven recommendation areas from the GCWR, but includes more depth, detail, and clarity.
- Davis reviewed his interpretation of the GWRC recommendations for mitigation crosswalked with the mitigation subcommittee's recommendations. He highlighted five areas:
 - 1: Use quantified risk assessment (QRA) as the basis for prioritizing fuel treatments.
 - 2: Significant program expansion to reduce fuel loads on all forest lands.
 - 3: Increase fire and smoke tolerance.
 - 4: Identify and resolve long term barriers (referring to federal policy, administrative policy, or legislative policy).
 - 5: Develop governance structure around implementation of all of the recommendations.
- Suggested the use of QRA to frame prioritization for work and where to start as a Department. Highlighted how the Subcommittee has not fully discussed the role fire plays on the landscape, and reviewed the GCWR mitigation committee's take-a-ways on this topic. Discussed the origination and purpose behind the Subcommittee on Federal Forests, described how the subcommittee's focus changed as the Federal Forest Restoration program initiated, and how the focus may evolve to address the GCWR recommendations. Commented on fire's role to achieve favorable conditions on the landscape, and noted how the Protection Division will need to be part of the overall conversation. Stated what the Subcommittee chooses to focus on will inform who to engage with, reviewed the potential operational decisions about where the work could land within a division, and the policy work that may be pursued to support the work.
- Discussed how the participants of the GCWR interpreted the mitigation committee's recommendations, reviewed the recommendation categories, and highlighted where the Subcommittee could focus policymaking efforts in treatment activity. Commented on acres burned from wildfire, and how they correspond with treated acres. Remarked on the Granite Gulch video, the strategies on the ground resourcing that fire, the value of the video to illustrate alternative treatment approaches, and community building it provided.
- Reviewed what may happen in the 2020 short session, the Board's role as the Department develops policy option package (POP) in relation to GCWR recommendations, and reviewed what policy areas the Board has already weighed in on, such as suppression on large fires, and policy areas in the GCWR recommendations the Subcommittee role could explore further, such as land use.
- Department has an image of not being onboard with prescribed burning treatments on ODF protected lands, and are held captive to ORS 477, but on federal lands this is not the case; the Department can be on board if the scenario, resources, and timing line up. Noted how the Department's response depends on whether a fire is unmanaged or managed, and how misaligned language can hinder coordination and policymaking efforts. Discussed how each interest group interprets the report's recommendations with their own perspectives and motives, so stressed the value of common language to align intentions.
- Reviewed the liability and risk the Department is willing to take on with prescribed burning or controlled burn efforts. Discussed burn plan compliance, range of implementation with existing conditions, and degree of certainty. Mentioned other

western states issues with negligence and liability around burn management plans. Discussed how there needs to be a serious thoughtful policy conversation on acceptable risk to a state agency. Closed by referencing Dana Skelly graph that listed acres managed with various treatment types, and posed if this can be used as baseline for a narrative to explain risk of treatments on the Oregon landscape.

Agenda Item 3: Federal Forest Restoration and Good Neighbor Authority Update

Davis provided handouts ([attachment](#)) on Federal Forest Restoration (FFR) program funding allocations, and Good Neighbor Authority (GNA) program recap. He mentioned that transparency of the FFR grant awarding process and who received awards is unclear, reviewed next steps in posting and updating this information as online public reference.

- Reviewed the type of grants funded by FFR in 2019, the number of awarded projects, and amount provided.
- Offered background on the GNA program, described the types of GNA agreements, and reviewed the GNA accomplishments to date. Provided examples to illustrate the variability in scope of work, skill sets needed, and projects planned. Reviewed the current uses of program revenue, outlined future projects with partner agencies, and described the regional projects in habitat restoration if revenue allows. Discussed the limitation of the GNA funding (e.g., recreation improvements) and how policy barriers exist from fulfilling aspects of the shared stewardship agreement. Commented on the GNA program comparison conducted between Idaho, Montana, Oregon and Washington, noting how GNA applies differently in each region and under different state laws, which produces different outcomes.
- Discussed how GNA operational understanding, structure, and function differs among each state. Reviewed how the Department works across divisions and in cooperation with field offices to provide resources for GNA projects, noting the benefits of learning techniques being used on Federal lands to inform State Forest timber sales.
- Reflected on the Board's relationship to the current issues in front of the subcommittee, and what is needed for the subcommittee to adjust and respond to these issues. Considered a greater discussion at the Board level to revisit the subcommittee's purpose, role and work plan for future engagement with the Governor driven initiatives, like GCWR and Shared Stewardship agreement.

Agenda Item 4: Shared Stewardship Advisory Committee and role of Subcommittee

Daugherty commented on the Department current strategic approach, noting limited operations to warrant policy guidance, and recommended shifting strategies to consider increasing scale and improving investments for a landscape scale impact. Discussed the need for policy guidance around Shared Stewardship, and how to implement the shared stewardship agreement.

- Considered potential new roles for the Subcommittee to explore.
 - 1) Broaden the QRA to incorporate the full suite of values and Subcommittee could weigh in on composition of the group who does the QRA update.
 - 2) Development of metrics for accountability and tracking for projected outcomes. Subcommittee could contribute to a policy-based workgroup initiated by the US Forest Service and Governor's office who could contribute to the metric development process.

- 3) Design the monitoring program and develop outcome objectives. Subcommittee could contribute to a science and policy-based workgroup to gauge progress and create accountability.
- 4) Discussed the tension that exists in local decision-making of State-operated, but federally funded programs. Considered how a work group could outline a governance process that identifies when the state hands over work to local level, how outcomes are quantified and measured, and how to maintain accountability. Commented on a desire for development of a strategic communications plan to be worked on to engage stakeholders and public on a common issue to fulfill the objectives.
- 5) Discussed the feasibility of a Shared Stewardship Advisory committee or continuation of the GCWR, and the potential role for the Subcommittee.

Agenda Item 5: Public Comment

No comment provided.

Agenda Item 6: Summary and Wrap Up

Christoffersen provided a summary that highlighted what he heard from the Department. Commented on a communication plan around the shared stewardship agreement and how it tied into other Department work with considerable outcomes and state objectives.

- Discussed alternative representation options:
 - Bridge between the Board and shared stewardship advisory committee as a liaison. Willingness to continue the relationship with Governor's office.
 - Perhaps be given a piece of the council recommendation to complete and report out on. But this would expand the membership and role of the subcommittee to include members beyond the Board.
 - Consider being a member on the GCWR council if continued.

Imeson commented on the subcommittee role with the many moving parts and needs of the State. Posited what is the appropriate Board role as an interagency committee or council is developed on a high governance level. Stressed the importance of being transparent about any modifications of this Subcommittee's purpose and intentions.

Chair Christoffersen summarized the meeting:

- Reviewed GCWR report generally, and GCWR recommendations related to the function and original scope of the Subcommittee. Discussed the FFR and GNA program, and the broader mandate of shared stewardship. Recognized a need to review purpose and scope of the Subcommittee in respect to these issues, and requested further clarification from the Governor's office and US Forest Service (USFS), to bring forward thoughts on modification but continuation of the Subcommittee.
- Suggested to coordinate a meeting with the Governor's office and USFS, discuss how this all fits with the shared stewardship agreement.
- Asked that the group aim for the next subcommittee meeting, either virtually from mid to late March post legislative short session or in April.

Meeting adjourned at 7:04 p.m.

DRAFT Board of Forestry Meeting Minutes

June 3, 2020

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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) Presentation, [Forest Protective Associations Budgets](#), Agenda Item 2
- (2) Handout, [Oral and written testimony by Cummings for Forest Protective Associations Budget](#), Agenda Item 2
- (3) Handout, [Written testimony by Minten for Forest Protective Associations Budget](#), Agenda Item 2
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- (8) Handout, [Written testimony by Wood for Forest Protective Associations Budget](#), Agenda Item 2

- (9) Handout, [Written testimony by Melcher for Forest Protective Associations Budget](#), Agenda Item 2
- (10) Handout, [Written testimony by Jacobs for Forest Protective Associations Budget](#), Agenda Item 2
- (11) Handout, [Written testimony by Johnson for Forest Protective Associations Budget](#), Agenda Item 2
- (12) Handout, [Written testimony by Yarbrough for Forest Protective Associations Budget](#), Agenda Item 2
- (13) Handout, [Written testimony by DeRoss for Forest Protective Associations Budget](#), Agenda Item 2
- (14) Presentation, [Agency Budget Development and Request](#), Agenda Item 3
- (15) Presentation, [Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (16) Handout, [Oral and Written testimony by Sause for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (17) Handout, [Written testimony by Gause for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (18) Handout, [Written testimony by Jacob for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (19) Handout, [Written testimony by Jensen for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (20) Handout, [Written testimony by Kohler for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (21) Handout, [Written testimony by Reis for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (22) Handout, [Campaign for Forest Carbon Coalition for Evaluate Board's authority and constraints on Climate Change Policy](#), Agenda Item 4
- (23) Presentation, [Request for Temporary Rule in the Siskiyou Georegion](#), Agenda Item 5
- (24) Handout, [Oral and Written testimony by Kjos for Request for Temporary Rule in the Siskiyou Georegion](#), Agenda Item 5
- (25) Handout, [Written testimony by Barnes for Request for Temporary Rule in the Siskiyou Georegion](#), Agenda Item 5
- (26) Handout, [Written testimony by Davis for Request for Temporary Rule in the Siskiyou Georegion](#), Agenda Item 5
- (27) Handout, [Written testimony by Whitman for Request for Temporary Rule in the Siskiyou Georegion](#), Agenda Item 5
- (28) Handout, [Written testimony by Golden for Request for Temporary Rule in the Siskiyou Georegion](#), Agenda Item 5
- (29) Presentation, [Fire Season Readiness](#), Agenda Item 6
- (30) Handout, [Oral and Written testimony by Yamamoto for Forest Trust Land Advisory Committee](#), Agenda Item 7
- (31) Handout, [Oral and Written testimony by Sullivan for Forest Trust Land Advisory Committee](#), Agenda Item 7
- (32) Presentation, [State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (33) Handout, [Written testimony by Byers for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8

- (34) Handout, [Written testimony by Endicott for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (35) Handout, [Written testimony by Oregon Forests Industries Council et al for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (36) Handout, [Written testimony by Oregon State Timber Sale Purchasers for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (37) Handout, [Written testimony by Selway Birmingham for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (38) Handout, [Written testimony by Thompson for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (39) Handout, [Campaign for Protect Jobs and Communities for State Forests Annual Operations Plan Process Overview](#), Agenda Item 8
- (40) Presentation, [Human Resources Dashboard](#), Agenda Item 10
- (41) Presentation, [Facilities Condition and Capital Management Plan](#), Agenda Item 11
- (42) Presentation, [Public Information Request Report](#), Agenda Item 12

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on June 3, 2020 and hosted at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

All Board members joined online by 8:30 a.m. into Zoom webinar. Chair Imeson called the public meeting to order at 9:01 a.m.

Board Members Virtually Present:

Nils Christoffersen	Jim Kelly
Cindy Deacon Williams	Brenda McComb
Joe Justice	Mike Rose
Tom Imeson	

Board Members Absent:

None

CONSENT AGENDA:

- A. APRIL 22, 2020 MEETING MINUTES
Approval of Board Meeting Minutes.

ACTION: The Board approved minutes from the April 22, 2020 Board meeting.

- B. ANNUAL LETTERS TO THE STATE FORESTER
Department to report to the Board the contents of the annual letters received from the nine non-operating forest protective associations.

INFORMATION ONLY.

- C. RANGELAND ASSOCIATION BUDGETS
Approval of the annual budgets of the Rangeland Fire Protection Associations currently operating in eastern Oregon.

ACTION: The Board approved the fiscal year 2021 budgets of the Ashwood-Antelope, Bakeoven-Shaniko, Blue Mountain, Brothers Hampton, Burnt River, Crane, Fields-Andrews, Frenchglen, Gateway, Greater Pine Valley, High Desert, Ironside, Jordan

Valley, Juntura, Lone Pine, Lookout Glasgow, Post Paulina, Silver Creek, Twickenham, Vale, Wagontire, Warner Valley, WC Ranches, and Wheeler County Fire & Rescue Rangeland Fire Protection Associations.

Mike Rose motioned for approval of the consent agenda items. Cindy Deacon Williams seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Joe Justice, Jim Kelly, Brenda McComb, Mike Rose, and Tom Imeson. Against: none. With Board consensus Items A through C were approved, and the motion carried.

ACTION AND INFORMATION:

1. **STATE FORESTER AND BOARD MEMBER COMMENTS**

[Listen to audio](#) MP3 – (27 minutes and 2 seconds – 6.18 MB)

Chair Imeson commented on:

- Outlined Board proceedings for Board members, presenters, and the public.
- Announced the presentations for the meeting are posted online for the public to view.
- Noted the public meeting will be live streamed, recorded, and posted online.
- Explained written public testimony that would be entered into record, can be submitted through June 17, 2020.

State Forester Daugherty commented on:

- Broader social issues, by describing how the public are experiencing a trifecta of economic uncertainty, social injustice, and health crisis. Noted that vulnerable population of all types and ages are in crisis. Acknowledged that the social unrest is a reminder that while progress to dissolve social inequities has been made, there is much more work to be done. Emphasized the Department's commitment to uphold diversity, equity, and inclusion in all aspects of business, organizational structure, and policies.
- COVID-19 pandemic impacts on the organization. Highlighted how workloads have increased and altered how the department conducts business. Explained how the Department has aided in the state's response to the health crisis. Described how declining timber markets may cause revenue downfalls for Departmental programs funding in this biennium, and the next. Noted additional budgetary forecast and financial expenditure impact. Presented three considerations for the state to address budget shortfalls, and noted the reduction exercise performed by the Department. He outlined the impacts these reductions would have on the Department's ability to meet its mission, and listed the current actions being taken to minimize agency costs.
- Era of uncertainty could influence policy decisions brought in front of the Board. He highlighted the budgetary decisions on the agenda, and warned that adjustments could be made. He described what actions will need to be taken if budgetary circumstances change.

Board Members commented on:

- Board member Christoffersen thanked the State Forester for his opening comments, and echoed how current events are deeply troubling on multiple levels and cause for serious reflection by all. Stated that this meeting may be his last, and shared some observations from his tenure on the Board. He appreciated the integrity, commitment and positive motivation of the Department staff as they manage large, complex landscapes with limited resources. He

urged those who value state forests to work with the Department as partners, not adversaries. Stated how he hopes the collaborative work from stakeholders on the Memorandum of Understanding prevails, and ushers in a productive new era in the governance and management of Oregon forests. Focused on equity, as the keystone, to achieve durable political solutions, to build capacity and systems to address the challenges on the horizon. He stated it is a privilege and honor to serve on the board, and appreciated working with his colleagues.

- Board member Justice extended appreciation to Nils Christoffersen, Cindy Deacon Williams, and Tom Imeson for their work on the Board. He offered an update from the latest Environmental Quality Commission (EQC) liaison meeting, explained how Department of Environmental Quality (DEQ) will continue to work together with the Department on next steps to protect streams of Oregon. He mentioned DEQ's position that water protection does not have to be regulatory, to make a restorative impact.
- Board Chair Imeson appreciated the State Forester's opening comments and how it provided additional context for the Board to consider.

Public Testimony: No provision made for public testimony.

Information Only.

2. FOREST PROTECTIVE ASSOCIATION BUDGETS

[Listen to audio](#) MP3 – (38 minutes and 9 seconds – 8.73 MB)
Presentation ([attachment 1](#))

Doug Grafe, Fire Protection Division Chief, thanked the State Forester for his opening comments. He introduced his fellow presenter, Ron Graham, Fire Protection Deputy Chief, and reviewed the [presentation](#) objectives. Provided an introduction to the Emergency Fire Cost Committee Chair, Ken Cummings, outlined the Chair's expertise in the natural resources sector, and highlighted what the Chair will review with the Board.

Ron Graham, Fire Protection Division Chief, outlined the decision in front of the Board. He stated per ORS 477.265, the Board must review and provide final approval on all Forest Protection District budgets including the pro-rated assessment acreage rates. He described the open and transparent process that formed the recommended fiscal operating budgets for the local districts and associations. He explained the fund distribution thresholds and how the budgets provides funding to the base level of fire protection. He reviewed the background on the complete and coordinated fire protection system, and identified key partners that maintain this system's effectiveness. Graham outlined the Governor's office request for a general fund budget reduction exercise, reviewed current status, and explained next steps for the Board if the presented budgets are adjusted or reduced. He closed by reviewing the Department recommendation with the Board.

Invited Testimony:

- Ken Cummings, Chair of the Emergency Fire Cost Committee (EFCC) provided oral and written testimony ([attachment 2](#)) on the Forest Protection Association (FPA) Budgets topic. He listed five areas sustained with the approval of the proposed FPA budgets, and how they support an adequate level of protection across Department jurisdictions.

Board commented on the Forest Protection Association Budgets presentation.

- Inquired how the change allocations across districts were determined. Grafe explained the range of allocations is calculated on an annual basis depending upon carryover and intensity of fire conditions experienced by the district. He reviewed the most notable changes and explained the reasoning for these changes.
- Asked about personnel readiness for fire season, considering the leadership and staff members who have been utilized in responding to the COVID-19 pandemic. Graham explained that responding to this crisis has offered valuable training opportunities, that individual personnel are conscientious of the assignment's impacts, and believed the overall health and readiness of the teams are adequate for the approaching fire season.
- Inquired about process if revisions are requested for the proposed budgets. Graham provided an overview the process, outlined who are involved with the abbreviated budget development discussions and what is determined in those discussions, before it is brought back to the Board for approval.
- Expressed concern that reductions are imminent. Paraphrased the number of positions presented, highlighted points that implicate short-term impacts, and asked if the Board can submit a letter to the Legislature explaining the level of protections' adequacy is worth funding and would curb major reductions. Board Chair Imeson outlined the role of the Governor's office with Legislature and described the governance process for the general fund. State Forester Daugherty confirmed that a letter of support by the Board is an option. He noted how legislative days are uncertain, which is the best opportunity for the Board to submit a letter, and outlined some financial strategies that can be deployed depending upon the size of the allotment reduction. He offered the Department's support to help prepare the letter for the Board and will reach out to the Governor's Office for support on this issue.

Public Testimony:

- Milt Moran, provided oral testimony on the Forest Protection Association (FPA) Budgets topic. He thanked the Department for the hard work, dedication and commitment made for the people and forests of Oregon. Remarked on the proposed budget reductions if implemented, would have substantial impacts to adequate levels of protections and could place Oregonians in higher risk for large wildfires on the landscape. Concurred with the statements made on the valuable relationships built between the landowners, districts, associations, state and insurance broker to ensure adequate level of coverage is provided across the state. Urged the Board to approve the FPA budgets as presented.
- Russ Minten, President of the Clackamas-Marion Forest Protection Association (CMFPA) provided written testimony ([attachment 3](#)) on the Forest Protection Association (FPA) Budgets topic. He supported the approval for the FPA budgets as presented and listed impacts if budgets are reduced.
- Will Chandler, President of the Coos Forest Protective Association (CFPA) provided written testimony ([attachment 4](#)) on the Forest Protection Association (FPA) Budgets topic. He supported the approval for the FPA budgets as presented and did not support the Governor's proposed budget cuts.
- Rick Barnes, President of the Douglas Forest Protective Association (DFPA) provided written testimony ([attachment 5](#)) on the Forest Protection Association (FPA) Budgets topic. He explained the impacts of the Governor's proposed budget cuts may have on DFPA obligations.

- Ted Reiss, President of Eastern Lane Forest Protective Association (ELFPA) provided written testimony ([attachment 6](#)) on the Forest Protection Association (FPA) Budgets topic. He explained the impacts of the Governor’s proposed budget cuts may have on ELFPA protection coverage.
- Jered Schwabauer, President of Eastern Oregon Forest Protective Association (EOFPA) provided written testimony ([attachment 7](#)) on the Forest Protection Association (FPA) Budgets topic. He supported the approval of the proposed FPA budgets as presented, and urged the Board to explain the importance of an adequate level of protection to the Governor and Legislature.
- Brandon Wood, President of Klamath Forest Protective Association (KFPA) provided written testimony ([attachment 8](#)) on the Forest Protection Association (FPA) Budgets topic. He expressed concern about how the budget reduction exercise would impact the adequate level of protection provided by the KFPA.
- Scott Melcher, President of Linn Forest Protective Association (LFPA) provided written testimony ([attachment 9](#)) on the Forest Protection Association (FPA) Budgets topic. He expressed concern about the budget reduction exercise and how it would impact the adequate level of protection provided by the LFPA.
- Rodney Jacobs, President of Northwest Oregon Forest Protective Association (NWOFFPA) provided written testimony ([attachment 10](#)) on the Forest Protection Association (FPA) Budgets topic. He noted the importance of an adequately funded fire protection budget.
- Greg Johnson, President of Rogue Forest Protective Association (RFPA) provided written testimony ([attachment 11](#)) on the Forest Protection Association (FPA) Budgets topic. He noted the importance of an adequate level of protection, and described how budget cuts can impact protection coverage.
- Garrett Yarbrough, President of Western Lane Protective Association (WLFPA) provided written testimony ([attachment 12](#)) on the Forest Protection Association (FPA) Budgets topic. He supported an adequate level of protection, and explained that budget cuts can impact statewide protection coverage.
- Jeff DeRoss, President of West Oregon Forest Protective Association (WOFPA) provided written testimony ([attachment 13](#)) on the Forest Protection Association (FPA) Budgets topic. He expressed concern about the budget reduction exercise and how it would impact the protection coverage provided by the WOFPA.

ACTION: The Board approved all Fiscal Year 2021 district and association protection budgets as presented in Attachment 1.

Cindy Deacon Williams motioned for approval of all fiscal year 2021 district and association protection budgets as presented. Joe Justice seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Joe Justice, Jim Kelly, Brenda McComb, Mike Rose, and Tom Imeson. Against: none. With Board consensus the motion carried.

3. AGENCY BUDGET DEVELOPMENT AND REQUEST
[Listen to audio](#) MP3 - (9 minutes and 13 seconds – 2.10 MB)
Presentation ([attachment 14](#))

Bill Herber, Director for Administration, explained the purpose for the policy option packages (POP), and briefly reviewed the budget development process. He discussed how the budget

instructions from Department of Administrative Services (DAS) Chief Financial Office (CFO) has not changed, but if revised instructions are dispersed then the Department will make appropriate alterations to the standing POPs. He provided status on the technical aspects of the budget process, and outlined the current work being done by the Department for budget narratives. Herber added to the State Forester's opening comments on the economic forecast, noting that 2021-2023 biennium predicts a greater reduction percentage of general funds for the Department.

Herber [presented](#) the policy option packages (POP) for each division including name of program, POP title, full time equivalent (FTE) employee positions, and listed the funding amounts for each request. He highlighted some adjustments and additions made to the existing POPs. He closed by reviewing the Department recommendation with the Board.

ACTION: The Board approved the policy option packages proposed for inclusion in the 2021 – 2023 Agency Request Budget that will be presented for Board consideration at the July 22, 2020 Board meeting. Subject to additional budget instructions from DAS CFO.

Mike Rose motioned for approval of the policy option packages proposed for the 2021-2023 Agency Request Budget. Joe Justice seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Joe Justice, Jim Kelly, Brenda McComb, Mike Rose, and Tom Imeson. Against: none. With Board consensus the motion carried.

4. EVALUATE BOARD'S AUTHORITY AND CONSTRAINTS ON CLIMATE CHANGE POLICY

[Listen to audio](#) MP3 - (One hour, 2 minutes and 18 seconds – 14.2 MB)
Presentation ([attachment 15](#))

John Tokarczyk, Acting Planning and Analysis Program Director, provided an overview of the [presentation's](#) objectives, the determinations in front of the Board, and introduced his colleagues who will available for the duration of the presentation.

Danny Norlander, Forest Carbon and Forest Health Analyst, offered background on the topic by reviewing the milestones listed and sequence outlined on the Climate Change work plan. He described the desired outcomes for this topic discussion, and reviewed the process of how the presented set of questions that evaluates the Board's authority and constraints on climate change policy were developed. He read each question, related it to the relevant statute, and reviewed the rationale for determining relevance to Board policy. Norlander discussed the five questions with the Board, and responded to questions posed by the Board. He reviewed the staff recommendations, and outlined next steps. He reviewed the revised and additional questions requested by the Board, and sought confirmation on whether the questions are approved by the Board.

Board commented on the Evaluate Board's authority and constraints on Climate Change Policy presentation.

- Inquired whether implying or including all benefits of stored forest carbon from trees and forest products was the intent of this question, and to consider expanding the first set of questions to obtain clarity on the forest benefits. Norlander explained the intention for these

questions are to capture the forest benefits in the woods, speaking to harvested wood products. Board explained that forest benefits also include forest products, and recommended to incorporate, but to include net carbon stores after carbon emissions have been deducted from those forest products. Board suggested to separate this element from the standing set of questions, as this subject can be substantive and broad enough that it may extend beyond the Board's statutory authority. State Forester Daugherty mentioned the Intergovernmental Panel on Climate Change (IPCC) protocol that recognizes forest ecosystem carbon pool and harvesting wood product pool, which are different types of benefits. He agreed that this set of questions could be expanded, and suggested defaulting to DOJ to determine if this topic is best addressed in one or two parts. Board added to previous notion that IPCC protocols do not consider carbon costs associated with transportation or processing emissions of wood products. Recommended to look at these policy questions in a holistic systems way with net contributions, deficits or curves in carbon as part of a system, and to default to IPCC model to ensure consistency and use of the accepted methods.

- Inquired whether the Board is covered under the rationale as it exists without taking any further action. State Forester Daugherty stated statutorily the Board has been provided authority on supervising all matters of forest policy, and explained that DOJ could analyze whether the Board's interpretation of how broad and encompassing their policymaking can be to address production of all forest benefits. The determination by DOJ on that interpretation could identify what steps the Board would need to take in order to weigh in and effectively incorporate climate change into existing or future policy.
- Board Chair Imeson reminded that the aim for these questions are to help the Board understand the legal impediments, and what the Board can or cannot do under the existing authorities. Recommended for DOJ to include whether the Board needs to make a finding or declare a policy around a subject (e.g., forest benefits), and include climate specifically or does the Board need to take steps to establish that authority if constraints are identified.
- Board offered additional questions for DOJ to review and provide a response on.
 - How should the Board consider climate change in order to maximize benefits now and into the future? Should the Board consider climate change when setting policy such that climate change can constrain our abilities to attain those goals in the future?
 - Consider including a companion overarching question that speaks to the adaptation of climate change management. Does the Board have the authority to identify and establish rules to protect climate refuges or manage forests for future ecologic resiliency in the face of climate change?
 - What are the legal constraints and/or legal authorities the Board should be aware of when considering the carbon costs associated with harvest and transportation of wood products?
- Board posed additional considerations to the presented set of questions.
 - Board asked to include the word climate in the presented question related to ORS 527.714.
 - Board asked to include forest products as they shape the responses related to ORS 526.460.
- State Forester summarized the two additional questions requested by the Board to seek confirmation, and the Board Chair acknowledged these additions.

- Board inquired how long it will take to receive a response from DOJ. Norlander explained approximately two months for DOJ to conduct an analysis and pass it through their internal revision process.
- Board Chair offered an outline for a potential motion for Board members to consider by directing staff to complete the questions discussed today, and submit to DOJ with a request to develop responses with all deliberate speed, and provide the answers to the Board.

Public Testimony:

- Samantha Krop from Center for Sustainable Economy provided oral testimony on the Evaluate Board's authority and constraints on Climate Change Policy topic. Spoke to the Governor's Brown Executive Order (EO) 20-04 and stated the Department's response failed to meet the target of the Governor's request. Expressed frustration with the timelines, how little has been accomplished, and the minimal public engagement on this issue. Krop asked the Board to develop policy in three areas to address this issue, offered some recent studies results, and encouraged the Board to explore the full extent of their authority as granted by the Oregon Legislature. Urged the Board to develop an honest and transparent accounting of Oregon forest carbon and ending the clearcutting on state forest lands.
- John Talberth from Center for Sustainable Economy and Forest Carbon Coalition provided oral testimony on the Evaluate Board's authority and constraints on Climate Change Policy topic. Reviewed the report submission to the Board from the Forest Carbon Coalition, and explained it provided the roadmap for embracing best available science, best practice and sustainable economics in developing a state forest carbon agenda. Explained transition from the business-as-usual model must be considered to respond to the Governor's EO 20-04, and highlighted six measures included from the Forest Carbon Coalition report.
- Maria Sause provided oral and written testimony ([attachment 16](#)) on the Evaluate Board's authority and constraints on Climate Change Policy topic. Commented on the conditions of the northwest forests. Explained how observed clear cuts and pesticides are impacting the forest ecosystems. Spoke to longer tree rotations relative to carbon storage. Sought reform of the Forest Practices Act, and urged the Board to act soon on rule reform.
- David Tvedt provided oral testimony on the Evaluate Board's authority and constraints on Climate Change Policy topic. Reviewed OSU and Center for Sustainable economy study results that logging is the single largest carbon emitter in Oregon, and the urged the Board to reform the Forest Practices Act. He described and highlighted the unsustainable practices of an industrial logging outfit.
- Marshall Gause provided written testimony ([attachment 17](#)) on the Evaluate Board's authority and constraints on Climate Change Policy topic. Noted how the Department should prioritize policies for climate change mitigation and protection.
- Greg Jacob from Oregon Chapter of Sierra Club, provided written testimony ([attachment 18](#)) on the Evaluate Board's authority and constraints on Climate Change Policy topic. He commented on the adoption of forest management practices that maximize carbon sequestration and prolong forest stand cycles.
- Angela Jensen, Legal Director from Umpqua Watersheds, provided written testimony ([attachment 19](#)) on the Evaluate Board's authority and constraints on Climate Change Policy topic. Reflected on Governor's Brown EO 20-04, noting the mandate to establish policies to address GHG emissions and consider climate change in Oregon Forest Practices Act policy making decisions.

- Katja Kohler, provided written testimony ([attachment 20](#)) on the Evaluate Board’s authority and constraints on Climate Change Policy topic. Urged Department to consider strategizing and seeking policy proposals to address climate change.
- Jack Reis, Director from Fishpond provided written testimony ([attachment 21](#)) on the Evaluate Board’s authority and constraints on Climate Change Policy topic. Recommended an adoption of sustainable management policy.
- Campaign ([attachment 22](#)) to support the letter submitted by Forest Carbon Coalition to the Board for the Evaluate Board’s authority and constraints on Climate Change Policy topic.

Cindy Deacon Williams motioned for the six questions that were discussed to be submitted to DOJ for an answer to clarify what the Board’s current authorities and constraints are regarding climate change. Brenda McComb seconded, and offered a friendly amendment to the motion, to add that decisions be made with all due haste. Board member Deacon Williams concurred with amendment. Board discussion followed and confirmed the suggested modifications to the existing questions will be incorporated. State Forester agreed, and stated the question posed around carbon costs associated with wood products would be a separate question, and would bring the total to seven questions.

ACTION: The Board directed the Department to provide the six questions that were discussed and submit to DOJ for an answer to clarify what the Board’s current authorities and constraints are regarding climate change, and that decisions be made with all due haste.

Cindy Deacon Williams motioned for Department staff to complete questions discussed and submit to DOJ to develop responses and provide to the Board. Brenda McComb seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Joe Justice, Jim Kelly, Brenda McComb, Mike Rose, and Tom Imeson. Against: none. With Board consensus the motion carried.

5. REQUEST FOR TEMPORARY RULE IN THE SISKIYOU GEOREGION
[Listen to audio](#) MP3 - (30 minutes and 1 seconds – 6.87 MB)
 Presentation ([attachment 23](#))

Kyle Abraham, Private Forests Division Chief, outlined the request for temporary rulemaking in the Siskiyou georegion for salmon, steelhead, and bull trout (SSBT) streams, and introduced the main signatories who submitted the request to the Board.

Invited Testimony:

- Greg Miller stated he was representing the forest landowner signatories of the Oregon Forestry Memorandum of Understanding (MOU). He aired his support for the temporary rulemaking to establish SSBT stream protections in the Siskiyou georegion and referenced the letter submitted to the Board that outlines this request. He provided a background of the group’s collaborations on the MOU throughout the 2020 legislative session and explained how this request ties into the continued momentum of the group’s work. He thanked the Board for their unilateral support of the MOU. Miller outlined the purpose of this temporary rulemaking request, listed three benefits that may be an outcome of this ruling, and asked

that the rule be effective on the earliest day possible. Closed by expressing support for the work on the expanded literature review and believed the information would be useful to the Board.

- Bob Van Dyk stated he was representing the fish conservation and environmental signatories from the Oregon Forestry Memorandum of Understanding (MOU). He encouraged the Board to adopt the temporary rules to establish SSBT stream protections in the Siskiyou georegion. He recalled numerous occasions when conservation and environmental groups requested more robust rules from the Board on the larger stream network across the State, and by the Board approving this temporary rulemaking will demonstrate progress consistent with the MOU as well as allow the Department to offer support for the MOU work. He closed by agreeing with Miller's comments on the expanded literature review and looked forward to the summary being released.

Abraham reviewed the requested items outlined in the letter to the Board. He reported on the status and projected delivery of the expanded literature review for the Siskiyou Streamside project amidst the many uncertainties the Department has encountered. He highlighted the continued collaboration with Department of Environmental Quality on learning how Forest Practices Act (FPA) sufficiency and Total Maximum Daily Load (TMDL) policies may work together to meet water quality goals, and shared DEQ's support for the temporary rulemaking in the Siskiyou georegion. Explained if the Siskiyou Streamside Protection review is paused, how it may open up Division capacity for other work requested by the Board. He referenced ORS 183.335(5) Administrative Procedures Act process to adopt and administer a temporary rule. He described how the temporary rule differentiates between the promulgation of rules under ORS 527.710 and outlined the parameters to implement the rule. Abraham offered context on how the rule will be implemented in the southwest Oregon area by listing training, coordination, and outreach as the main tools to ensure the rules are followed.

Public Testimony:

- Dana Kjos, Chair of the Southwest Oregon Regional Forest Practice Committee (SWOFPC) provided oral and written testimony ([attachment 24](#)) on the Request for Temporary Rule in the Siskiyou Georegion topic. He supported the approval of the temporary rulemaking as presented, but cautioned the Board to implement the rule in a measured fashion. Suggested that Department's monitoring program collect data for a more informed decision going forward.
- Evan Barnes, Chair of the Committee for Family Forestlands (CFF) provided written testimony ([attachment 25](#)) on the Request for Temporary Rule in the Siskiyou Georegion topic. He stated support for the approval of the proposed temporary rulemaking, and the memorandum of understanding (MOU).
- John Davis, General Manager from Green Diamond Resource Company provided written testimony ([attachment 26](#)) on the Request for Temporary Rule in the Siskiyou Georegion topic. He stated support for the approval of the proposed temporary rulemaking, and continued efforts of the MOU signatories.
- Richard Whitman, Director of Department of Environmental Quality (DEQ) provided written testimony ([attachment 27](#)) on the Request for Temporary Rule in the Siskiyou Georegion topic. He stated support for the proposed adoption of a temporary rulemaking in the Siskiyou region, and echoed Environmental Quality Commission's interest in the Board's continued efforts.

- Jeff Golden, Senator for District 3 and Chair of Senate Wildfire Reduction and Recovery Committee, provided written testimony ([attachment 28](#)) on the Request for Temporary Rule in the Siskiyou Georegion topic. He offered gratitude to the Board on adopting the temporary rules for the Rogue-Siskiyou region, and hoped the implementation will lead to permanent protection for southwest Oregon qualified streams.

Board commented on the Request for Temporary Rule in the Siskiyou Georegion presentation.

- Inquired when the Department would be ready for implementation on the ground. Abraham stated this could take a few months, but the soonest he would see implementation to occur would be fall of 2020.
- Remarked on the stakeholders ability to come together and collaborate on an area that has historically been contentious, but encouraged by the continuing work towards productive solutions. Acknowledged the collaborative efforts of the stakeholders, and thanked them.
- Reminded the Department to include private landowners to ensure an effective implementation that functions well in the southwest region. Inquired if a reprieve for the landowners will be considered with implementation. Abraham emphasized the importance of outreach before and during the rule implementation process for an effective transition.

Cindy Deacon Williams motioned to accept the staff recommendation to adopt a temporary rule, and suspend the Siskiyou Streamside Protection Review with the exception of the work needed to finalize the literature review, and that implementation of the temporary rule to proceed as expeditiously as possible, with the understanding that we need to take the administrative steps to effectively implement the rule, with a target implementation date no later than January 2021. Board Chair Imeson opened motion up to discussion, and verified that the motion accepted the staff recommendation with the addition of an implementation target date. Abraham offered a revised recommendation to the Board, and the Board agreed that Board member Deacon Williams motion would yield to the revised recommendation. Mike Rose seconded the motion. Abraham offered one more clarification to the motion made.

ACTION: The Board directed the Department to finalize the materials needed to adopt a temporary rule, following the process outlined in ORS 183.335(5). Directed the Department to pause the Siskiyou Streamside Protection Review except for a limited amount of work to finalize the literature review summary report. Approved the temporary rule language as described and directed the Department to place the temporary rule in effect with a target of no later than January 1, 2021 after the department provides training to stewardship foresters, operators and landowners in the affected areas and completes the update to the Type SSBT stream database, in coordination with ODFW.

Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Joe Justice, Jim Kelly, Brenda McComb, Mike Rose, and Tom Imeson. Against: none. With Board consensus the motion carried.

6. FIRE SEASON READINESS
[Listen to audio](#) MP3 - (27 minutes – 6.17 MB)
 Presentation ([attachment 29](#))

Doug Grafe, Fire Protection Division Chief, outlined what the [presentation](#) would cover, and introduced his fellow presenter.

Ron Graham, Fire Protection Deputy Chief, reported on the fire season outlook, which includes drought monitoring, temperature probability, and precipitation probability. He reviewed the significant wildfire potential for Oregon, and fire statistics to date for June 2020. He reported on an observed trend on ODF protected lands, that an average number of acres burned continues to rise each decade, and this trend is noticeable across all jurisdictions. Commented on how this trend links to large fire costs increasing over the last couple of decades, and cost implications.

Graham described the steps taken by the Department in response to COVID-19 to prepare for fire season readiness, to integrate preparedness measures in initial and extended attacks, and to establish safety protocols to mitigate exposure in fire camps. He reported on the joint agency efforts to minimize smoke exposure during this crisis, and asked for a voluntary stay of public burning, which received high compliance across the state. He reviewed the coordinated organizational efforts that designed strategy frameworks, best management practices, and field management plans for responding to and mitigating COVID-19. He explained how an interagency fire camp committee has been organized to address situations related to coronavirus response.

Graham spoke to the special purpose appropriation program, aviation contracts, resource distribution, and plans in place for the anticipated fire season. He highlighted the latest campaign led by Keep Oregon Green to minimize the number of human-caused fires, and acknowledged the successful interagency coordination to promote wildfire awareness. He reviewed the funding, the status, and benefits of the strategic investments made to prepare for the 2020 fire season. Graham closed by thanking the partners in the coordinated system, and the Legislators who appropriated funds to help supply and prepare the agency to better respond to fires amidst COVID-19.

Grafe closed the presentation by outlining the scheduled fire updates to the Board, and welcomed any questions or comments by the Board.

Board commented on the Fire Season Readiness presentation.

- Inquired about whether the prescribed burning program has had to scale back due to the smoke implications associated with COVID-19. Graham described the approaches taken by federal and state agencies regarding prescribed burning in 2020.

Public Testimony: None

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7. FOREST TRUST LAND ADVISORY COMMITTEE TESTIMONY
[Listen to audio](#) MP3 - (20 minutes and 45 seconds – 4.75 MB)

David Yamamoto, Chair of Forest Trust Land Advisory Committee (FTLAC) provided oral and written testimony ([attachment 30](#)).to the Board. He noted the accrued interest from the judgment in the Linn County Class Action suit from March 2020. Listed the Council of Forest Trust Land

Counties (CFTLC) and highlighted five CFTLC objectives. Shared how COVID-19 is impacting the active management and harvest levels of state forests. He commented on the benefits of increased harvests, and outlined the county services the revenue supports. Explained the counties' reasoning to cancel FTLAC meetings during the health crisis, and stated no support for a FMP or HCP that may violate the State's contractual obligations with the trust counties. He noted the counties are open to a discussion on how FMP and HCP relate to CFTLC goals.

Commissioner Testimony:

- Kathleen Sullivan, Commissioner for Clatsop County, provided oral and written testimony ([attachment 31](#)) on the Forest Trust Land Advisory Committee testimony. She shared gratitude for the Board members' service, and Department's efforts in public meeting participation. Stated the Clatsop County Board of Commissioners support for a balanced forest management plan, and for the Habitat Conservation Plan. Explained the value of collaboration and a transparent public process, as well as the need to proceed with full participation of the advisory boards.

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8. STATE FORESTS ANNUAL OPERATIONS PLAN PROCESS OVERVIEW
[Listen to audio](#) MP3 - (One hour, 4 minutes and 11 seconds – 14.6 MB)
Presentation ([attachment 32](#))

Liz Dent, State Forests Division Chief, introduced Ron Zilli, Deputy Division Chief of planning and coordination, and explained his role within the State Forests reorganization. She supported the opening comments made by the State Forester and remarked how broad social issues are to be addressed by managers of public lands as well. She outlined the [presentation](#) topics and the information that will be provided to the Board.

Dent provided an overview of the State Forests' planning hierarchy and relationships between the various planning levels. She reviewed each plan by describing each plan's components, function, and breadth. Offered an example of how these plans relate to one another by reviewing how a strategic plan is developed to achieve Greatest Permanent Value (GPV), as defined by the Forest Management Plan (FMP), how the implementation plan (IP) carries out the GPV goals, and how an annual operation plan (AOP) achieves the IP objectives.

Ron Zilli offered specifics on the annual operations and planning processes by reviewing the AOP multi-year development, outlining the number of components considered, describing the collaborative process involved, and the resulting plans created for fiscal year operations. He described the AOP process steps, which included initial scoping, internal reviewing, external reviewing, engaging the public for comments, and finalizing the plans before the District Foresters approve.

Zilli provided a high-level summary of the public comments received, highlighted the main themes, and noted that comments ranged, with some unrelated to the planning decision under consideration. He expressed appreciation for public comments and how it provides the Division a greater understanding of how citizens perceive state forest management but explained how comments relevant to the scope of annual operations planning are considered during the public comment

process. He framed the comments received by whether they were in support of, a request to, or concern for a component of the AOPs proposed, and reviewed the elements for each set of comments as it relates to the Division's scope of work.

Zilli closed by explaining the Department is in the preliminary process of forming responses to the comments received and noted some changes to the district's AOP are being considered. He welcomed any final questions or comments from the Board.

Board commented on the State Forests Annual Operations Plan Process Overview presentation.

- Expanded on the example provided in the presentation, by inquiring how the Department is achieving the goals outlined in the example scenario and what the observed trends has been overtime. Dent explained this information is available and is provided in the Department's biennial budget submitted to the Legislature, which includes metrics to measure whether the goals were attained, and she explained that the targets are set by the Legislature. She explained the Division can track trends in few ways, one through the key performance measures (KPM), and the other with the District observing forest components in relation to the IP's designed for their region. Board inquired further on the criteri that qualifies forestland as complex structure. Zilli commented on the holistic approach taken in the landscape design with collaboration of district staff, adjacent landowners, and agency partners; and collectively they consider key resources, current condition of the forest, and variety of benefits overtime. Dent explained that it is close to the time to revisit the IP's and discuss whether they are meeting the FMP objectives as designed, as the IP's are entering the end of their 10-year cycle. Zilli explained each IP has a map that shows where the desired future condition (DFC) for layered and older forest structure stands are intended to be developed, stated the IP design is to meet the range outlined in the regions FMP, which varies district-by-district, and outlined the process of how clear cuts, treatments, and thinning are considered with the existing complex stand goals for that district. A Board member asked the Division to consider a cautionary approach to maintain the complex forests within the region, until the Department can determine whether the districts are maintaining the goal percentage as outlined in the FMP. Zilli believed the trajectory of this goal is well-mapped, and offered background on the Division's efforts to establish, adjust, and revise the IP's over the past two decades as Board policies and directions have changed. A Board member expressed concerned that beyond the growth model changes, it is unknown what proportion of the landscape is in complex forests and how much the proportion has changed.
- Inquired whether the AOP process is driven to identify and locate areas for timber sales or is it more of a balanced approach to meet the other goals outlined in the regions' implementation plan. Zilli explained other operations beyond timber sales are considered and are built into the AOP's, such as young stand silviculture activities, stocking surveys, density management, competing vegetation treatments, and recreation projects and services.
- Discussed public comment received that the AOP design was not sustainable overtime, the rate of harvest was unlikely to be sustainable, and did not contribute to the achievement of the IP goals. Dent stated the Division will be addressing and plan to work with the citizens who submitted comments on this topic to consider some solutions. Board member inquired if the harvest calculations remodeled after the 2015-2016 stand level inventory was conducted. Zilli stated not with the implementation plans, they were considered at the

establishment of the plan period, and were not remodeled as result of the change of the growth model used. Board member inquired further if the Division plans to remodel the harvest calculations with the upcoming IP reviews, and Dent responded the Division remains focused on the efforts for the Habitat Conservation Plan (HCP) and FMP, and it will take a significant shift in resources to sufficiently respond to the questions posed by the Board, such as recalculating the sustained yields.

- Shared observation on the fundamental structure and relationship between the plans (e.g., AOP, IP, FMP), is built on the assumption that an AOP is making progress with the goals set out in the IP, and reemphasized the importance of tracking trends to help inform the Board on whether their guidance is being implemented on the ground. Offered suggestions to the Division staff, Board, and agency leaders to provide information expeditiously and transparently as possible to help build trust in the stakeholders. Board encouraged with the appropriate level of information to communicate openly on trends, progress, challenges, and adjustments relative to the current operating direction that the plan is providing.

Public Testimony:

- Ron Byers, provided written testimony ([attachment 33](#)) on the State Forests Annual Operations Plan (AOP) Process Overview topic. He shared observations of Trask River, from fish populations to aerial spraying. Stated concern for Trask Watershed with timber sale sites on steep-sloped areas. Urged the Department to rewrite the 2021 AOP.
- Gwendolyn Endicott, provided written testimony ([attachment 34](#)) on the State Forests Annual Operations Plan (AOP) Process Overview topic. She shared observations of the Nehalem River Valley, from erosion to flooding. Commented on local concerns of aerial sprays, mudslides, siltation, and habitat loss. Urged the Department to create an AOP that values watershed health, wildlife, and people.
- Oregon Forest & Industries Council et al. provided a written group testimony ([attachment 35](#)) on the State Forests Annual Operations Plan (AOP) Process Overview topic. They stated support for the Department's 2021 AOP, commenting that it is in full compliance with the current Forest Management Plan, and exceeds environmental requirements.
- Oregon State Timber Sale Purchasers provided a written group testimony ([attachment 36](#)) on the State Forests Annual Operations Plan Process Overview topic. They commented on the participatory portion of the AOP process. Noted how the 2021 AOP meets or exceeds environmental requirements of the Forest Management Plan (FMP). Shared observations of the current FMP in terms of harvest volume and preservation. Reviewed four social and environmental considerations.
- Pam Selway Birmingham provided written testimony ([attachment 37](#)) on the State Forests Annual Operations Plan (AOP) Process Overview topic. She commented on the 2021 Astoria's district AOP, listing some examples of proposed sales that should be canceled for harvesting of older and complex stands.
- Phyllis Thompson provided written testimony ([attachment 38](#)) on the State Forests Annual Operations Plan (AOP) Process Overview topic. Commented on the 2021 AOP for Astoria and Tillamook districts, highlighting three observations of the plan. Urged the Department to manage forests more sustainably, while safeguarding the health and welfare for all.
- Campaign for Protect Jobs and Communities ([attachment 39](#)) on the State Forests Annual Operations Plan Process Overview topic. Encouraged sustainable forestry that manages state forests, protects jobs and provides revenue for businesses, as well as the State.

INFORMATION ONLY.

9. **FINANCIAL DASHBOARD PROJECTED DESIGN REVIEW AND UPDATE**

Item tabled and moved to July 22, 2020 Board of Forestry meeting agenda.

10. **HUMAN RESOURCE DASHBOARD**

[Listen to audio](#) MP3 - (21 minutes and 50 seconds – 4.99 MB)

Presentation ([attachment 40](#))

Bill Herber, Deputy of Administration, discussed the series of Administrative topics being presented to the Board, highlighted two new topics and their presenters, as well as provided an overview of the content that will be presented. He reviewed the purpose of these topics and explored the benefits and caveats of data-rich systems. He explained how the Department's data is siloed and housed in disparate systems, which has identified a need for modernization and further development as the organization matures. He framed the data as a tool that should be leveraged to help inform and provide trustworthy information as the organization, managers, and leadership makes informed decisions. Herber welcomed the Board to actively engage with the presenters by asking questions and to track any areas they would like to explore further to help with their understanding of the organization.

Tricia Kershaw, Human Resources Director, provided an overview of the [presentation](#) information collected for the calendar year 2019. She reviewed the headcounts for permanent, seasonal, temporary, and limited duration positions. She listed the number of employees eligible to retire, regionally, and by division, explaining how the postponement of succession planning has been delayed due to cost containment. Described how the Workday program was utilized to extract this data and highlighted some succession planning features available to personnel across the state. She reviewed the total number of recruitments, internally and externally. She listed the efforts being taken to evaluate, track, strategize, plan, and implement modern approaches for a more effective recruiting system to attain agency goals. Kershaw reviewed the diversity, equity, and inclusion (DEI) demographics, noting the majority of staff are male Caucasians, but the number of females is proportionate the number of males for recruitments. She reviewed the workforce safety data, from hour's works, number of injuries, and injury claim submission frequency.

Board commented on the Human Resource Dashboard presentation.

- Inquired about the amount of time Human Resources staff focuses on recruitment, rule regulation enforcement, safety, and employee development. Kershaw noted much of the HR focus has been on updating policies and improving recruitment outreach.
- Shared observations on presentation. Recommended to present data as trends overtime with averages, and in the context of the organization's goals. Suggested creating a retention chart measuring departures with the demographic group, and address any patterns that may arise.
- Inquired about whether the under-represented groups are being recruited and retained, are provided resources to be successful, and if these individuals separate from the organization to track the reasoning for departure. Kershaw explained the lifecycle of recruitment, stressed

the importance of integrating inclusion with the lifecycle, and listed outreach the organization is engaging in to improve recruitment and retention efforts.

Public Testimony: None

INFORMATION ONLY.

11. FACILITIES CONDITION AND CAPITAL MANAGEMENT PLAN
[Listen to audio](#) MP3 - (23 minutes and 43 seconds – 5.42 MB)
Presentation ([attachment 41](#))

Chris Stewart, Facilities Capital Management Program Manager, provided an overview of the [presentation](#) information collected and summarized the range of topics under the facility management program purview. He listed the facility portfolio stats and outlined the number of property items on record with the total current replacement value (CRV) of \$241 million. He noted the range of facilities with different occupancy levels, ages, conditions, types, and utility across the state. He reviewed the function, value, and applicability of a facility's performance metric. He explained how the facility condition needs index (FCI) metric is used for capital management improvement projects, funding proposals, budgeting, and measuring CRV. Stewart offered a facility condition projection example, which demonstrated the facility condition FCI's funding scenarios and trends for 2018. He explained the intent of the FCI metric, and how it helps leverage data to support a long-term strategic plan.

Stewart described how the facilities program developed a condition benchmark, strategic objectives, and an investment strategy to achieve program objectives. He addressed the pervasive issue of aging infrastructure, explained how this ties into deferred maintenance, and outlined the organization's solution currently being implemented to minimize backlog. He described the investment tool called the Facilities Operation and Capital Investment Account (FOCIA) by listing the tool's origin, intent, funding model, and benefits for the organization. He noted how the program has utilized the tool along with data-rich analyses to form long-term strategic capital planning, to contribute to an agency-wide strategic capital plan, and to design a pilot project plan implemented at the district level. He explained the pilot project objectives, project monitoring, process adjustments, and rental rate and interval refinement. Stewart strived for goals of good stewardship of buildings and infrastructure, implement best management practices, and sustain adequate funding. He closed by highlighting the policy option package (POP) 174 request to increase facilities program staff capacity and outlined the intent for this POP.

Board commented on the Facilities Condition and Capital Management Plan presentation.

- Remarked on the critical infrastructure issues in the northeast Oregon districts, and Stewart commented on the district's efforts to work through multiple spreadsheet iterations to refine and address the district's needs.

Public Testimony: None

INFORMATION ONLY.

12. PUBLIC INFORMATION REQUEST REPORT
[Listen to audio](#) MP3 - (15 minutes and 59 seconds – 3.65 MB)
Presentation ([attachment 42](#))

Joy Krawczyk, Public Affairs Program Manager, provided an overview of the [presentation](#) topics. She outlined the public services provided internally and externally, described the roles in the organization that directly work with the public, and listed the different types of services. She explained the goal of sharing information and engaging with the public is to build and maintain trust. She reviewed the role, composition, and function of the Public Affairs program.

Krawczyk defined a public information request, described the ways the public can request information, and explained how requests are fulfilled across the organization. She explained that the public information data presented is specific to the Public Affairs Program's work and does not include public information work conducted elsewhere in the agency. Additionally, she said the data provide is more response-based versus proactive information sharing. She listed the methods and number of public information responses fulfilled by the program for the calendar year 2019 and noted the workload percentage allocated per full-time employee varies.

Krawczyk explained the program administers the public record request system, manages all requests, and monitors request fulfillment. She reviewed the number of public record requests received in 2019. She provided examples of record requests to illustrate how the workload can vary depending on the scope of the request, records involved, age of records, and how the records are stored. She also explained how the majority of production fees are waived, but offered scenarios of when fees can be applied for the amount of time, coordination, and resources required to produce the request.

Board commented on the Public Information Request Report presentation.

- Inquired about the number of public record requests received in 2019. Krawczyk explained the organization's public record system has been in place since 2019, which makes it difficult to identify trends with a minimal amount of data tracked. She provided a brief comparison of the organization's number of requests with other state agencies and remarked that this organization is ranked closer to the lower end of record requests received.

Public Testimony: None

INFORMATION ONLY.

13. BOARD CLOSING COMMENTS AND MEETING WRAP UP
[Listen to audio](#) MP3 - (32 minutes and 25 seconds – 7.41 MB)

Board Chair, Tom Imeson, reviewed the agenda items in sequential order with Board members and Department staff, welcomed any closing comments or follow-ups on topic items. Comments were offered, and presented in the order discussed.

- Item two, the Board Chair commented on the uncertainty around the Department's budget, and understood that some actions items associated with the budget process may need to be revisited, based on the actions taken by the Governor's office and Legislature. He appreciated the comments submitted, points considered, and the situational awareness provided by the Department. State Forester Daugherty inquired whether the Board would like to submit a letter

to the Legislature about the fire protection budgets, and if so, this would require a Board action with clear direction on what points to include in the drafted letter. He suggested to draw from the points mentioned earlier by Board members, and offered an example. Chair Imeson outlined a potential motion, that the Board authorizes a letter to be sent on it's behalf on this topic should it be warranted. Members of the Board clarified that the letter would be a preemptive approach to address this issue collectively by the Board and in line with the Executive Branch. State Forester asked for a thumbs up by Board members who agreed to move forward on drafting a letter. Additional content for the letter was proposed, to outline the specific impacts to protection across the state if the approved budgets were reduced.

- Item three, the Board Chair mentioned there may be more development in July that would apply a new context for the approved POP's, but that the Board would have to wait and see.
- Item four, the Board Chair summarized the action made by the Board, and next steps for the Department and DOJ in responding to the proposed questions, expeditiously as possible.
- Item five, the Board Chair noted the forward motion of the temporary rulemaking request.
- Item six had no comments raised.
- Item seven, members of the Board raised issue with FTLAC testimony being presented, when FTLAC have elected to not meet and discuss the items before submitting testimony. Members of the Board concerned to hear that this is a standing issue, and inquired if Board Chair or State Forester can informally address with FTLAC. Other members of the Board noted the importance of ascertaining the facts; to respectfully request confirmation of: circulation before submission, testimony submission was on behalf of FTLAC, and formal decision reached by advisory committee members on the testimony submitted. Board Chair inferred this information may be determined before the record is closed for the June 3, 2020 Board meeting.
- Item eight, Board Chair stated no formal requests were made, but inquired from members of the Board on any follow-ups. Some members desired a clear and consistent way to receive a report of the Division's undertaking and progression through the AOP and IP process, as appropriate, as well as how the proposed plans are meeting the goals and key performance measures in the Forest Management Plan. Other members shared concern that this request infers planning and reporting to the Board which has historically applied constraints and inflexibility for the Department to do their work and make decisions, if not other unintended consequences. Cautioned against position-driven requests, and recommended to fellow members to be careful and clear with what the Board asks for from the Department. Another Board member noted that flexibility is built into the adaptive management plan, but lacks monitoring information that will help inform the Department on how to make any changes, and will ultimately inform the Board on whether the plan's goals are being met. Liz Dent, State Forests Division Chief, offered a brief background on the previous FMP endeavors, and raised three points for the Board to consider; 1) Department can address harvesting layered stands in the implementation plans, 2) Board to endorse the Division to stay focused on the work at hand to prepare and present HCP decision in October, and after October, 3) Board to direct Division to prepare a discussion on initiating a performance measure reporting process with the Board. Board members agreed with these points and concurred with Dent's recommendation to proceed with the HCP.
- Item 9 tabled to next Board of Forestry Meeting.
- Item 10 through 12, the Board Chair noted the poor pixilation of the graphics and tables included with the presentation for the Zoom medium. Recommended to review the slide deck and presentation template prior to a virtual meeting to ensure the prepared material translates

through this technology. Members of the Board appreciated the dashboards being developed and information provided. Additionally, the Board recognized the meeting organization and management efforts by Board Administrator, Hilary Olivos-Rood, and Public Affairs Specialist, Jason Cox.

14. *EXECUTIVE SESSION

Chair Imeson proceeded with the formal Executive Session announcement.

The Board of Forestry entered into Executive Session for the purpose of reviewing the State Forester's Annual Performance [ORS 192.660(2) (i)].

No decisions were made during Executive Session.

Information Only.

The Board exited the Executive Session, and Board Chair Imeson adjourned the public meeting at 6:14 p.m.

Respectfully submitted,
/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board

Agenda Item No.:	C
Work Plan:	Administrative
Topic:	Board Governance Performance Self-Evaluation
Presentation Title:	2020 Board Governance Performance Self-Evaluation
Date of Presentation:	July 22, 2020
Contact Information:	Sabrina Perez, Senior Strategy Manager (503) 945-7311 sabrina.perez@oregon.gov

SUMMARY

The Board of Forestry has completed its annual self-evaluation for 2020 using its adopted governance performance measure.

CONTEXT

The governance performance measure for state boards and commissions, “percent of total best practices met by the board” was enacted by the Oregon State Legislature and adopted by the Board in 2006. The measure includes fifteen standard best practices criteria tailored to meet the Board’s specific needs and interests. The Board added an additional criteria relating to public involvement and communications, and open-ended summary questions to the evaluation. The measure is included in the agency’s annual Key Performance Measures and has been conducted every year since 2008.

During the October 2019 annual planning workshop, the Board engaged in a collective self-evaluation reviewing the sixteen best-practices criteria and responses to the summary questions from the prior year’s evaluation. In discussion and in the evaluation forms, board members identified strengths, challenges and areas for future improvement of the Board’s governance and processes. The Board also sought interest in reviewing the evaluation criteria and the process was modified in 2020 to consider and approve any proposed changes before the evaluation was initiated.

Following the Board’s approval of the 2020 Board Governance Performance Measure Best Management Practices Self-Evaluation Criteria at the April meeting, Board members completed individual self-evaluations. A summary of the 2020 self-evaluation is attached. The Board is asked to consider the alternatives in their review of the evaluation and agree upon a rating for submission in our agency’s *Annual Performance Progress Report*. Further discussion on the Board’s annual performance review is also planned as an annual topic at the October planning retreat.

ANALYSIS

Six of the seven Board members completed the evaluation. Results of the evaluation suggests that Board members have a minor level of disagreement within the individual best-practices criteria. Therefore, the Board did not reach the Board’s performance measure target of 100% for 2020. The Board found common agreement in reaching 89% of their best-practices. Areas of concern included: currency and applicability of the agency’s mission and high-level goals as understood in the *Forestry Program for Oregon* and Forest Practices Act rules, review of the

agency's key policy-level communications, the Board's involvement in policy-making activities across the state including engagement in Board meetings held at different geographic locations around Oregon, the Board's current financial oversight model, coordination with other public agency or boards where responsibilities and interests overlap, and the Board's engagement in appropriate training sessions including workshops, symposia, and field tours.

ALTERNATIVES

There are two alternatives to be considered for the Board's completion of this year's self-evaluation process:

- 1) Approve the self-evaluation summary report as-is, agreeing to a performance rating of 89% in meeting best practices criteria, with further discussions to be held at the annual planning retreat.
- 2) Remove this item from the consent agenda and discuss the areas of concern prior to approving a performance rating. Results of this discussion could lead to the same approval and agreeing to the 89% rating as-is, or could lead to changes in their agreed-upon collective rating. Further discussion on the criteria will be held at the annual planning retreat.

RECOMMENDATION

The Department recommends the Board proceed with alternative one and approve the summary evaluation report as the conclusion of the 2020 self-evaluation process.

NEXT STEPS

The Board will further discuss this year's collective self-evaluation at the annual planning retreat in October 2020. Results of the collective self-evaluation will be included in the Department's *2020 Annual Performance Progress Report* submitted to the Department of Administrative Services and Legislative Fiscal Office.

ATTACHMENT

- (1) 2020 Summary of Best Practices Performance Evaluations (*Oregon Board of Forestry*)

**Oregon Board of Forestry
Governance Performance Measure
2020 Summary of Best Practices Performance Evaluations**

Performance Measure: Percent of total best practices met by the Board.

Target: 100%


Period: Annual




ODF Key Performance Measure: #2

Board Adopted: September 6, 2006

Summary of Individual Board Member Evaluations – July 22, 2020

Key: Within Each Criteria:





#’s
 = Board member tally count
 = range of ratings

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<p>1. Executive Director’s performance expectations are current. <i>The Board understands this to mean that the State Forester’s Position Description is current.</i> <u>Comments:</u> n/a</p>	2 	4	0	0
<p>2. Executive Director’s performance has been evaluated in the last year. <i>The Board understands this to mean that the State Forester’s Position Description is current and that the annual performance appraisal has been completed.</i> <u>Comments:</u></p> <ul style="list-style-type: none"> • There is a much more rigorous and frequent process in place now. 	2 	4	0	0
<p>3. The agency’s mission and high-level goals are current and applicable. <i>The Board understands this to mean that the Board’s <u>Forestry Program for Oregon</u> and Oregon Forest Practices Act/Rules are current.</i> <u>Comments:</u></p> <ul style="list-style-type: none"> • We’ve spent a fair bit of time considering these and settling on the current list of priorities. • But, we are working to review and update them. 	1 	3	2	0

**Oregon Board of Forestry
Governance Performance Measure
2020 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<p>4. The Board reviews the <i>Annual Performance Progress Report</i>. <i>The Board understands this to mean that the Board reviews the report annually as a meeting agenda item.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> I agree but think the structure and performance measures could be reviewed at the October Board retreat to ensure the report is current and relevant to the Board. 	1	5	0	0
←————→				
<p>5. The Board is appropriately involved in review of agency’s key communications. <i>The Board understands this to mean agency and Board communications at a policy level, versus a day-to-day operating level.</i></p> <p><u>Comments:</u> n/a</p>	0	5	1	0
←————→				
<p>6. The Board is appropriately involved in policy-making activities. <i>The Board understands this to mean those policy activities that particularly have a statewide perspective, including holding Board meetings at different geographic locations around the state.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> This may be more difficult due to Covid-19 issues. Agree about the statewide perspective. Disagree about any Board meetings happening outside of Salem. Did not happen in 2019. We have not met at geographic locations around the state. 	1	2	3	0
←————→				
<p>7. The agency’s policy option packages are aligned with their mission and goals. <i>The Board understands this to mean the packages included in the biennial budget process as part of the Agency Request Budget.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> To the extent that our mission and goals can be considered up to date. 	2	3	1	0
←————→				
<p>8. The Board reviews all proposed budgets. <i>The Board understands this to mean the Department of Forestry’s biennial budget at the Agency Request Budget level.</i></p>	2	4	0	0
←————→				

**Oregon Board of Forestry
Governance Performance Measure
2020 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<u>Comments:</u> n/a				
<p>9. The Board periodically reviews key financial information and audit findings. <i>The Board understands this to mean significant financial issues and as audits are released.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> I think the Board’s financial review of the financial information was not adequate in 2019 as evidenced by the Board lack of awareness of the cash problem that came to light and ended up in the media. I believe the Board needs to work with staff to create a new model of financial oversight. 	1	4 	1	0
<p>10. The Board is appropriately accounting for resources. <i>The Board understands this to mean critical issues relating to human, financial, material and facilities resources by providing oversight in these areas. This means that the Board receives briefings on such issues as succession management, vacancies, the budget, and financial effects of the fire program.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> Although we have not heard about succession management lately. 	0	6 	0	0
<p>11. The agency adheres to accounting rules and other relevant financial controls. <i>The Board understands this to mean the receipt of the annual statewide audit report from Secretary of State which highlights any variances in accounting rules or significant control weaknesses.</i></p> <p><u>Comments:</u> n/a</p>	1	5 	0	0
<p>12. Board members act in accordance with their roles as public representatives. <i>The Board understands this to mean that they follow public meeting rules, the standard of conduct for Board members, and the public input process. Members received</i></p>	0	6 	0	0

**Oregon Board of Forestry
Governance Performance Measure
2020 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<p><i>training and information from the Governor’s Office upon appointment.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> Board training is important and should be done more frequently. 				
<p>13. The Board coordinates with others where responsibilities and interests overlap. <i>The Board understands this to mean other public agencies and boards with statutory authority connections or overlaps, e.g. the Forest Trust Land Counties, the Oregon Environmental Quality Commission/Department of Environmental Quality; the Oregon Fish and Wildlife Commission/Department of Fish and Wildlife; the State Land Board; local fire districts; the United States Forest Service; the Bureau of Land Management..</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> Yes to some degree, but this could be much better coordinated. A stronger and more formal liaison relationship with the OR Fish and Wildlife Commission would be appropriate and likely would strengthen our efforts to establish good policy for managing Oregon’s forests. 	2 ←	3 ←————→	1 →	0
<p>14. The Board members identify and attend appropriate training sessions. <i>The Board understands this to mean the workshops, symposia, and field tours that accompany some Board meetings, and that the Board receives adequate technical information.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> This has occurred less frequently that I experienced earlier in my tenure on the Board. Recently, we have not regularly scheduled field tours. 	0	5 ←————→	1 →	0
<p>15. The Board reviews its management practices to ensure best practices are utilized. <i>The Board understands this to mean carrying out this self-evaluation on an annual basis, conducting the annual Board work plan status check, and by conducting the periodic scan of issues on a biennial basis.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> The Strategic Planning Retreat is essential to the development of an annual Board work plan. Staff support in following 	1 ←	5 ←————→	0	0

**Oregon Board of Forestry
Governance Performance Measure
2020 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
Board meetings has been very helpful in solidifying and understanding our plan of work.				
<i>Listed below is an additional best practice for the Board of Forestry; not included in calculating the percentage adherence to best practices.</i>				
<p>16. The Board values public input and transparency in conducting its work through outreach to and engagement of stakeholders and by using its work plan communication tools. The Board also values input and communications with its standing advisory committees, special ad hoc committees and panels and external committees with board interests.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> Recent limitations due to COVID-19 have constrained the ability of the public to provide input to the Board. 	<p>1</p>	<p>5</p>	<p>0</p>	<p>0</p>
Total Number (Criteria 1-15)	16	64	10	0
Percentage of Total in Each Evaluation Category (Criteria 1-15)	17.78%	71.11%	11.11%	0%
Percentage of Total in “Agree” and “Disagree” (Criteria 1-15)	89%		11%	

**Oregon Board of Forestry
Governance Performance Measure
2020 Summary of Best Practices Performance Evaluations**

Summary Questions for Consideration:

1. How is the Board doing?

- The Board's work has improved over the last year. Open communication will be critical as we address difficult issues.
- Improved functioning, communication and dynamics over the last several meetings.
- I serve on two boards and they could not be more different. My reaction to serving on the BOF is that the agency views the Board as a group that they have to work with rather than a group they want to work with.
- Much better after a tough year.
- Better in recent months than most of the last year. Tensions have reduced and a solid working relationship seems to have been restored.

2. What factors are affecting the Board's results?

- Broad range of significant and complex issues, typically considered in front of highly polarized stakeholders, with limited time.
- 1. Too much influence from outside polarized stakeholder groups, 2. Insufficient information from staff to make informed decisions, and 3. Insufficient collaboration with members of other boards grappling with many of the same questions.
- Limitations on face-to-face meetings are challenging, but the Zoom meeting went reasonably well. It will be interesting to see if that holds up with the next Board meeting when a full agenda is planned.

3. What needs to be done to improve future performance?

- On-boarding new member with specific policy issues along with their role as a Board member will be critical.
- Maybe things will change with a new Board Chair as Tom steps out and we see new members coming on.
- With a new Board Chair coming and three new members at the same time, I believe we need to do more to orient those new members beyond simply providing them orientation information to read. Informal meetings with the outgoing Chair and State Forester would be useful. For example, I was never made aware of the structure of communication the Chair had, and with whom, outside of Board meetings. It would be useful for the new Board members to know more about what the State Forester and key staff members do on a day-to-day basis. A better understanding of their challenges and stresses would have been helpful.

STAFF REPORT

Agenda Item No.:	D
Work Plan:	Private Forests
Topic:	Committee Appointment
Presentation Title:	Committee for Family Forestlands Appointment
Date of Presentation:	July 22, 2020
Contact Information:	Josh Barnard, Private Forests Deputy Chief 503-945-7493, Josh.W.Barnard@oregon.gov

SUMMARY

This agenda item includes an update on appointments and reappointments for members of the Committee for Forestlands (CFF). One member appointment, Mark Vroman, Forest Industry representative, is due to expire in 2020. Mark has agreed to be reappointed for a second term by the Oregon Board of Forestry (Board). The committee has received a nomination for Wendy Gerlach (Attachment 2) who is eager to become the citizen at large representative. There is one vacant position (landowner at large). Recruitment is currently underway for this vacancy.

CONTEXT

The CFF, a standing committee to the Board, provides advice to the Board and the State Forester on methods to help improve the vitality of family forestlands, including improving owners' ability to manage and market their timber and other forest products. The CFF continues to evaluate the impact of policy and regulatory changes on family forestland owners.

BACKGROUND AND ANALYSIS

CFF members serve three-year appointments that generally run from July through June (Attachment 1). There are seven voting members, including four family forestland owners, one forest industry representative, one conservation community representative, and one citizen-at-large. The CFF currently has six ex-officio members representing Oregon State University College of Forestry, the State Forester, Oregon Forest Resources Institute, public land managers, logging/forestry consulting interests and small forestland owner groups.

RECOMMENDATION

The Department recommends the appointment of Wendy Gerlach (Attachment 2) as the citizen at large category representative. The Department also recommends reappointing Mark Vroman as the Forest Industry category representative of the CFF.

ATTACHMENTS

- (1) Proposed CFF Voting Members Appointment Schedule
- (2) CFF New Member Nomination Biography

Proposed Committee for Family Forestlands Voting Members Appointment Schedule

July 22, 2020

Proposed schedule for CFF members' appointments / reappointments. New Voting Members, Chair and Vice Chair to be appointed by the Board of Forestry.

Voting Member	Appointed	2021	2022	2023
Citizen at Large Wendy Gerlach	2020			June 30
Conservation Community Kaola Swanson (Vice Chair)	2019		June 30	
Forest Industry Mark Vroman	2017			X June 30
Southern Oregon Area (Chair) Evan Barnes	2015	X June 30		
Landowner at Large				
Eastern Oregon Area John Peel	2015	X June 30		
Northwest Oregon Area Barrett Brown	2019		June 30	

X = have or will have served two terms, not eligible for reappointment, and a new member must be nominated.

Biography for Wendy Gerlach

Wendy Gerlach is Senior Conservation Project Manager with Pacific Forest Trust. Her past experience includes forest-based conservation finance and nonprofits advising, as well as many years as a corporate lawyer advising on finance and business issues. In that capacity, she worked with firms such as Thede, Culpepper in Portland, Novartis Pharmaceuticals AG in Switzerland, Ernst & Young affiliate ATAG AG in Switzerland, and Ropes & Gray in Boston. She is a graduate of Princeton University and the University of Washington, School of Law, and is a board member of Columbia Land Trust and Oregon League of Conservation Voters. Wendy's interest in forests ranges from her early experiences studying botany to research on the relationship of forests to public welfare and recreation, to pharmaceutical licensing of forest compounds, to recreational time spent in the forests of Oregon. As a 5th generation Oregonian, she has a deep connection to the state and commitment to its welfare.

Agenda Item No.:	E
Work Plan:	Private Forests
Topic:	Wildlife Food Plot Rule Making
Presentation Title:	Rules for Wildlife Food Plots –Rule language for Adoption
Date of Presentation:	July 22, 2020
Contact Information:	Nathan Agalzoff, Incentives Field Coordinator 503-945-7349, Nathan.V.Agalzoff@oregon.gov Josh Barnard, Deputy Chief, Private Forests Division 503-

SUMMARY

As directed by the legislature and the Board of Forestry, the Department developed rules to implement Oregon Revised Statute (ORS) 527.678 “wildlife food plots”.

In January 2020, the Board of Forestry approved the Department to initiate the public comment period and formal rulemaking process. The purpose of this consent agenda item is to notify the Board that this process is complete, and to provide the Board with a copy of the proposed final rules for adoption.

CONTEXT

HB 3013 was introduced in the 2015 legislative session and became Wildlife Food Plots (ORS 527.678), the statute was effective January 1, 2016. The statute language identified wildlife food plots as an approved activity under the Forest Practices Act (FPA) and contained much of the framework for defining the scope and eligibility. Wildlife food plot means a small area of forestland that, instead of being used for growing and harvesting a forest tree species, is planted in vegetation capable of substantially contributing to wildlife nutrition (ORS 527.678(1)(c)). Small forestland is defined in this statute as ownerships greater than ten acres and less than 5,000 acres. For these ownerships, there is a sliding scale for the amount of acreage that can be utilized as food plots based on ownership acreage ranges as follows:

Oregon Forestland Ownership Acres	Percent of Ownership	Maximum Combined Acres
10 to 500	2.5%	.25 to 12.5
501 to 1,000	2%	10 to 20
1,001 to 5,000	1%	10 to 50

BACKGROUND AND ANALYSIS

The Department developed interim guidance in 2016. To date, there have been three landowner applications and one which has qualified and implemented this activity.

The statute also required consultation with the Oregon Department of Fish and Wildlife (ODFW) during rule development. Staff have consulted with ODFW about the process, goals, and outcomes for the rule making as described in statute. The Department, in preparation for developing new rules, identified the Committee for Family Forestlands (CFF) as the advisory committee for this rulemaking. Staff have presented information to the CFF to familiarize them

with the enabling statutes and gathered input on the draft rules. Similar outreach has been conducted with the Tribal Cultural Resources Cluster and the three Regional Forest Practices Committees (RFPCs).

An accounting of the Department's outreach efforts and completed actions in accordance with the Administrative Procedures Act, including input received during the public comment period and public hearing, are reflected in the Report on Rulemaking Hearings for Wildlife Food Plot Rules (Attachment 1). Input received from the CFF and State Agencies have been consolidated in the Summary of Input Received: Agencies and Advisory Committee (Attachment 2), and are reflected in the Proposed Final Rule Language (Attachment 3).

RECOMMENDATION

The Department recommends that the Board approve and adopt the Proposed Final Rule Language as submitted (Attachment 3).

NEXT STEPS

- (1) If approved, rules become effective September 1, 2020.
- (2) Guidance drafted by field support staff.

ATTACHMENTS

- (1) Report on Rulemaking Hearings for Wildlife Food Plot Rules
- (2) Summary of Input Received: Agencies and Advisory Committee
- (3) Proposed Final Rule Language

Report to Board of Forestry On Rulemaking Hearings for Proposed Wildlife Food Plot Rules

Date: July 22, 2020
To: Chair Imeson, State Board of Forestry
From: Nate Agalzoff, Incentives Field Coordinator, Private Forests Division
Subject: Wildlife Food Plot Rulemaking, Public Outreach, and Hearings

This hearings report contains a summary of agency outreach conducted to generate engagement in the public process and a summary of oral comments received. Submitted written comments were accepted up until 5:00 PM on May 1, 2020.

To collect oral testimony, a Tribal Communications Meeting and a Public Hearing were held the last week of April 2020. Both of these rulemaking programs were hosted virtually and had a nearly identical format and content. In each case, the program was scheduled to start at 6:00 PM, beginning with in an information session, followed by an official hearing and opportunity to provide comments. Attendees were provided an outline for the program and instructions on how to participate. In addition, an announcement was made at the start of the hearing that notified attendees the program was being recorded.

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Outreach

A host of outreach methods was used to garner public response for providing written comments and participating in meetings and hearings. An accounting of the different methods utilized are listed below:

Mandatory Notification to Legislators ¹	1
Mandatory Notification to Interested Parties ²	1
Tribal outreach (through Natural Resource and Cultural Resource clusters, emails, meetings)	7
Tribal Invitations (9 Tribes) to Tribal Communication Meeting	1
News Release	1
Information posted to ODF website	1
Regional Forest Practice Committee Meetings	6
Committee for Family Forestlands Meetings	5
Tribal Communication Meeting – April 2020	1
Public Hearing – April 2020	1

General Observations

- Interest from the landowner community has been supportive.
- There were **no** comments received, oral or written during rulemaking.
- Each of the three Regional Forest Practices Committees were in support of the proposed rule language for Wildlife Food Plots put forth by the Department

¹ As described in OAR 629-001-0000

² As described in OAR 629-001-0000

Program 1: Tribal Communications Meeting

April 28, 2020, Hosted Virtually

Hearing Officer – Greg Wagenblast, Civil Penalties Administrator, Private Forests Division, ODF

Hearing Secretary – Nate Agalzoff, Incentives Field Coordinator, Private Forests Division, ODF

At 6:00 PM the program began with a short informational presentation provided by Mr. Agalzoff. The second half of the program was facilitated by Mr. Wagenblast and was focused on receiving comments on the proposed rule language for Wildlife Food Plots. The program was adjourned at approximately 6:30 PM.

Excluding agency staff present, the program began with 2 individuals in attendance with only 1 remaining for the entire program. This individual thanked staff for the information, and declined the opportunity to provide comment.

Tribal Comments Received: None.

Program 2: Public Hearing

April 30, 2020, Hosted Virtually

Hearing Officer – Greg Wagenblast, Civil Penalties Administrator, Private Forests Division, ODF

Hearing Secretary – Nate Agalzoff, Incentives Field Coordinator, Private Forests Division, ODF

At 6:00 PM the program began. There were no members of the public present for the duration of the program. In accordance with the Administrative Procedures Act and OAR 137-001-0030 ODF staff remained available to receive any comments or host interested public until the advertised end time of 7:00 PM.

Public Comments Received: None.

Summary of Written Comments Received

The public, as well as the tribal community, had opportunity to submit written comments via mail, fax, or a dedicated email address. There were **no** written comments received during the public comment period.

Appendix 1 – Notice of Proposed Rulemaking and Fiscal Impact

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE
JEFF MORGAN
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR
800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

**NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

CHAPTER 629
DEPARTMENT OF FORESTRY

FILED

03/31/2020 5:24 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rule making for Wildlife Food Plots

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/01/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Nathan Agalzoff
503-945-7349
nathan.v.agalzoff@oregon.gov

OREGON DEPARTMENT OF
FORESTRY
2600 STATE ST BLDG D
SALEM, OR 97310

Filed By:
Hilary Olivos-Rood
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/30/2020

TIME: 6:00 PM - 7:00 PM

OFFICER: ODF Private Forests

Representative

ADDRESS: Zoom Teleconference

Hosted by Oregon Department

Forestry

2600 State St

Salem, OR 97310

SPECIAL INSTRUCTIONS:

Join Zoom Teleconference by,

Link:

<https://odf.zoom.us/j/550855006>

or Dial-in using one of the two
numbers:

1-346-248-7799

1-669-900-6833

*Note, long distance charges may
apply.

Meeting ID: 550 855 006

Appendix 1 – Notice of Proposed Rulemaking and Fiscal Impact (cont.)

NEED FOR THE RULE(S):

ORS 527.678 requires the State Board of Forestry to adopt rules for implementation and that the board consult with the Oregon Department of Fish and Wildlife (ODFW). The associated administrative rules reflect the input received from ODFW and the advisory committee.

ORS 527.678 became effective on January 1, 2016. At which point the Oregon Department of Forestry developed interim guidance to implement ORS 527.678 for interested landowners. This rule language establishes a more permanent means to implement the section.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 527.678 provides the statutory authority for the State Board of Forestry to promulgate administrative rules on the enrollment of the 2015 Oregon Legislature House Bill 3013, and supplemental staff report documents from the Oregon Department of Forestry (ODF) are located on the Department's website.
<https://www.oregon.gov/odf/AboutODF/Pages/ProposedLawsRules.aspx>

FISCAL AND ECONOMIC IMPACT:

The Oregon Department of Forestry (ODF) anticipates that the proposed rule changes would have minimal to no negative fiscal impact. This determination has been based largely on the fact that the proposed rules would not impose any mandatory or additional requirements on forest landowners. Rather, the proposed rules provide an additional, non-timber, management option for landowners who so choose.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Food plot establishment is a small forestland owner's personal management choice, this addition to the Oregon Forest Practices Act has generated minimal amounts of interest and participation since the 2016 effective date.

(1) These rule additions will have no substantial fiscal or economic effect on the Oregon Department of Forestry (ODF), state and local government agencies or the public. ODF estimates that the implementation of these rule modifications will not significantly increase the amount of time agency staff and resources are spent on reviews and consultations.

There should be no additional cost of compliance for other state agencies, units of local government or the public.

(2) (a) There are approximately 68,000 family forestland owners (small businesses), who own between 10 and 5000 acres in the state. These non-industrial ownerships are estimated at 3.6 million acres. There are approximately 1,500 small businesses associated with forestry, logging, wood product supply and forestry support activities that may be subject to these rule changes; however, identifying small businesses that may indirectly benefit from these rule changes is difficult.

(b) Reporting, record-keeping and other administrative activities (including professional services) required for compliance with these revised rules are expected to increase slightly. This rule making effort will slightly add administrative activities associated reforestation compliance, and tracking the the Department of Forestry notification system (FERNS).

(c) There may be a small increase for administration related to compliance. This would generally be in the form of more

Appendix 1 – Notice of Proposed Rulemaking and Fiscal Impact (cont.)

frequent inspections, consultation with subject matter experts and Oregon Department of Fish and Wildlife (ODFW).

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses associated with forestry, wildlife, and sportsmen are represented on the rule making advisory committee assigned to this rule making effort.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

629-600-0100, 629-605-0100, 629-605-0140, 629-605-0173, 629-610-0100

AMEND: 629-600-0100

RULE SUMMARY: Added 5 new definitions in this section that are used in the new 629-610-0100-Exemption from Reforestation for Wildlife Food Plots.

These new terms are: Forage, Small Forestland, Target Wildlife, Wildlife Food Plot, and Wildlife Guild.

Summary of Input Received: Agencies and Advisory Committee

ORS 527.678 Wildlife food plots required ODF to consult with Oregon Department of Fish and Wildlife in identifying vegetation that would contribute to wildlife nutrition. Below is a summary of input from ODFW, along with other significant input received from Department of Justice (DOJ) and Department of Revenue (DOR).

Oregon Department of Fish and Wildlife (ODFW)

- The objective should be to establish openings that are characterized by high quality early-seral habitats. Plant diversity leads to wildlife diversity because diversity provides many different habitat opportunities for wildlife.
- Preferred food plants to be established should emphasize native and/or non-invasive species, as much as possible.
 - Grasses - redtop, vernalgrass, orchardgrass, California danthonia, windseed sedge, bluebunch wheatgrass, mountain brome, smooth brome, elk sedge, wildrye, idaho fescue, timothy, bluegrass, needlegrass, rough fescue
 - Forbs and legumes – balsamroot, bluebells, burnet, hawkweed, twinflower, trefoils, fireweed, catsear, common cowparsnip, Oregon oxalis, vetch, pearly everlasting, sticky geranium, clover, arrowleaf groundsel, yellow salisfy, wyethia, common beargrass.
 - Shrubs – vine maple, Douglas hawthorn, serviceberry, ceonothus, wild rose, chokecherry, ninebark, mock orange, currant, buckbrush, huckleberry, cherry, thimbleberry, salmonberry, snowberry, elderberry, red-osier dogwood, bitterbrush, buckbrush, willow, trailing blackberry
- Retain several dead or defective standing trees per acre for perching, nesting, and insect-feeding wildlife. Where feasible, maintain large-diameter hollow trees and tall, newly dead snags. Where safety concerns/regulations prevent snag maintenance or where snag numbers are below desired levels, create snags from green trees and retain high-cut stumps.
- Maintain downed wood, especially large logs.
- The opening size for a food plot should be 1-5 acres. This opening size could be perhaps up to 10% of the total ownership.
- Forage areas should be maintained to provide 50-100% herbaceous vegetation (grasses, forbs, legumes) and/or shrubs less than seven feet tall.
- A healthy mixture of grasses, forbs, and shrubs can be maintained by periodic (10-15 years) mowing, burning, and grazing.
- Control key invasive plants.

Department of Justice (DOJ)

- Suggested minor re-wording within the draft rules to better articulate the intent, and responsibilities of the landowner and Department.

The statutory framework for establishing wildlife food plots directs the Board to adopt rules, but is silent on the mechanism for State Forester approval.

- The Plan for Alternate Practice (PFAP) was identified to be the most appropriate mechanism to approve and implement the Wildlife Food Plot rules. This approach also received support from the Regional Forest Practice Committees.
- The current FPA rules allow ODF to approve a PFAP, specifically Oregon Administrative Rule 629-605-0100(2)(c) allows ODF to approve a plan for an alternate practice that will improve wildlife *habitat*, as long as ODF consults with the Oregon Department of Fish and Wildlife (ODFW).
- In keeping within the scope of the statute (ORS 527.678), rule language should remain focused on providing *forage and nutritional benefit*, and should not be extended to other wildlife enhancements or contributions to overall habitat.
 - This approach is most consistent with “...providing overall maintenance of forest resources...” as described in ORS 527.710.

The proposed final rule language reflects these inputs in the reforestation rules. Rule language identifies Wildlife Food Plots as an activity that would require landowners to submit a PFAP as the mechanism for establishing and administering wildlife food plots. Additionally, proposed final rule language creates alignment with the duties and powers of the Board of Forestry described in ORS 527.710(2).

Department of Revenue (DOR)

- Under Oregon tax law (ORS 321.257 (2)), forestland tax status is granted only for parcels for which the predominant use is growing and harvesting of forest trees. State tax law does allow for some non-stocked areas on parcels under forestland taxation.
- DOR provides some general supervision to county assessors, but it is the assessors who determine the appropriate forestland designations in their counties. Statute and rule direct the assessors to use the stocking standards in ODF’s forest practice rules as a standard for determining if specific parcels would qualify for forestland tax status.
- The purpose of the reforestation rules is to ensure the timely replacement of forest trees after harvest, considering landowner objectives and consistent with the sound management of timber and other forest resources. Therefore, the establishment and maintenance of limited food plots in lieu of replanting forest trees would fit within the rules.

The proposed final rule language, in combination with the statute, identify wildlife food plots as a forest practice, occurring on forestland, and are an acceptable management alternative in meeting stocking requirements in the reforestation rules. Creating a linkage to ORS 527.710 supports the concept that providing for the overall maintenance of resources (e.g., wildlife) is consistent with ensuring the growing and harvesting of forest tree species.

Committee for Family Forestlands (CFF)-- Advisory Committee

The Committee for Family Forestlands, as a standing committee recommending actions to the Board of Forestry, was identified as an ideal advisory committee for the rulemaking process. The composition of CFF provides representation of the landowner community, stakeholders, and conservation groups that are most likely to be interested or affected by the proposed rules. The following is a summary of comments and recommendations provided by the committee:

- The focus of the rule language should include functional groupings or guilds as targets instead of focusing on single species or group of species. Some of these could include large browsing animals (deer and elk), game birds (grouse, turkeys), general bird species, small mammals, and pollinators, among others.
- Pond creation is a land change at a degree that hampers future potential reforestation. Food plots are a means to exempt small areas from reforestation for a period of time, not a permanent change to the land parcel.
- Providing an appropriate food source is important and general guidance will be established with consultation with ODFW. There should not be species introduced that are or could become invasive, and native species should be encouraged. Some landowners may desire to utilize non-native species mixes for certain species guilds.
- In situations where ODF may not be able to provide the needed technical expertise, cooperation with partners, along with ODFW and Oregon State University (OSU), could provide this level of service. Site preparation could look similar to agricultural site preparation. This level of work may largely depend on the desired outcome and target species.
- Social issues (e.g., neighbor relations) which could result from secondary effects such as additional browse pressure from animals attracted by the food plot, predator impacts considered both positive and negative, utilizing the plot as a hunting ground, and changes to the forest structure.
- There are concerns from various groups (including Tribal) that a food plot could alter predator-prey levels in the vicinity of a food plot and may create neighbor tension or social issues.
- The statute identifies food plots as a forest practice. There is concern that this could provide a loop hole to the reforestation requirement. This risk would be an unlikely scenario however if the plot is required to be either maintained or to be reforested.
- Wildlife food plot creation, movement, or removal will require notification to the Department. This is currently accomplished through FERNS.
- The monitoring of establishment and maintenance of a food plot could become burdensome for ODF staff.
- Food plots do not fall in line with our traditional cost-share programs. There may be some opportunities to incentivize the implementation of this program.
- There is no additional tax incentive, such as the ODFW Wildlife Conservation Management Program.

- Individual land owners could already create food plots. By maintaining a higher stocking on the rest of the stand they can have gaps and openings based on the stand total/average stocking levels and still meet the FPA requirements.
- A streamlined process is suggested for small land owners who would be creating very small food plots. This could be in the form of a blanket approval, photo monitoring to free up some staff pressures, and other alternatives.

When the rulemaking process was initiated and the notice was filed to Secretary of State, the CFF had the opportunity to review and provide feedback on the draft rule language along with the fiscal impact statement. The committee approved and supported the documents as presented at the time.

Rule Text Showing Proposed Revisions

Example: ~~Deleted Language~~ Added Language

Division 600 DEFINITIONS

629-600-0050

Forest Practice Rules

OAR chapter 629, divisions 600 through 680 are known as the forest practice rules.

629-600-0100

Definitions

As used in OAR chapter 629, divisions 605 through 669 and divisions 680 through 699, unless otherwise required by context:

- (1) "**Abandoned resource site**" means a resource site that the State Forester determines is not active.
- (2) "**Active resource site**" means a resource site that the State Forester determines has been used in the recent past by a listed species. 'Recent past' shall be identified for each species in administrative rule. Resource sites that are lost or rendered not viable by natural causes are not considered active.
- (3) "**Active roads**" are roads currently being used or maintained for the purpose of removing commercial forest products.
- (4) "**Aquatic area**" means the wetted area of streams, lakes and wetlands up to the high water level. Oxbows and side channels are included if they are part of the flow channel or contain fresh water ponds.
- (5) "**Artificial reforestation**" means restocking a site by planting trees or through the manual or mechanical distribution of seeds.
- (6) "**Basal area**" means the area of the cross-section of a tree stem derived from DBH.
- (7) "**Basal area credit**" means the credit given towards meeting the live tree requirements within riparian management areas for placing material such as logs, rocks or rootwads in a stream, or conducting other enhancement activities such as side channel creation or grazing enclosures.
- (8) "**Bog**" means a wetland that is characterized by the formation of peat soils and that supports specialized plant communities. A bog is a hydrologically closed system without flowing water. It is usually saturated, relatively acidic, and dominated by ground mosses, especially sphagnum. A bog may be forested or non-forested and is distinguished from a swamp and a marsh by the dominance of mosses and the presence of extensive peat deposits.
- (9) "**Bull Trout**" means fish species *Salvelinus confluentus*.
- (10) "**Channel**" is a distinct bed or banks scoured by water which serves to confine water and that periodically or continually contains flowing water.

- (11) "**Chemicals**" means and includes all classes of pesticides, such as herbicides, insecticides, rodenticides, fungicides, plant defoliants, plant desiccants, and plant regulators, as defined in ORS 634.006(8); fertilizers, as defined in 633.311; petroleum products used as carriers; and chemical application adjuvants, such as surfactants, drift control additives, anti-foam agents, wetting agents, and spreading agents.
- (12) "**Commercial**" means of or pertaining to the exchange or buying and selling of commodities or services. This includes any activity undertaken with the intent of generating income or profit; any activity in which a landowner, operator or timber owner receives payment from a purchaser of forest products; any activity in which an operator or timber owner receives payment or barter from a landowner for services that require notification under OAR 629-605-0140; or any activity in which the landowner, operator, or timber owner barter or exchanges forest products for goods or services. This does not include firewood cutting or timber milling for personal use.
- (13) "**Completion of the operation**" means harvest activities have been completed to the extent that the operation area will not be further disturbed by those activities.
- (14) "**Conflict**" means resource site abandonment or reduced resource site productivity that the State Forester determines is a result of forest practices.
- (15) "**Debris torrent-prone streams**" are designated by the State Forester to include channels and confining slopes that drain watersheds containing high landslide hazard locations that are of sufficient confinement and channel gradient to allow shallow, rapid landslide movement.
- (16) "**Department**" means the Oregon Department of Forestry.
- (17) "**Diameter breast height (DBH)**" means the diameter of a tree inclusive of the bark measured four and one-half feet above the ground on the uphill side of the tree.
- (18) "**Domestic water use**" means the use of water for human consumption and other household human use.
- (19) "**Dying or recently dead tree**" means a tree with less than ten percent live crown or a standing tree which is dead, but has a sound root system and has not lost its small limbs. Needles or leaves may still be attached to the tree.
- (20) "**Estuary**" means a body of water semi-enclosed by land and connected with the open ocean within which saltwater is usually diluted by freshwater derived from the land. "Estuary" includes all estuarine waters, tidelands, tidal marshes, and submerged lands extending upstream to the head of tidewater. However, the Columbia River Estuary extends to the western edge of Puget Island.
- (21) "**Exposure categories**" are used to designate the likelihood of persons being present in structures or on public roads during periods when shallow, rapidly moving landslides may occur.
- (22) "**Filling**" means the deposit by artificial means of any materials, organic or inorganic.
- (23) "**Fish use**" means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts.

- (24) **"Fledging tree"** means a tree or trees close to the nest which the State Forester determines are regularly used by young birds to develop flying skills.
- (25) "Forage" means the plant species or other source of food that will be provided to substantially contribute, either directly or indirectly, to nutrition of the target wildlife species or guild.**
- ~~(25)~~**(26) "Forestland"** means land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.
- ~~(26)~~**(27) "Forest practice"** means any operation conducted on or pertaining to forestland, including but not limited to:
- (a) Reforestation of forestland;
 - (b) Road construction and maintenance;
 - (c) Harvesting of forest tree species;
 - (d) Application of chemicals;
 - (e) Disposal of slash; and
 - (f) Removal of woody biomass.
- ~~(27)~~**(28) "Forest tree species"** means any tree species capable of producing logs, fiber or other wood materials suitable for the production of lumber, sheeting, pulp, firewood or other commercial forest products except trees grown to be Christmas trees as defined in ORS 571.505 on land used solely for the production of Christmas trees.
- ~~(28)~~**(29) "Free to grow"** means the State Forester's determination that a tree or a stand of well distributed trees, of acceptable species and good form, has a high probability of remaining or becoming vigorous, healthy, and dominant over undesired competing vegetation. For the purpose of this definition, trees are considered well distributed if 80 percent or more of the portion of the operation area subject to the reforestation requirements of the rules contains at least the minimum per acre tree stocking required by the rules for the site and not more than ten percent contains less than one-half of the minimum per acre tree stocking required by the rules for the site.
- ~~(29)~~**(30) "Further review area"** means an area of land that may be subject to rapidly moving landslides as mapped by the State Department of Geology and Mineral Industries or as otherwise determined by the State Forester.
- ~~(30)~~**(31) "Geographic region"** means large areas where similar combinations of climate, geomorphology, and potential natural vegetation occur, established for the purposes of implementing the water protection rules.
- ~~(31)~~**(32) "Harvest type 1"** means an operation that requires reforestation but does not require wildlife leave trees. A harvest type 1 is an operation that leaves a combined stocking level of free to grow seedlings, saplings, poles and larger trees that is less than the stocking level established by rule of the board that represents adequate utilization of the productivity of the site.

~~(3233)~~ **"Harvest type 2"** means an operation that requires wildlife leave trees but does not require reforestation. A harvest type 2 does not require reforestation because it has an adequate combined stocking of free to grow seedlings, saplings, poles and larger trees, but leaves:

- (a) On Cubic Foot Site Class I, II or III, fewer than 50 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre;
- (b) On Cubic Foot Site Class IV or V, fewer than 30 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre; or
- (c) On Cubic Foot Site Class VI, fewer than 15 11-inch DBH trees or less than an equivalent basal area in larger trees, per acre.

~~(3334)~~ **"Harvest type 3"** means an operation that requires reforestation and requires wildlife leave trees. This represents a level of stocking below which the size of operations is limited under ORS 527.740 and 527.750.

~~(3435)~~ **"High landslide hazard location"** means a specific site that is subject to initiation of a shallow, rapidly moving landslide. The following criteria shall be used to identify high landslide hazard locations:

- (a) The presence, as measured on site, of any slope in western Oregon (excluding competent rock outcrops) steeper than 80 percent, except in the Tye Core Area, where it is any slope steeper than 75 percent; or
- (b) The presence, as measured on site, of any headwall or draw in western Oregon steeper than 70 percent, except in the Tye Core Area, where it is any headwall or draw steeper than 65 percent.
- (c) Notwithstanding the slopes specified in (a) or (b) above, field identification of atypical conditions by a geotechnical specialist may be used to develop site specific slope steepness thresholds for any part of the state where the hazard is equivalent to (a) or (b) above. The final determination of equivalent hazard shall be made by the State Forester.

~~(3536)~~ **"High water level"** means the stage reached during the average annual high flow. The "high water level" often corresponds with the edge of streamside terraces, a change in vegetation, or a change in soil or litter characteristics.

~~(3637)~~ **"Hydrologic function"** means soil, stream, wetland and riparian area properties related to the storage, timing, distribution, and circulation of water.

~~(3738)~~ **"Important springs"** are springs in arid parts of eastern Oregon that have established wetland vegetation, flow year round in most years, are used by a concentration of diverse animal species, and by reason of sparse occurrence have a major influence on the distribution and abundance of upland species.

~~(3839)~~ **"Inactive roads"** are roads used for forest management purposes exclusive of removing commercial forest products.

~~(3940)~~ **"Key components"** means the attributes which are essential to maintain the use and productivity of a resource site over time. The key components vary by species and resource site. Examples include fledging trees or perching trees.

- (4041) "**Lake**" means a body of year-round standing open water.
- (a) For the purposes of the forest practice rules, lakes include:
- (A) The water itself, including any vegetation, aquatic life, or habitats therein; and
- (B) Beds, banks or wetlands below the high water level which may contain water, whether or not water is actually present.
- (b) "Lakes" do not include water developments as defined in section (9093) of this rule.
- (4142) "**Landslide mitigation**" means actions taken to reduce potential landslide velocity or re-direct shallow, rapidly moving landslides near structures and roads so risk to persons is reduced.
- (4243) "**Landowner**" means any individual, combination of individuals, partnership, corporation or association of whatever nature that holds an ownership interest in forestland, including the state and any political subdivision thereof.
- (4344) "**Large lake**" means a lake greater than eight acres in size.
- (4445) "**Large wood key piece**" means a portion of a bole of a tree, with or without the rootwad attached, that is wholly or partially within the stream, that meets the length and diameter standards appropriate to stream size and high water volumes established in the "Guide to Placement of Wood, Boulders and Gravel for Habitat Restoration," developed by the Oregon Department of Forestry, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, and Oregon Watershed Enhancement Board, January 2010.
- (4546) "**Live tree**" means a tree that has 10 percent or greater live crown.
- (4647) "**Local population**" means the number of birds that live within a geographical area that is identified by the State Forester. For example: the area may be defined by physical boundaries, such as a drainage or subbasin.
- (4748) "**Main channel**" means a channel that has flowing water when average flows occur.
- (4849) "**Natural barrier to fish use**" is a natural feature such as a waterfall, increase in stream gradient, channel constriction, or other natural channel blockage that prevents upstream fish passage.
- (4950) "**Natural reforestation**" means restocking a site with self-grown trees resulting from self-seeding or vegetative means.
- (5051) "**Nest tree**" means the tree, snag, or other structure that contains a bird nest.
- (5152) "**Nesting territory**" means an area identified by the State Forester that contains, or historically contained, one or more nests of a mated pair of birds.
- (5253) "**Operation**" means any commercial activity relating to the establishment, management or harvest of forest tree species except as provided by the following:
- (a) The establishment, management or harvest of Christmas trees, as defined in ORS 571.505, on land used solely for the production of Christmas trees.
- (b) The establishment, management or harvest of hardwood timber, including but not limited to hybrid cottonwood that is:
- (A) Grown on land that has been prepared by intensive cultivation methods and that is cleared of competing vegetation for at least three years after tree planting;

- (B) Of a species marketable as fiber for inclusion in the furnish for manufacturing paper products;
 - (C) Harvested on a rotation cycle that is 12 or fewer years after planting; and
 - (D) Subject to intensive agricultural practices such as fertilization, cultivation, irrigation, insect control and disease control.
- (c) The establishment, management or harvest of trees actively farmed or cultured for the production of agricultural tree crops, including nuts, fruits, seeds and nursery stock.
 - (d) The establishment, management or harvest of ornamental, street or park trees within an urbanized area, as that term is defined in ORS 221.010.
 - (e) The management or harvest of juniper species conducted in a unit of less than 120 contiguous acres within a single ownership.
 - (f) The establishment or management of trees intended to mitigate the effects of agricultural practices on the environment or fish and wildlife resources, such as trees that are established or managed for windbreaks, riparian filters or shade strips immediately adjacent to actively farmed lands.
 - (g) The development of an approved land use change after timber harvest activities have been completed and land use conversion activities have commenced.
- (~~53~~54) "**Operator**" means any person, including a landowner or timber owner, who conducts an operation.
- (~~54~~55) "**Other wetland**" means a wetland that is not a significant wetland or stream-associated wetland.
- (~~55~~56) "**Perch tree**" means a tree identified by the State Forester which is used by a bird for resting, marking its territory, or as an approach to its nest.
- (~~56~~57) "**Plan for an Alternate Practice**" means a document prepared by the landowner, operator or timber owner, submitted to the State Forester for written approval describing practices different than those prescribed in statute or administrative rule.
- (~~57~~58) "**Relief culvert**" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in volume and velocity.
- (~~58~~59) "**Removal**" means the taking or movement of any amount of rock, gravel, sand, silt, or other inorganic substances.
- (~~59~~60) "**Replacement tree**" means a tree or snag within the nesting territory of a bird that is identified by the State Forester as being suitable to replace the nest tree or perch tree when these trees become unusable.
- (~~60~~61) "**Resource site**" is defined for the purposes of protection and for the purposes of requesting a hearing.
- (a) For the purposes of protection:
 - (A) For threatened and endangered bird species, "resource site" is the nest tree and all identified key components.
 - (B) For sensitive bird nesting, roosting and watering sites, "resource site" is the nest tree, roost tree or mineral watering place, and all identified key components.

- (C) For significant wetlands "resource site" is the wetland and the riparian management area as identified by the State Forester.
- (b) For the purposes of requesting a hearing under ORS 527.670(4) and 527.700(3), "resource site" is defined in OAR 629-680-0020.
- ~~(6162)~~ **"Riparian area"** means the ground along a water of the state where the vegetation and microclimate are influenced by year-round or seasonal water, associated high water tables, and soils which exhibit some wetness characteristics.
- ~~(6263)~~ **"Riparian management area"** means an area along each side of specified waters of the state within which vegetation retention and special management practices are required for the protection of water quality, hydrologic functions, and fish and wildlife habitat.
- ~~(6364)~~ **"Salmon"** means any of the five salmon species that exist in Oregon. These species are:
- (a) Chinook salmon (*Oncorhynchus tshawytscha*);
 - (b) Coho salmon (*Oncorhynchus kisutch*);
 - (c) Chum salmon (*Oncorhynchus keta*);
 - (d) Sockeye salmon (*Oncorhynchus nerka*); and
 - (e) Pink salmon (*Oncorhynchus gorbuscha*).
- ~~(6465)~~ **"Saplings and poles"** means live trees of acceptable species, of good form and vigor, with a DBH of one to 10 inches.
- ~~(6566)~~ **"Seedlings"** means live trees of acceptable species of good form and vigor less than one inch in DBH.
- ~~(6667)~~ **"Shallow, rapidly moving landslide"** means any detached mass of soil, rock, or debris that begins as a relatively small landslide on steep slopes and grows to a sufficient size to cause damage as it moves down a slope or a stream channel at a velocity difficult for people to outrun or escape.
- ~~(6768)~~ **"Side channel"** means a channel other than a main channel of a stream that only has flowing water when high water level occurs.
- ~~(6869)~~ **"SSBT use"** means a stream with salmon, steelhead or bull trout present or otherwise used by salmon, steelhead, or bull trout at any time of the year as determined by the State Forester.
- ~~(6970)~~ **"Significant wetlands"** means those wetland types listed in OAR 629-680-0310, that require site specific protection, as follows:
- (a) Wetlands that are larger than eight acres;
 - (b) Estuaries;
 - (c) Bogs; and
 - (d) Important springs in eastern Oregon.
- (71) "Small forestland" for the purpose of implementing a wildlife food plot means forestland as defined in ORS 527.620 that:**
- (a) Has an owner that owns or holds common ownership interest in at least 10 acres of Oregon forestland but less than 5,000 acres of Oregon forestland; and**

(b) Constitutes all forestland within a single tax lot and all forestland within contiguous parcels owned or held in common ownership by the owner.

(~~70~~72) "**Snag**" means a tree which is dead but still standing, and that has lost its leaves or needles and its small limbs.

(~~71~~73) "**Sound snag**" means a snag that retains some intact bark or limb stubs.

(~~72~~74) "**State Forester**" means the State Forester or the duly authorized representative of the State Forester.

(~~73~~75) "**Steelhead**" means the anadromous life history variant of *Oncorhynchus mykiss*.

(~~74~~76) "**Stream**" means a channel, such as a river or creek, which carries flowing surface water during some portion of the year.

(a) For the purposes of the forest practice rules, streams include:

(A) The water itself, including any vegetation, aquatic life, or habitats therein;

(B) Beds and banks below the high water level which may contain water, whether or not water is actually present;

(C) The area between the high water level of connected side channels;

(D) Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and

(E) Stream-associated wetlands.

(b) "Streams" do not include:

(A) Ephemeral overland flow (such flow does not have a channel); or

(B) Road drainage systems or water developments as defined in section (~~90~~93) of this rule.

(~~75~~77) "**Stream-associated wetland**" means a wetland that is not classified as significant and that is next to a stream.

(~~76~~78) "**Structural exception**" means the State Forester determines that no actions are required to protect the resource site. The entire resource site may be eliminated.

(~~77~~79) "**Structural protection**" means the State Forester determines that actions are required to protect the resource site. Examples include retaining the nest tree or perch tree.

(80) "Target wildlife" means a wildlife species or wildlife guild expected to benefit from the installation of a wildlife food plot.

(~~78~~81) "**Temporal exception**" means the State Forester determines that no actions are required to prevent disturbance to birds during the critical period of use.

(~~79~~82) "**Temporal protection**" means the State Forester determines that actions are required to prevent disturbance to birds during the critical period of use.

(~~80~~83) "**Timber owner**" means any individual, combination of individuals, partnership, corporation or association of whatever nature, other than a landowner, that holds an ownership interest in any forest tree species on forestland.

(~~81~~84) "**Tree leaning over the channel**" means a tree within a riparian management area if a portion of its bole crosses the vertical projection of the high water level of a stream.

- (~~8285~~) "**Tyee Core Area**" means a location with geologic conditions including thick sandstone beds with few fractures. These sandstones weather rapidly and concentrate water in shallow soils creating a higher shallow, rapidly moving landslide hazard. The Tyee Core area is located within coastal watersheds from the Siuslaw watershed south to and including the Coquille watershed, and that portion of the Umpqua watershed north of Highway 42 and west of Interstate 5. Within these boundaries, locations where bedrock is highly fractured or not of sedimentary origin as determined in the field by a geotechnical specialist are not subject to the Tyee Core area slope steepness thresholds.
- (~~8386~~) "**Type D stream**" means a stream that has domestic water use, but no fish use.
- (~~8487~~) "**Type F stream**" means a stream with fish use, or both fish use and domestic water use.
- (~~8588~~) "**Type N stream**" means a stream with neither fish use nor domestic water use.
- (~~8689~~) "**Type SSBT stream**" means a small or medium stream that is classified as a Type F stream and that has SSBT use. Stream sizes are determined by the State Forester as described in OAR 629-635-0200(15)
- (~~8790~~) "**Unit**" means an operation area submitted on a notification of operation that is identified on a map and that has a single continuous boundary. Unit is used to determine compliance with ORS 527.676 (down log, snag and green live tree retention), 527.740 and 527.750 (harvest type 3 size limitation), and other forest practice rules.
- (~~8891~~) "**Vacated roads**" are roads that have been made impassable and are no longer to be used for forest management purposes or commercial forest harvesting activities.
- (~~8992~~) "**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation and duff so that it does not gain the volume and velocity which causes soil movement or erosion.
- (~~9093~~) "**Water development**" means water bodies developed for human purposes that are not part of a stream such as waste treatment lagoons, reservoirs for industrial use, drainage ditches, irrigation ditches, farm ponds, stock ponds, settling ponds, gravel ponds, cooling ponds, log ponds, pump chances, or heli-ponds that are maintained for the intended use by human activity.
- (~~9194~~) "**Waters of the state**" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, wetlands, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.
- (~~9295~~) "**Wetland**" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas. Wetlands do not include water developments as defined in section (~~9093~~) of this rule.

(96) “Wildlife food plot” means a small forestland area that, instead of being used for growing and harvesting of forest tree species, is planted in vegetation or has vegetation capable of substantially contributing to wildlife nutrition.

(97) “Wildlife guild” means a grouping of wildlife that has similar characteristics and fulfills similar ecological roles in the environment.

(9398) “Wildlife leave trees” means trees or snags required to be retained as described in ORS 527.676(1).

(9499) "Written plan" means a document prepared by an operator, timber owner or landowner that describes how the operation is planned to be conducted.

Division 605
PLANNING FOREST OPERATIONS

629-605-0100 Compliance

(1) The operator, landowner, or timber owner shall comply with the practices described in the forest practice statutes and rules unless approval has been obtained from the State Forester for a plan for an alternate practice which is designed to result in the same effect or to meet the same purpose or provide equal or better results as those practices described in statute or administrative rule.

(2) The State Forester may approve a plan for an alternate practice to waive or modify forest practice rules when:

(a) The State Forester determines that a federal or state agency, a college or university, or a private landowner has submitted an application to the State Forester for a bona fide research project involving activities not in accordance with the rules; or

(b) The State Forester determines that waiving or modifying a specific practice will result in less environmental damage than if the practice is applied; or

(c) After consulting with the Department of Fish and Wildlife or other responsible coordinating state agency, the State Forester determines that waiving or modifying a specific practice will improve soil, water quality, fish habitat, or wildlife habitat; or

(d) The State Forester determines that the alternate practice is necessary to provide for public safety or to accomplish a land use change.

(e) The State Forester determines that the alternate practice is necessary to establish a wildlife food plot, while providing overall maintenance of forest resources as described in ORS 527.710.

(3) When the State Forester's approval does not follow the written recommendations of the Department of Fish and Wildlife or other responsible coordinating state agency, the State Forester shall maintain a written explanation of the reasons for approving the alternate practices.

(4) The State Forester may approve a plan for an alternate practice to waive or modify rules for resource sites identified in OAR 629-680-0100 (Threatened or Endangered Fish and Wildlife Species), 629-680-0200 (Sensitive Bird Nesting, Roosting and Watering Sites), 629-680-0300 (Significant Wetlands), or 629-680-0400 (Biological Sites) when:

(a) The county has an adopted program under OAR 660-016-0005 and 660-016-0010 that has evaluated the resource sites; and

(b) Applying the forest practice rules for the identified resource sites would regulate or prevent operations, or uses, allowed under the acknowledged county comprehensive plan.

629-605-0140 Notification to the State Forester — Types of Operations

Under the provisions of ORS 527.670:

- (1) Notification to the State Forester shall be given for the following types of operations:
 - (a) Harvesting of forest tree species including, but not limited to, felling, bucking, yarding, decking, loading or hauling.
 - (b) Construction, reconstruction and improvement of roads, including reconstruction or replacement of crossing structures on any streams.
 - (c) Site preparation for reforestation involving clearing or the use of heavy machinery.
 - (d) Application of chemicals.
 - (e) Clearing forestland for conversion to any non-forest use.
 - (f) Disposal or treatment of slash.
 - (g) Pre-commercial thinning.
 - (h) Cutting of firewood, when the firewood will be sold or used for barter.
 - (i) Surface mining.
 - (j) Establishing and ending the use of wildlife food plots.**

629-605-0173 Plans for an Alternate Practice

- (1) Operators must obtain written approval of a plan for an alternate practice from the State Forester before conducting forest practices utilizing protection standards or methods different than those specified in rule or statute.
- (2) Plans for an alternate practice must include sufficient information to allow the State Forester to assess the plan to determine that the practices described in the plan will yield results consistent with ORS 527.610 to 527.770 and administrative rules adopted thereunder.
- (3) Plans for alternate practices proposed as part of a written plan required by ORS 527.670(3) shall be subject to the hearings provisions of 527.700(3) (Appeals from orders of State Forester hearings procedure; stay of operation); and shall be subject to the provisions of 527.670(10), (11) and (12) (Commencement of operations; when notice and written plan required; appeal of plan) prescribing certain waiting periods and procedures.
- (4) An operator must comply with all provisions of an approved plan for an alternate practice.
- (5) The following rules require an operator to submit a plan for an alternate practice and obtain approval from the State Forester of the plan before starting the specified practice or operation:
 - (a) 629-605-0100(2)(a) — Waiving or modifying the rules or statutes for a bona fide research project conducted by a federal or state agency, a college or university, or a private landowner;
 - (b) 629-605-0100(2)(b) — Waiving or modifying a specific practice when doing so will result in less environmental damage than if the practice is applied;
 - (c) 629-605-0100(2)(c) — Waiving or modifying a specific practice when doing so will improve soil, water quality, fish habitat, or wildlife habitat;
 - (d) 629-605-0100(2)(d) — Waiving or modifying rules to provide for public safety or to accomplish a land use change;

- (e) 629-605-0100(4) — Waiving or modifying rules for resource sites when a county has an adopted program under OAR 660-016-0005 and OAR 660-016-0010 that has evaluated the resource sites;
- (f) 629-605-0173(1) — Conducting forest practices utilizing protection standards or methods different than those specified in rule or statute;
- (g) 629-605-0175(2) — Conducting operations that result in a single harvest type 3 unit, or combinations of harvest type 3 units, that exceed the contiguous 120 acre limit on a single ownership;
- (h) 629-605-0175(7) — Waiving the harvest type 3 acreage limitations for conversions or disasters described in ORS 527.740(4);
- (i) 629-605-0180(3) — Describing reasonable measures to resolve conflicts between an operation and protection of a resource site requiring a written plan under OAR 629-605-0170(1)(b) or (d);
- (j) 629-605-0500 — Modifying the protection requirements for streams, lakes, wetlands and riparian management areas for reasons of forest health or because of hazards to public safety or property;
- (k) 629-610-0020(3) — Waiving or modifying the reforestation requirements following a stand improvement operation where the residual stand conditions will result in enhanced long-term tree growth;
- (l) 629-610-0020(10) — Modifying or waiving reforestation stocking levels if the purposes of the reforestation rules will be achieved or for a research project conducted by a public agency or educational institution;
- (m) 629-610-0030(3) — Utilizing natural reforestation methods when an operation results in a reforestation requirement;
- (n) 629-610-0040(3) — Extending the time allowed for reforestation when natural reforestation methods are utilized;
- (o) 629-610-0050(2) — Counting hardwoods to meet more than 20% of the applicable stocking standards when an operation results in a reforestation requirement;
- (p) 629-610-0060(1) — Counting non-native tree species to meet the applicable stocking standards when an operation results in a reforestation requirement;
- (q) 629-610-0070(1) — Suspending the reforestation rules for the salvage or conversion of low value forest stands when participating in a forest incentive program;
- (r) 629-610-0090(1) — Exempting the reforestation requirements for the purpose of developing forestland for a use that is not compatible with the maintenance of forest tree cover;
- (s) 629-610-0100(5) — Waiving or modifying the reforestation requirements for the purposes of establishing a wildlife food plot.**

- (~~st~~) 629-615-0300(5) — Modifying the protection requirements for riparian areas, aquatic areas and wetlands when the need for prescribed burning outweighs the benefits of protecting components required to be left;
- (~~tu~~) 629-620-0400(7)(d) — Modifying the protection requirements for aerial application of fungicides or nonbiological insecticides;
- (~~uv~~) 629-625-0320(3) — Modifying the culvert sizing requirements of 629-625-320(2)(a) to reduce the height of fills where roads cross wide flood plains;
- (~~vw~~) 629-642-0100(13) — Modifying the vegetation retention requirements in the riparian management area along a Type F stream to allow the removal of roadside trees which pose a safety hazard;
- (~~wx~~) 629-642-0105(15) — Modifying the vegetation retention requirements in the riparian management area along a Type SSBT stream to allow the removal of roadside trees which pose a safety hazard;
- (~~xy~~) 629-642-0400(14) — Modifying the vegetation retention requirements in the riparian management area along a Type D or Type N stream to allow the removal of roadside trees which pose a safety hazard;
- (~~yz~~) 629-642-0500(4) — Placing wood in a Type F or Type SSBT stream or conducting other activities to meet the same purpose as leaving green trees and snags along small Type N streams subject to rapidly moving landslides.
- (~~zaa~~) 629-642-0700(1)(a) — Utilizing site specific vegetation retention prescriptions for streams and riparian management areas;
- (~~aa**bb**~~) 629-645-0020(1) — Utilizing site specific vegetation retention prescriptions for significant wetlands;
- (~~b**cc**~~) 629-645-0050(3) — Modifying the vegetation retention requirements for significant wetlands for reasons of forest health;
- (~~ee**dd**~~) 629-650-0040(3) — Modifying the vegetation retention requirements for lakes for reasons of forest health;
- (~~dee~~) 629-665-0020(1)(b)(C) — Structural or temporal exceptions when proposed forest practices conflict with a resource site;
- (~~ee**ff**~~) 629-665-0110(3) — Structural replacement of an osprey site;
- (~~ff**gg**~~) 629-665-0110(4) — Temporal exceptions near an osprey site;
- (~~gg**hh**~~) 629-665-0120(3) — Structural exceptions of a great blue heron site;
- (~~hh**ii**~~) 629-665-0120(5) — Temporal exceptions near a great blue heron site.

Division 610
FOREST PRACTICES REFORESTATION RULES

629-610-0100

Exemption from Reforestation for Wildlife Food Plots

- (1) A landowner may utilize a portion of their property for the establishment of one or more wildlife food plots. The establishment of wildlife food plots in lieu of reforestation is an allowable forest operation under ORS 527.678. The purpose of this rule is to allow landowners to establish or increase the area of food or forage available to wildlife, and to exempt a percentage of their property from reforestation requirements following timber harvest.**
- (2) Wildlife food plots are considered forestland as defined in ORS 527.620. Wildlife food plots provide an intended benefit to the landowner, and additional benefits to the State through providing or enhancing food resources for wildlife.**
- (3) A landowner is eligible to utilize wildlife food plots as a management choice on their property if:**
 - (a) The ownership size in Oregon is greater than 10 acres but less than 5,000 acres;**
 - (b) The area to be used for a wildlife food plot must currently be in a forest use;**
 - and**
 - (c) The wildlife food plot area would otherwise be subject to the reforestation rules described in OAR 629-610-0000.**
- (4) Based on the area of small forestland ownership, the combined size of wildlife food plots shall not exceed:**
 - (a) 2.5 percent of the small forestland, if the small forestland is 500 acres or less in size (combined size of wildlife food plots equals 0.25 to 12.5 acres); or**
 - (b) 2.0 percent of the small forestland, if the small forestland is more than 500 acres but not more than 1,000 acres in size (combined size of wildlife food plots equals 10 to 20 acres); or**
 - (c) 1.0 percent of the small forestland, if the small forestland is over 1,000 acres but less than 5,000 acres in size (combined size of wildlife food plots equals 10 to 50 acres).**
- (5) To establish and maintain a wildlife food plot in lieu of reforestation, a landowner shall:**
 - (a) Provide notification to the State Forester per OAR 629-605-0140 through 0150.**
 - (b) Create a plan for alternate practice that includes the following:**
 - (A) Landowner contact information;**
 - (B) The acreage of the small forestland where the wildlife food plot is desired;**

- (C) A map showing location and acreage of proposed and existing wildlife food plots; and
- (D) A narrative that describes the target wildlife, the forage expected to substantially contribute to the nutritional requirements of the target wildlife species or guild, the activities required to maintain the wildlife food plot, and a timeline of planned establishment and maintenance activities.
- (E) A strategy for the monitoring and management of plant and animal species that may prevent the establishment of the target forage species.

(c) Provide the plan for alternate practice to the State Forester for approval, and as a mechanism for tracking compliance with the wildlife food plot rules. The State Forester shall provide feedback on the plan, and may consult with the Oregon Department of Fish and Wildlife or other agencies as appropriate.

(d) Establish the wildlife food plot in a manner consistent with the desired outcomes for the plot, as described in the plan for alternate practice. Establishment activities must include the creation of forage for the target wildlife species or guild. In addition, wildlife food plot establishment may also incorporate cover, nesting habitat, or resting habitat for the target wildlife species or guild.

(e) Establish the wildlife food plot through the use of habitat manipulation, planting of forage, or a combination of techniques for the target wildlife species or guild. Habitat manipulation and planting of forage includes, but is not limited to, complete or partial removal of trees and other vegetation, tillage of soil, planting or seeding of forage vegetation of sufficient nutrition for the target wildlife species or guild, or other practices needed for maintenance of the plot to promote a specific seral stage of vegetation.

(f) Make reasonable progress towards establishing the wildlife food plot, as determined by the State Forester, within 12 months of completion of the harvest operation that requires reforestation.

(g) Fully establish the wildlife food plot within 24 months of completion of the harvest operation that requires reforestation.

(h) Ensure the forage vegetation chosen is supported by the environment in which it is being established. Not all vegetation is suitable to be used in the variety of forest soils and land types that occur in Oregon. Designation of specific seed mixes or plant species is beyond the scope of these rules. However, the landowner shall:

(A) Source plants and seed to avoid introduction of invasive species to forestlands. This includes, but is not limited to, the introduction of invasive plant, insect, or disease species through the movement of live plant material, seed, or soil.

(B) Ensure vegetation chosen for establishment is not on the Oregon Department of Agriculture's noxious weed list.

(i) Maintain the wildlife food plot in accordance with the plan for alternate practice.

(j) Provide documentation to the State Forester of activities conducted to establish and maintain the wildlife food plot. This documentation shall be provided upon full establishment of the wildlife food plot, and upon request by the State Forester thereafter. Documentation may include, but is not limited to, receipts for work completed and photographs of the wildlife food plot showing that it is in the intended state per the plan for alternate practice. The landowner may also request the State Forester conduct an inspection of the wildlife food plot.

(6) If the State Forester determines that the landowner has not maintained the wildlife food plot in its intended state per the plan for alternate practice, the reforestation rules as otherwise required in OAR 629, division 610, become applicable and the landowner shall be required to reforest the wildlife food plot.

(7) To end the use of a wildlife food plot, a landowner shall:

(a) Provide notification to the State Forester per OAR 629-605-0140 through 0150.

(b) Reforest the wildlife food plot in accordance with the reforestation rules, as described in OAR 629, division 610.

(8) The landowner shall follow the requirements as outlined in sections 5 and 7 of this rule in order to relocate the wildlife food plot, modify the wildlife food plot size, change the target wildlife species or guild, or end the use of a wildlife food plot.

Agenda Item No.:	F
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Department of Forestry and Department of Environmental Quality Collaboration - Siskiyou Streamside Protections Project
Date of Presentation:	July 22, 2020
Contact Information:	Kyle Abraham, Chief, Private Forests Division, 503-945-7482, Kyle.Abraham@Oregon.gov Jennifer Wigal, Deputy Water Quality Administrator Oregon Department of Environmental Quality

SUMMARY

The Department of Forestry and the Department of Environmental Quality (DEQ) are using a collaborative effort working toward better understanding and alignment of their respective water quality programs. This agenda item is informational only.

CONTEXT

The Board of Forestry's 2011 *Forestry Program for Oregon* supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices designed to ensure that forest operations would meet state water quality standards adopted under the federal Clean Water Act. Similarly, the discussion of Goal D recognizes that the FPA is designed to protect soil and water resources, including aquatic and wildlife habitat (Objective D.6). The Board of Forestry's guiding principles and philosophies includes a commitment to continuous learning, evaluating, and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

BACKGROUND AND ANALYSIS

The Board of Forestry (Board) directed the Department to conduct a review of streamside protections on small and medium fish-bearing streams in the Siskiyou region focusing on stream temperature, shade, and riparian desired future conditions, starting with a literature review. In addition, the Board requested the Department to work closely with DEQ on the relationship of Total Maximum Daily Loads (TMDLs) and how the information and analysis can be used in determining the sufficiency of forest practice rules.

With support from a facilitator, ODF and DEQ have embarked on an interagency collaboration with the objective of aligning water quality efforts and processes to meet water quality goals. As part of this effort, the agencies have agreed to develop mutually-acceptable processes between DEQ and ODF to:

- a) Come to a common understanding of ODF and DEQ policy and legal frameworks and how they advance the mission and vision;
- b) Assess the adequacy of Forest Practices Act rules and other measures in particular basins or subbasins where water quality standards are not met, and where a Total Maximum Daily Load has been adopted or is being developed;
- c) Develop or update load allocations for forestlands and identify conditions necessary to achieve water quality standards, along with similar allocations to other designated management agencies, for those basins or subbasins; and
- d) Capture the work completed in the previous bullets in a signed interagency Memorandum of Understanding.

We have formed an interagency group of technical specialists to refine the analysis conducted for the Siskiyou streamside protections review, review load allocations for private forestlands, and develop a framework for using TMDL information to inform future ODF sufficiency reviews of FPA rules.

The Oregon Department of Justice is working on a memo to clarify the departments' respective policy and legal frameworks. We anticipate bringing this to the Board for a discussion at a later point.

As a reminder, in February 2020, a governor-convened group of environmental and forest industry stakeholders signed a Memorandum of Understanding (MOU) to collaborate on potential changes to Oregon forest policy on private lands. Part of this MOU and resulting legislation requested the legislature to extend the Salmon, Steelhead, and Bull Trout (SSBT) rules to the Siskiyou. The legislature did not vote on the associated legislative proposal during the 2020 legislative session. In June, the signators of the MOU requested the Board pass a temporary rule extending the SSBT rules to the Siskiyou and to suspend the Siskiyou streamside protections review. The Board passed these requests at their June meeting. For our collaboration efforts, this decision shifts the work from planning for a July 2020 Board meeting on FPA sufficiency to working on a bigger picture of forest practices and connection to TMDLs. Our project team is currently working to adapt to this shift.

It is anticipated that development of an interagency MOU will be the last phase of our collaboration.

RECOMMENDATION

This agenda item is informational only.

NEXT STEPS

The department will provide approximately quarterly updates on this interagency effort.

Agenda Item No.:	G
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Permanent Rulemaking for Salmon, Steelhead, and Bull Trout Streams in Siskiyou Region
Date of Presentation:	July 22, 2020
Contact Information:	Kyle Abraham, Private Forests Division Chief 503-945-7482 Kyle.Abraham@oregon.gov

SUMMARY

This agenda item outlines direction from the 2020 1st Special Session of the Legislature through Senate Bill (SB) 1602 to create new rules within the Oregon Forest Practices Act. The legislation directed the Board of Forestry (Board) to adopt rules to make the 2017 board rules regarding salmon, steelhead, and bull trout applicable for the Siskiyou Georegion. These rules shall be effective January 1, 2021. The specific rule discussed here would enact stream protections on small and medium fish bearing streams in the Siskiyou georegion consistent with stream protection rules on salmon, steelhead, and bull trout streams already in effect in the rest of western Oregon.

CONTEXT

The Board’s 2011 *Forestry Program for Oregon* states that the Board supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices to ensure forest operations are conducted to meet state water quality standards adopted under the federal Clean Water Act. The Board’s guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

The Board’s 2011 *Forestry Program for Oregon* also recognizes the dynamic nature of Oregon's forests, which are diverse, dynamic, and resilient ecosystems at a landscape scale (Value Statement 2). The Board supports actively managing these forests to maintain forest health, to conserve native plant and animal species, and to produce the products and benefits people value (Value Statement 4).

BACKGROUND

In February 2020, representatives of the forest industry and representatives of environmental interests announced their collaboration by reaching agreement on a memorandum of understanding (MOU). The MOU outlined several key elements for a collaborative approach to forest management decisions in Oregon. One of these elements was to enact legislation that would extend current rules for salmon, steelhead, and bull trout

streams to the Siskiyou Georegion. To support the MOU, the Board initiated a rulemaking process to adopt temporary rules for salmon, steelhead, and bull trout streams in the Siskiyou Georegion during their June meeting. SB1602 was passed shortly thereafter during the 2020 legislative 1st special session directing the Board to make permanent rules regarding salmon, steelhead and bull trout applicable to the Siskiyou Georegion.

ANALYSIS

Based on the Board's decision in June to move forward with the temporary rule adoption process the Department has begun working to develop a regulatory stream layer for the Siskiyou region and planning for education and outreach within the region. The Department has also been working through the administrative process to file temporary rules with the Secretary of State's office. With the passage of SB 1602, which directs the Board to adopt permanent rules to make the 2017 rules regarding salmon, steelhead, and bull trout streams applicable to the Siskiyou Georegion, the Department will stop work on filing temporary rules, but will continue work on developing the regulatory stream layer and education and outreach to meet the permanent rule effective date of January 1, 2021.

The Board's rulemaking authority under Oregon Revised Statute (ORS) 527.714 consists generally of three types of rules: a) Rules adopted to implement administration, procedures, or enforcement of ORS 527.610 to ORS 527.770 that support but do not directly regulate standards of forest practices. b) Rules adopted to provide definitions or procedures for forest practices where the standards are set in statute. c) Rules adopted to implement provisions of ORS 527.710 (2), (3), (6), (8), (9), and (10) that grant broad discretion to the board and that set standards for forest practices not specifically addressed in statute. The permanent rulemaking through SB 1602 falls under category ORS 527.714 (1) (b) where the rules are adopted to provide procedures where standards are set in statute. With this determination, many of the elements of ORS 527.714 do not apply such as determination of a degradation of resources (ORS 527.714 (5) (a)) and comprehensive economic analysis (ORS 527.714 (7)). The permanent rulemaking will need to follow requirements outlined in ORS 183, the Administrative Procedures Act (APA).

RECOMMENDATION

- (1) The Department recommends the Board direct the Department to stop the Siskiyou salmon, steelhead and bull trout temporary rule making process.
- (2) The Department recommends the Board determine the permanent rulemaking occur under ORS 527.714 (1) (b).
- (3) The Department recommends the Board direct the Department to adopt permanent rules for salmon, steelhead and bull trout streams in the Siskiyou Georegion.

NEXT STEPS

Depending upon Board direction, the department will stop the temporary rule making effort and begin the permanent rulemaking process. This permanent rulemaking process will include following the requirements outlined in the APA.

A regulatory stream layer and an outreach and training plan will continue to be worked on over the next few months and likely the Department will begin an outreach and training program in early Fall.

The Department anticipates bringing final rule language for permanent rules for salmon, steelhead, and bull trout streams back to the Board for final approval at the November meeting, with the rules effective on January 1, 2021.

ATTACHMENTS

- (1) Draft rule language for addition of Siskiyou Geographic Region for Type SSBT Protection.

Draft Rule Language, Addition of the Siskiyou Geographic Region for Type SSBT protection.

629-642-0105 (2) The vegetation retention requirements for Type SSBT streams apply to harvest type 2 or harvest type 3 units in the following Geographic Regions as described in OAR 629-635-0220: Coast Range, South Coast, Interior, ~~and~~ Western Cascades, and Siskiyou. Use rules in OAR 629-642-0100 for Type 1 harvests along SSBT streams.

Table 5. Type SSBT Prescription 2. Vegetation Prescription for Type SSBT Streams: Streamside Tree Retention for Harvest Type 2 or Type 3 Units (OAR 629-642-0105(11))

	BASAL AREA TARGET: Square feet of basal area per each 500-foot stream segment, each side of the stream (any combination of conifers and hardwoods 6 inches or greater DBH)		LIVE CONIFER TREES (8 inches or greater DBH) per each 500-foot stream segment, each side of the stream	
Geographic Region	Medium Type SSBT RMA = 80 feet	Small Type SSBT RMA = 60 feet	Medium Type SSBT RMA = 80 feet	Small Type SSBT RMA = 60 feet
Coast Range, South Coast, Interior, Western Cascades, <u>and Siskiyou</u>	0 to 20 feet = Retain all trees. Trees in this area do not count toward meeting the basal area or live conifer tree requirements in this table.			
	20 to 50 feet: minimum 18 sq. ft.	20 to 40 feet: minimum 10 sq. ft.	20 to 50 feet: minimum 7 trees	20 to 40 feet: minimum 4 trees
	50 to 80 feet: minimum 18 sq. ft.	40 to 60 feet: minimum 10 sq. ft.	50 to 80 feet: minimum 7 trees	40 to 60 feet: minimum 4 trees
	RMA Total (20 to 80 feet) = 69 sq. ft.	RMA Total (20 to 60 feet) = 37 sq. ft.	RMA Total (20 to 80 feet) = 15 trees	RMA Total (20 to 60 feet) = 8 trees
Notes for Table 5				
1. Distances are measured from the high water level of the Type SSBT stream.				
2. Up to 10% of the basal area requirement may be comprised of sound conifer snags six inches or greater DBH and at least 30 feet tall.				

Table 6. Type SSBT Relief Prescription 2. Vegetation Retention for Type SSBT Streams: Streamside Tree Retention for Harvest Type 2 or Type 3 Units (OAR 629-642-0110)

	BASAL AREA TARGET: Square feet of basal area per each 500-foot stream segment, each side of the stream (any combination of conifers and hardwoods 6 inches or greater DBH)		LIVE CONIFER TREES (8 inches or greater DBH) per each 500-foot stream segment, each side of the stream	
Geographic Region	Medium Type SSBT RMA = 70 feet	Small Type SSBT RMA = 50 feet	Medium Type SSBT RMA = 70 feet	Small Type SSBT RMA = 50 feet
Coast Range, South Coast, Interior, Western Cascades, <u>and</u> <u>Siskiyou</u>	0 to 20 feet = Retain all trees. Trees in this area do not count toward meeting the basal area or live conifer tree requirements in this table.			
	20 to 45 feet: minimum 15 sq. ft.	20 to 35 feet: minimum 7 sq. ft.	20 to 45 feet: minimum 6 trees	20 to 35 feet: minimum 3 trees
	45 to 70 feet: minimum 15 sq. ft.	35 to 50 feet: minimum 7 sq. ft.	45 to 70 feet: minimum 6 trees	35 to 50 feet: minimum 3 trees
	RMA Total (20 to 70 feet) = 58 sq. ft.	RMA Total (20 to 50 feet) = 28 sq. ft.	RMA Total (20 to 70 feet) = 13 trees	RMA Total (20 to 50 Feet) = 6 trees
<p>Notes for Table 6</p> <ol style="list-style-type: none"> Distances are measured from the high water level of the Type SSBT stream. Up to 10% of the basal area requirement may be comprised of sound conifer snags six inches or greater DBH and at least 30 feet tall. 				

State Forester and Board Member Comments

Agenda Item No.:	2
Work Plan:	Administrative
Topic:	Agency Budget Development and Request
Presentation Title:	2021-2023 Agency Budget Request
Date of Presentation:	July 22, 2020
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, bill.herber@oregon.gov James Short, Assistant Deputy Director for Administration (503) 945-7275 james.short@oregon.gov

SUMMARY

Department seeking approval of the 2021-2023 Agency Request Budget (ARB) and concurrence on a conceptual letter of transmittal from the Board.

BACKGROUND AND ANALYSIS

Strategic thinking and planning drives the Board and agency’s budget development process. The strategic framework within which legislative concepts and budget development and implementation occur includes:

- The missions and statutory policy, responsibilities and obligations of the Board, the State Forester, and the Department;
- The Board and Department strategic planning efforts;
- The Department’s core operational and support functions, which represent the essence of the agency and our fundamental “reason for being” as an organization; and
- The Department’s biennial budget guiding principles which are used by agency staff in building the budget itself.

The budget development process is then structured around the following elements:

- Instruction and direction from the Governor’s office and the Department of Administrative Services;
- The identification of agency legislative concepts and budget focus areas which address current and projected issues, needs, opportunities and outcomes; and
- Stakeholder involvement and input at various stages of the process.

The primary budget building blocks include (1) the current service level (which reflects the delivery of current services), and (2) the adjustments or enhancements to the current service level in the form of Policy Packages (POPs).

Attachment 1 summarizes the Agency Request Budget and will be the review and discussion document on July 22, 2020.

In previous biennia, as a means to communicate strategic thinking and vision, the Board has developed a letter of transmittal to the Governor to be submitted along with the Agency Request Budget document. This letter has served to both highlight the budget resources that are needed to

achieve the mission and goals of the Executive Branch of state government and to address the Board's concerns regarding possible further budget reductions. In this context, and in keeping with past practice, a draft letter will once again be prepared for the Board's consideration. For example and context, Attachment 2 is the transmittal letter sent with the 2019-21 budget in August 2018.

RECOMMENDATION

At the July 22, 2020 meeting, the Department recommends that the Board approve the 2021-2023 Agency Request Budget; review and approve, in concept, the Board letter of transmittal to the Governor; and authorize the Board Chair to sign the letter following final drafting and direct the Department to submit both documents concurrently to the Department of Administrative Services by the August 31, 2020 deadline.

NEXT STEPS

Following Board approval and inclusion of any Board input at the July 22, 2020 meeting, the Agency Request Budget will be submitted to the Department of Administrative Services by August 31, 2020.

ATTACHMENTS

1. 2021-23 ODF Agency Request Biennial Budget Summary (available before the Board meeting)
2. 2019-21 Biennial Budget Board of Forestry Letter of Transmittal (as an example for drafting of the 2021-23 transmittal letter)

Oregon Department of Forestry



"Stewardship in Forestry"

Oregon Board of Forestry 2021-2023 Agency Request Biennial Budget Approval Wednesday, July 22, 2020

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

I. Executive Summary

The Oregon Board of Forestry and Department of Forestry are working to complete the 2021-23 Agency Request Biennial Budget (ARB). The biennial budget development process is a long, iterative, and often changing process dependent upon a number of internal and external relationships, inputs and analyses. The ARB is the first phase of that process. The ARB proposed by the Department was developed in accordance with the Board's and the Department's missions, legal responsibilities, obligations, and strategic and operational plans as well as a set of principles outlined by the Governor.

The Department's current 2019-21 Legislatively Approved Budget through April 2020 provides a stable basis for developing the 2021-23 biennial budget.

The Current Service Level (CSL) is the estimated cost of continuing current programs into the next biennium, as required by law. The Department's CSL is calculated based on specific budget instructions provided by the Department of Administrative Services (DAS). The CSL totals approximately \$415.9 million which is a \$2.4 million or 0.57% decrease from the 2019-21 Legislatively Approved Budget.

In order to meet Board and Department goals and objectives, support Board work plans, meet statutory and rule obligations and responsibilities, manage risk and increase efficiency in the delivery of services, the Department is proposing a total of 15 new investment packages, totaling \$66.3 million total funds, with an increase of 100.97 FTE.

The sum of an agency's CSL and policy packages comprise the ARB. The Department is proposing an ARB of \$482.2 million for a \$63.9 million or 15% increase from the current biennium's Legislatively Approved Budget. The number of Department Full-time Equivalent (FTE) increases by 100.97 for a total of 948.68 FTE.

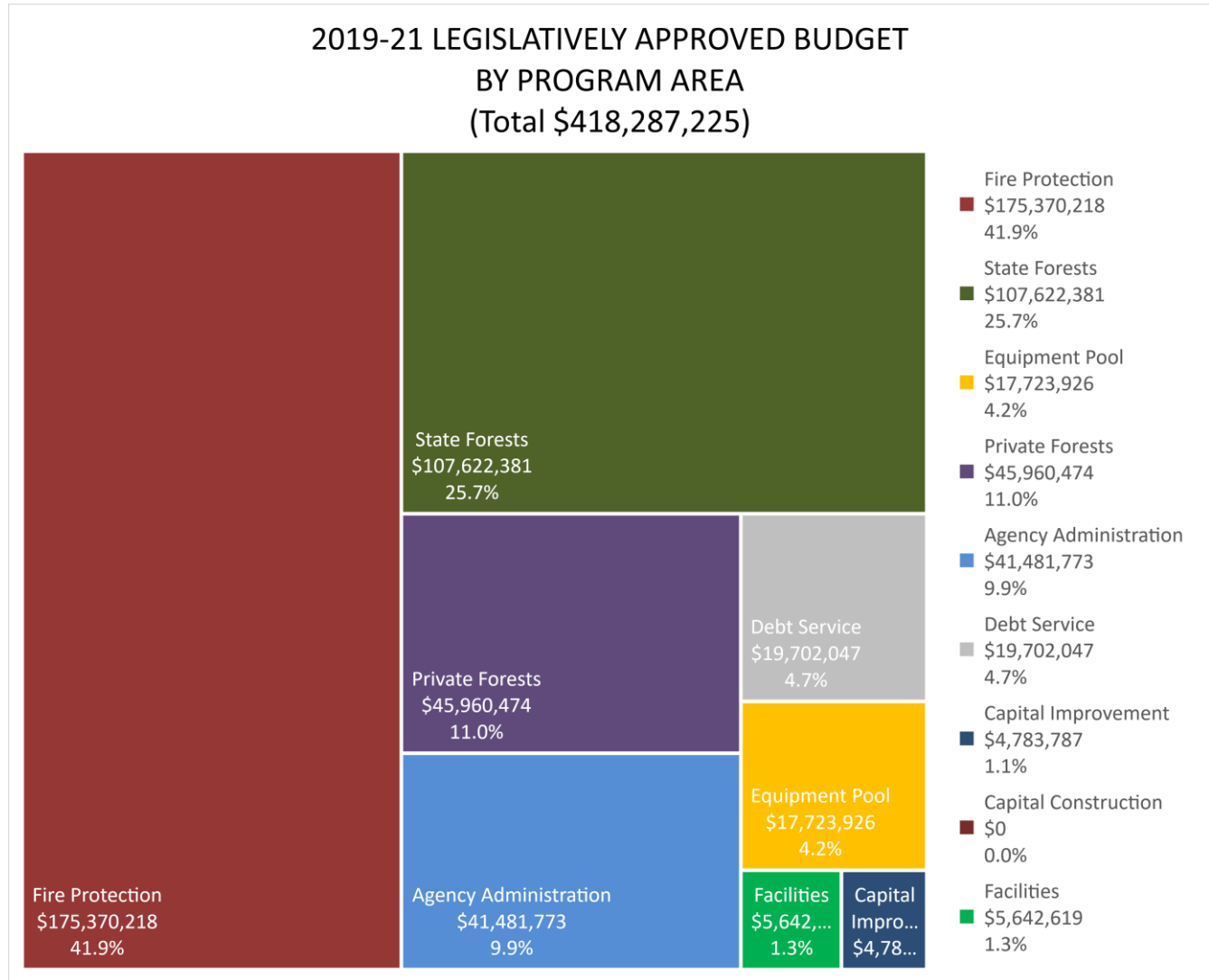
The Department will continue to involve stakeholders in the budget development process, and update the Board during regularly scheduled meetings, or more frequently as necessary, on any and all changes initiated by the Governor to the Department's Agency Request Budget.

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

II. 2021-2023 Biennial Budget Update – Status of Current Biennium’s Budget

Chart-1

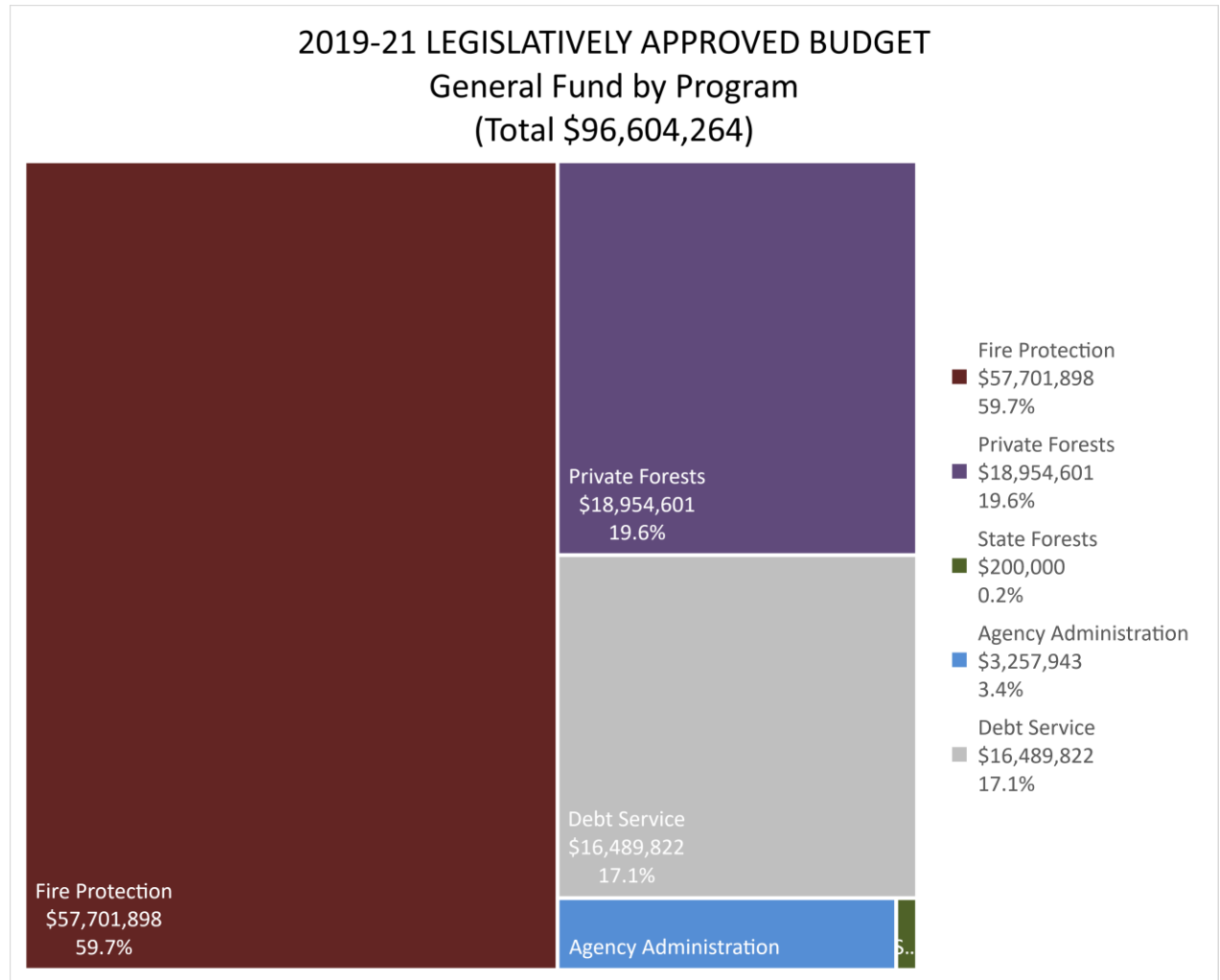
Chart-1 shows the agency’s 2019-21 Legislatively Approved Budget as of April 2020 by program area and percentage of the total budget.



**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Chart-2

Five of the Department's eight program areas currently have state General Fund dollars: Fire Protection, State Forests, Private Forests, Debt Service, and Agency Administration. General Fund in these programs leverages both Other and Federal Fund dollars.



**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Result of Interim Legislative Actions

The Department’s Legislatively Approved Budget through April 2020 provides a stable basis for developing the base budget for the 2021-23 biennium. As necessary, all other post-April 2020 Legislative Session & Emergency Board actions for the current biennium will be incorporated into the budget process for consideration during either the Governor’s Budget or Legislatively Adopted Budget phases.

III. The Biennial Budget Development Process

The 2021-23 budget process has four major phases. The Board and Department are currently in the Agency Request Budget phase.

Table-1

Agency Request Budget	Agencies start the budget process early in even-numbered years. The agency request budget is first. It lays out the policies and finances the agency asks the Governor to recommend to the legislature. It is prepared under guidelines set by the Department of Administrative Services (DAS). It consists of descriptive narratives, budget forms, and audited Oregon Budget Information Tracking System (ORBITS) reports.
Governor’s Budget	The Governor and Chief Financial Office (CFO) of DAS review agency request budgets to compile the Governor’s Budget. That budget reflects the Governor’s priorities and the policies set in statute. It includes data on statewide revenue and expenditures and on all agencies’ budgets. Each agency prepares a Governor’s Budget document to show the changes the Governor made to the Agency Request Budget. Presentation materials for the legislative process are developed based on the Governor’s Budget.
Legislatively Adopted Budget	The Governor’s Budget is presented to the legislature as it convenes at the start of the next year. Legislative committees review the proposed revenues and expenditures. They hold public hearings to hear from each agency and the public. The committee recommendations are presented in budget reports for each budget bill. Votes on each bill produce the Legislatively Adopted Budget. It sets out General Fund appropriations; Lottery Funds allocations and expenditure limitations; Other Funds and Federal Funds expenditure limitations; and position authority for agencies. Each agency prepares a Legislatively Adopted Budget document to show the changes the legislature made to the Governor’s Budget.
Legislatively Approved Budget	As a biennium progresses, the Legislative Emergency Board can make certain changes to the budget between legislative sessions. Special sessions may also be called to deal with budget issues. Any such change(s) to the Legislatively Adopted Budget result in a Legislatively Approved Budget. This is the budget agencies implement, or execute over the course of the biennium.

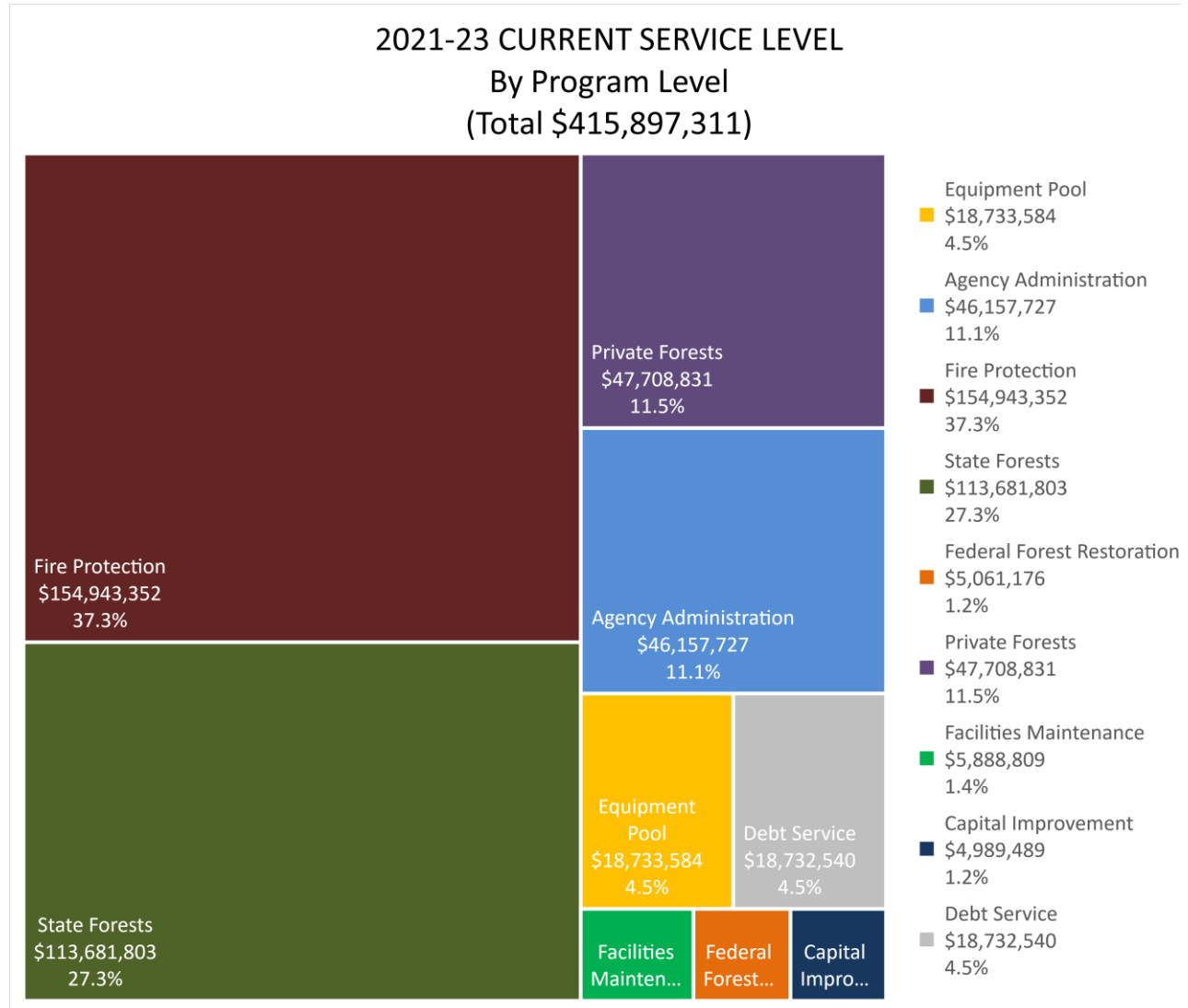
**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

IV. Current Service Level Budget

Chart-3

The Current Service Level (CSL) is the estimated cost of continuing current programs into the next biennium, as required by law. The Department’s CSL is calculated based on specific budget instructions provided by the Department of Administrative Services. The CSL totals approximately \$415.9 million which is a (\$2.4) million or 0.57% decrease from the 2019-21 Legislatively Approved Budget.

Chart-3 graphically shows the CSL by program area and percentage of the total budget.



**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

V. Policy Enhancement Packages

Table-2 Policy Enhancement Package Summary

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
1	100	Fire Protection	Fire Season Severity Resources	Proposes General Fund dollars for supplemental firefighting resources for use during high fire danger periods. The funds will not reside in ODF's budget, but rather would appear as a Special Purpose Appropriation (SPA) in the Governor's budget. This item will be moved to the Emergency Board budget later in the process.	\$8,000,000	\$0	\$0	\$0	\$8,000,000	0	0.00
2	172	Agency Administration	Diversity, Equity, & Inclusion	This policy option package is multi-faceted in addressing capacity needs that often overlap in furthering agency strategies on diversity, equity and inclusion, environmental justice, enhanced sustainability and Government to Government Leadership. The Department of Forestry requires additional capacity to address statutory	\$238,738	\$0	\$452,433	\$0	\$691,171	2	2.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				requirements in the issues described above and fully integrate strategies and best practices into agency culture and business management.							
3	101	Fire Protection	Organizational Sustainability & Modernization	This policy option package enhances Oregon’s complete and coordinated protection system that relies on a broad range of landowner, contractor, and cooperators engagement making this a highly functional model. Strategic workforce planning and development of a comprehensive training program are key elements for success. Additional capacity is necessary to maintain this complete and coordinated system, ensure that ODF’s core business across all divisions are met, and advance ODF’s initial and extended attack strategy to remain effective in the context of growing fire complexity.	\$6,466,865	\$0	\$232,248	\$0	\$6,699,113	27	28.47
4	150	Private Forests	Supporting Sustainable Family &	Proposes new capacity to meet forestry challenges across ownerships and land uses in wildland/urban	\$1,658,501	\$0	\$1,105,647	\$0	\$2,764,148	12	12.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
			Community Forestry	interface areas and communities. ODF field foresters will provide technical assistance to landowners and communities, deliver and administer incentive programs for clean water and sound forestry practices, implement the Oregon Plan for Salmon and Watersheds (Oregon Plan), promote voluntary conservation measures, address current and emerging invasive species problems, provide fire prevention and fuels reduction expertise, and administer the Forest Practices Act. These actions will maintain healthy forests and the values forests provide for all Oregonians.							
5	173	Agency Administration	Administrative Modernization	This concept continues to align administrative functions across the agency it has become clear that many processes and information systems are operating within disparate silos, lack of standardization, outdated technology, and limited	\$774,716	\$0	\$1,468,168	\$0	\$2,242,884	7	7.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				capability to adapt to improving business practices. In addition, the agency's ability to provide contemporary services in a dynamic and fluid environment is hampered by staffing constraints. Investment in modernization of these outdated processes, information systems and agency-wide data management integrity is critical to reduce risk and liability to agency, and support responsible resource use, innovative growth, streamlined business practice improvements, and optimum efficiency in transparent, state government service delivery.							
6	171	Agency Administration	Firefighter Life Safety	This policy option package supports the agency's critical life safety communication and location tracking for firefighters and emergency response efforts through operation and maintenance of wireless communication systems, equipment,	\$1,098,568	\$0	\$526,501	\$0	\$1,625,069	2	2.00

**Oregon Department of Forestry
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Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				resources, and infrastructure. Strategic investments are needed in our life safety communications to ensure business continuity across multiple platforms, align with technological advances in the field, address critical infrastructure deficiencies, and enhance interoperability and standardization across the network.							
7	130	State Forests	Funding Recreation, Education and Interpretation	Funding Recreation, Education and Interpretation with General Fund. The Oregon Department of Forestry State Forests Division actively manages approximately 730,000 acres of Board of Forestry land for Greatest Permanent Value (social, economic, and financial). The State Forests Division is self-funded through timber sale revenue with 63.75% of revenue being remitted to the county and the remaining 36.25% being used to fund State Forests' operations. A large portion of social benefits are provided through recreation,	\$6,704,557	\$0	(\$6,576,318)	\$0	\$128,239	1	0.50

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				education, and interpretation. There is a need to increase all recreation, education, and interpretation funding to meet growing demands in recreation management on state forest lands, and for the educational and interpretive programs of the Tillamook Forest Center. Outdoor recreation demand is increasing dramatically and is outpacing the Division's ability to provide this important social benefit. The proposal would provide the necessary funding to cover the costs of providing recreational opportunities to Oregonians.							
8	160	Partnership and Planning	Forests Climate Change Mitigation and Adaptation	The policy option package focuses on Governor's Brown's Executive Order 20-04 Directing State Agencies to Take Action to Reduce and Regulate Greenhouse Gas Emissions specifically includes the Oregon Department of Forestry (ODF) and directs ODF to exercise any and all authority and discretion	\$3,227,675	\$0	\$0	(\$305,565)	\$2,922,110	9	9.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget							
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE	
				vested in them by law to help facilitate Oregon's greenhouse gas (GHG) emission reduction goals. EO 20-04 also states that to the full extent allowed by law, ODF shall consider and integrate climate change, climate change impacts, and the state's GHG reduction goals into our planning, budgets, investments, and policymaking decisions. While carrying out this directive, ODF should prioritize actions that reduce GHG in a cost-effective manner, prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts; and consult with the Environmental Justice Task Force. The literature on forest climate mitigation identifies key actions that can improve climate benefits from forestry, afforestation, improved forest management, improved utilization of harvest and								

**Oregon Department of Forestry
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Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				wood processing residuals, and increased use of wood in long-lived products. This policy option package addresses all four of those key actions.							
9	161	Partnership and Planning	Implementing Shared Stewardship	In 2013, the state legislature initiated Oregon’s Federal Forest Restoration (FFR) Program. In 2016, Governor Brown signed Oregon’s Master Good Neighbor Authority (GNA) Agreement. To date, ODF has GNA agreements in place to implement \$9 million of projects, including 18 timber sales totaling 30 million board feet. The actualization of GNA has overwhelmed existing ODF staff capacity authorized in the FFR program budget. The agency initiative proposed during the development of ODFs Agency Request Budget for the 2019-2021 biennium recognized the need to increase capacity to implement work through GNA. Southern Oregon Area has already permanently	\$3,127,396	\$0	\$0	\$0	\$3,127,396	19	19.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				borrowed two positions from Private Forests to staff two GNA Forester positions. With Shared Stewardship and recommendations expected from the Governor’s Council on Wildfire Response both the opportunities and expectations for ODF to staff up significantly to implement projects across both public and private lands will grow exponentially over the 2021-2023 biennium							
10	151	Private Forests	Forest Practices Act Effectiveness & Implementation	The proposed action advances the agency’s mission of maintaining working forests and the social, economic and ecological viability of those forests into the future. The proposed package enhances capacity to ensure the implementation and effectiveness of the FPA through field and policy support in conjunction with the design and implementation of monitoring projects as prioritized in the Private Forests monitoring strategy.	\$1,430,846	\$0	\$953,894	\$0	\$2,384,740	7	7.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
11	174	Agency Administration	Facilities Capital Management Program Capacity	This concept addresses the workload capacity needs within the Facilities Capital Management Program. The components of this strategic initiative are integral to the responsive adaptation, recurring maintenance, and investments required to manage this extensive network of facilities in Salem and the field.	\$558,524	\$0	\$1,058,461	\$0	\$1,616,985	5	5.00
12	102	Fire Protection	Next Generation Severity	This policy option package proposes wildfire protection system investments including additional "severity" resources that can be staged around the state where fire danger is highest, such as contract hand crews, equipment and overhead resources; rapid transport of firefighters by helicopter; two contracted next-generation air tanker; and additional call when needed detection aircraft. These investments are focused on slowing the increasing size and frequency of large fires across Oregon's landscape.	\$20,000,000	\$0	\$0	\$0	\$20,000,000	0	0.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
13	152	Private Forests	Expanded Capacity for Sudden Oak Death Program	To meet two goals for the Sudden Oak Death (SOD) program, (1) continue to slow the spread of the NA1 strain (2) contain the EU1 strain to a small geographic area, an expanded multi-agency and all-lands forest health program is needed. This workforce provides capacity to achieve the two goals and provides capacity to respond to ongoing and future forest health issues in southern Oregon, and participate in fire response resulting from forest health conditions. The staffing levels proposed are based on an investment of \$5,000,000 for eradication treatment. Staffing is commensurate with SOD program funding levels and would adjust during future biennia based on funding.	\$6,882,603	\$0	\$0	\$0	\$6,882,603	9	9.00
14	175	Agency Administration	Toledo Facility Replacement Extension	This concept proposes additional funding to replace the aging ODF Unit Office Facilities Compound located in Toledo. This project was initially evaluated to be part of a larger co-locate project	\$64,310	\$0	\$1,764,358	\$0	\$1,828,668	0	0.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Priority	Pkg #	Program	Title	Enhancement Package Description	Agency Request Budget						
					General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				with the Oregon Department of Transportation (ODOT). The original policy package was approved in the 2017-19 biennium. Due to budgetary constraints, ODOT has decided to remain at its Ona Beach facility and is currently scoping further improvements of its existing site to meet its current and future programming needs. ODF will not be able to co-locate with ODOT at the Ona Beach facility due to strategic/geographical programming needs. The additional funding request accounts for four years of construction cost(s) escalation since the conceptual cost estimate was completed in 2016.							
15	170	Agency Administration	Deferred Maintenance	Proposes a deferred maintenance package to address on-going deferred maintenance of the Agency's infrastructure. The 2017 Legislature passed Senate Bill 1067 requiring all agency's to include at least 2% of the	\$516,202	\$0	\$4,885,000	\$0	\$5,401,202	0	0.00

**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

					Agency Request Budget						
Priority	Pkg #	Program	Title	Enhancement Package Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
				current replacement value in the Agency Request Budget.							
TOTAL					\$60,749,501	\$0	\$5,870,392	(\$305,565)	\$66,314,328	100	100.97

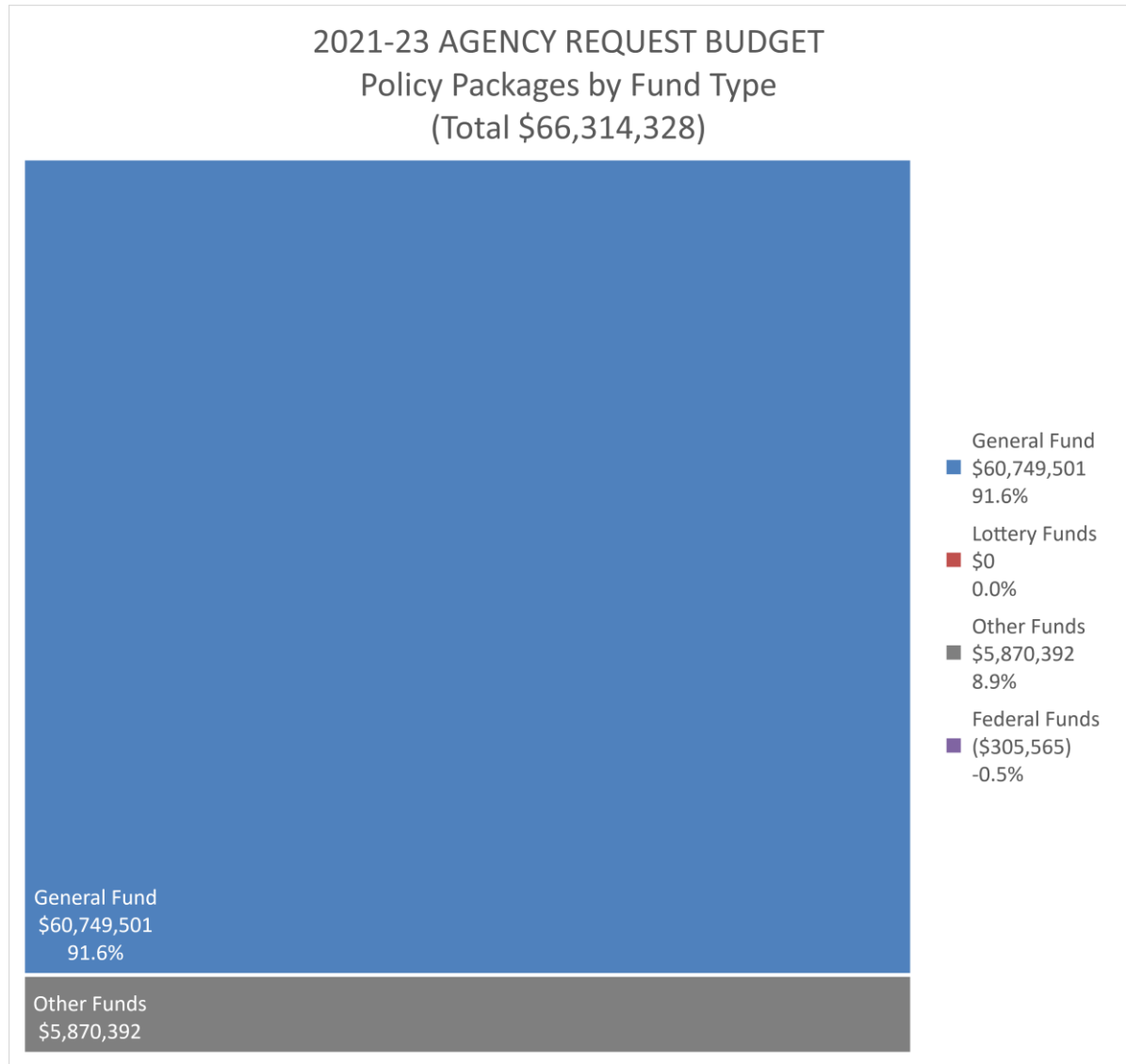
**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Chart-4

Chart-4 graphically shows the Department's proposed policy packages by fund type. Of the \$66.3 million proposed, 92% is General Fund, 9% is Other Funds and (1%) is Federal Funds

Other Fund sources of revenue include:

- Timber revenues
- Billings for services
- Grants and donations
- Miscellaneous sales

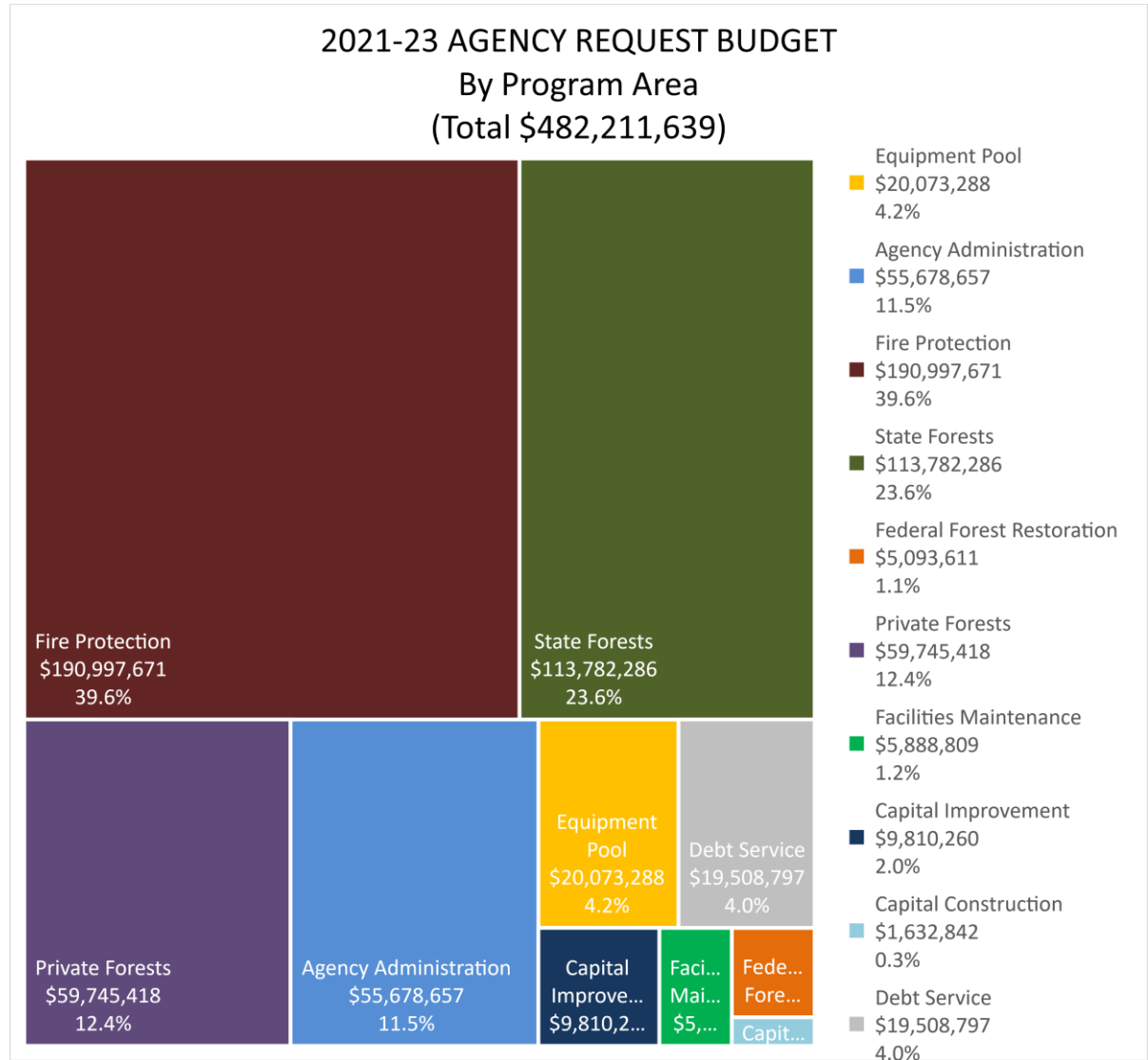


**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

VI. 2021-2023 Agency Request Budget Summary

Chart-5

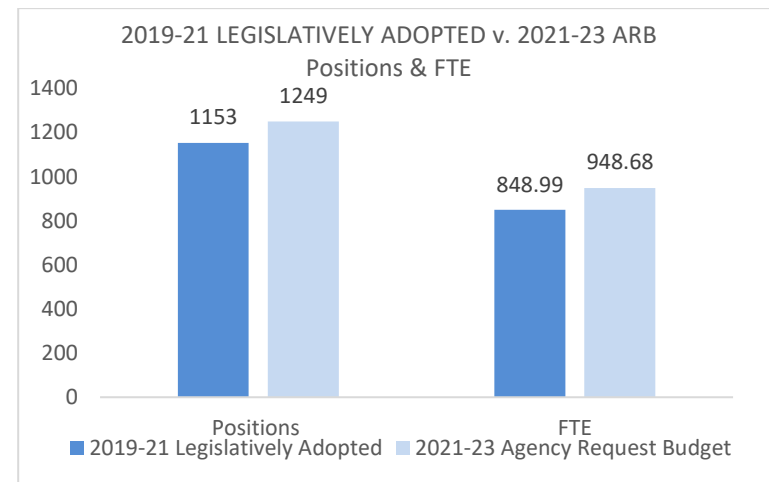
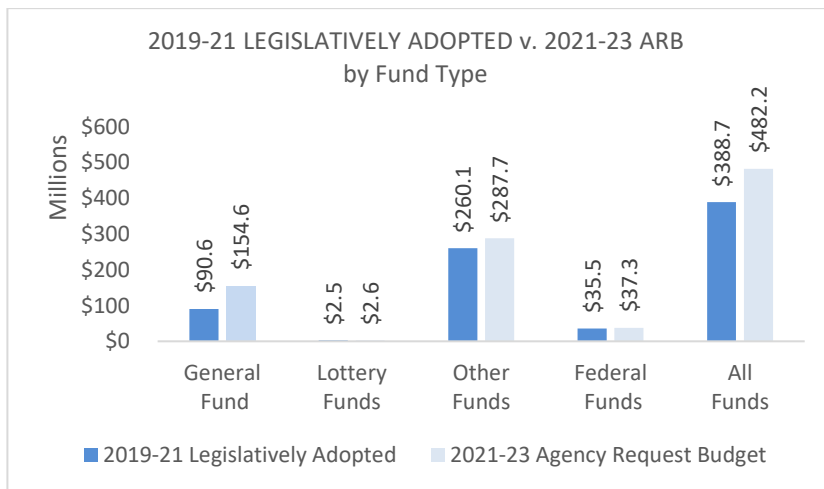
The sum of an agency's Current Service Level and policy packages comprise the Agency Request Budget (ARB). The Department is proposing an ARB of \$482.2 million for a \$63.9 million or 15% increase from the current biennium's Legislatively Approved Budget. The number of Department positions increases by 100 positions.



**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

Table-3 Compares the Department's 2019-21 Legislatively Adopted Budget with the 2021-23 Agency Request Budget

Fund-Type	2019-21 Legislatively Adopted Budget In Million \$	2021-23 Agency Request Budget In Million \$	Difference In Million \$	Percentage Change
General Fund	\$90.6	\$154.6	\$64	71%
Lottery Fund	\$2.5	\$2.6	\$0.1	4%
Other Funds	\$260.1	\$287.7	\$27.6	11%
Federal Funds	\$35.5	\$37.3	\$1.8	5%
All Funds	\$388.7	\$482.2	\$93.5	24%
Positions	1,153	1,249	96	8%
FTE	848.99	948.68	99.69	12%



**Oregon Department of Forestry
2021-2023 Agency Request Biennial Budget Summary**

VII. Governor's Budget

Pending Board approval, the Department will formally submit the 2021-23 Agency Request Budget to the Governor on or before August 31, 2020. The Governor and her budget analysts will then analyze the request and make changes based on the Governor's priorities which will be constrained by the projected amount of available General Fund resources.

The Board and Department can anticipate the following decisions to be made by the Governor:

- In order to achieve a balanced budget the Governor may require the Board and Department to undertake a certain level of General Fund budget reductions; and
- The Governor may choose not to fund all proposed policy enhancement packages put forth by the Board and Department in the Agency Request Budget.

The Department will continue to update the Board during regularly scheduled meetings or more frequently as necessary on any and all changes initiated by the Governor to the Department's Agency Request Budget. The Department will also continue to work closely with stakeholders on key budget issues.



Oregon

Kate Brown, Governor

Department of Forestry

State Forester's Office
2600 State Street
Salem, OR 97310-1336
503-945-7200
FAX 503-945-7212
www.oregon.gov/ODF



"STEWARDSHIP IN FORESTRY"

August 31, 2018

The Honorable Kate Brown
Governor's Office
State Capitol
900 Court Street NE
Salem, OR 97301

Dear Governor Brown:

The Oregon Board of Forestry respectfully submits to you, along with this letter, the Department of Forestry's 2019-2021 Agency Request Budget. This budget supports the Board's and Department's mission, legal responsibilities, and obligations to the people of Oregon. It strives to serve our state by protecting, managing, and promoting the sound stewardship of our forests, in turn producing a broad range of sustainable economic, environmental and social benefits. These benefits directly promote your priorities of Healthy and Safe Communities, Responsible Environmental Stewardship, and A Thriving Statewide Economy.

The budget reflects input and support from our stakeholders, who were given several opportunities to appear before the board. Significant in our Agency Request Budget this biennium is our policy option package, Protecting Oregon's Forests & Communities. This package aims to position the department to face a growing wildfire workload while continuing its broader mission of supporting sound, sustainable forestry. This policy option package strengthens the ability of our divisions to perform their core business functions as well as fully support the fire protection mission of the department. Specifically, in the Fire Protection Division, this budget seeks to add fire specialist capacity in information technology, prevention/investigation, training, aviation, multi-agency coordination, fire finance and crew managers for Department of Corrections fire crews, as well as additional seasonal firefighters. In the State Forests Division, the budget proposes to add positions that will maintain the division's contributions to the fire response militia without compromising their ability to manage state forests, deliver important revenue to counties during fire season, and carry out projects to increase wildfire resilience on federal forests. In the Private Forests Division, this budget proposes resources to strengthen administration of the Forest Practices Act, including capacity to meet forestry challenges in wildland/urban interface areas. This will help maintain the agency's ability to increase wildfire resilience in both private and community forests.

The Board and the Department have a commitment to healthy working forests, actively managed according to sound science and forward-looking policy. This commitment shapes the vision, priorities and strategic direction of our planning and work, and accordingly, this budget reflects those overarching efforts.

We are pleased to offer this budget to you and look forward to answering any questions you or your staff may have.

Respectfully,

Tom Imeson, Chair
Oregon Board of Forestry

Agenda Item No.:	3
Work Plan:	Administrative
Topic:	Financial Dashboard
Presentation Title:	Financial Update with Dashboard Design Review and Contractor Recommendations
Date of Presentation:	July 22, 2020
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, bill.herber@oregon.gov James Short, Assistant Deputy Director for Administration (503) 945-7275 james.short@oregon.gov

SUMMARY

The purpose of this agenda item is to provide an update on the Department of Forestry’s current fiscal status and review contractor recommendations.

CONTEXT

As the agency continues to modernize its financial systems and build an integrated reporting framework, the Board has requested review of the projected dashboard design to ensure it presents the appropriate financial information desired from across the agency, including but not limited to review of large fire cost recoveries, accounts receivables, revenue, cash flow and budgetary streams.

BACKGROUND

The Department of Forestry’s 2019-21 Legislatively Approved Budget consists of \$418.2 million total funds and 848.99 full-time equivalent positions. Sixty-eight percent of the budget is funded with Other Fund revenues, including the state’s share of timber sale proceeds, a variety of landowner assessments, and forest products harvest tax. Twenty-three percent of the budget is funded with state General Fund dollars, eight percent with federal revenues, and one percent with Lottery Funds.

Department staff continuously monitor the agency’s revenues and expenditures for all programs. Staff also generate periodic projections for major revenue sources and cash account balances. Agency expenditures are adjusted, if required, based on the revenue projections.

As part of the Forestry Financial Oversight Team’s work to help the department improve its financial condition, the Department of Administrative Services contracted with CPA and advisory firm Macias, Gini and O’Connell (MGO). MGO will assess and provide recommendations for improvements to the department’s fire finance function and processes.

RECOMMENDATION

This agenda item is for information only. Board discussion and feedback will further inform dashboard elements, staff report content, and direct timing for regular reporting intervals.

STAFF REPORT

Agenda Item No.:	4
Work Plan:	Fire Protection
Topic:	Ongoing Topic; Fire Season Outlook and Readiness
Presentation Title:	2020 Fire Season Update
Date of Presentation:	July 22, 2020
Contact Information:	Doug Grafe, Chief, Fire Protection Division 503-945-7204 Doug.Grafe@oregon.gov

SUMMARY

Oregon revised statutes define the Department's Fire Protection policy, which requires a completed and coordinated system. This system relies on the partnership between the Department and forest landowners and a commitment to ongoing communication and collaboration with many other state and federal agencies. Fire management leaders from the Department will provide a briefing on some of the ongoing coordination and an up to date fire season status report during this agenda item.

Agenda Item No.:	5
Work Plan:	Administrative
Topic:	Executive Sessions
Date of Presentation:	July 22, 2020
Contact Information:	Oregon Department of Justice

SUMMARY

The Board will meet in Executive Session for the purpose of considering information or records that are exempt from disclosure by law, pursuant to ORS 192.660(2) (f).

Agenda Item No.:	6
Work Plan:	Private Forests
Topic:	Board of Forestry Updates
Presentation Title:	Committee for Family Forestlands Annual Report
Date of Presentation:	July 22, 2020
Contact Information:	Evan Barnes, Southern Oregon Area Voting Member, Chair branchreb@gmail.com Josh Barnard, Private Forests Deputy Chief (503) 945-7493 Josh.W.Barnard@Oregon.gov

SUMMARY

The purpose of this agenda item is to provide a report on activities of the Committee for Family Forestlands (CFF), discuss progress on key issues, and make recommendations on policy topics affecting family forestland.

CONTEXT

The CFF, a standing committee of the Oregon Board of Forestry, provides advice to the Board of Forestry and the State Forester on methods to help improve the vitality of family forestlands, including improving owners’ ability to manage and market their timber and other forest products. The Committee for Family Forestlands continues to evaluate the impact of policy and regulatory changes on family forestland owners.

BACKGROUND AND ANALYSIS

Over the past year, the Committee focused on the objectives / issues identified in their 2019-2020 work plan. The annual report informs the Board of the committee’s progress on addressing issues affecting family forestland (Attachment 1). The committee also worked to document an inclusive process for making recommendations to the Board. These procedures have been added to the CFF charter (Attachment 2).

RECOMMENDATION

The Committee for Family Forestland recommends the Board accept the CFF annual report and updated CFF Charter.

ATTACHMENTS

- (1) Committee for Family Forestlands Annual Report to the Board Fiscal Year 2019-2020
- (2) Committee for Family Forestlands Charter

Committee for Family Forestlands Annual Report to the Board

Fiscal Year 2019-2020

Annual Report presented to the Board of Forestry July 22, 2020
By Evan Barnes, Chair, Committee for Family Forestlands



The Committee for Family Forestlands is a standing committee established by the Oregon Board of Forestry (BOF) to assist the State Forester and the Board on issues relevant to some 70,000 family forestland owners in the state on the formulation of policy and evaluation of effects that changes in forest policy have or will have on those lands.

The Committee for Family Forestlands (CFF) is pleased to provide a report of their activities over the past year (July 2019– June 2020). This report outlines the work of the Committee in gaining a thorough understanding of the issues at hand before the Board. Understanding filtered through their personal experiences enable members to feel confident in their ability to act in an advisory role and to be deserving of the Board’s trust that any recommendations made are backed up with considerable discussion and critical thought. In giving advice to the Board and State Forester, they remain mindful of, and strive to be consistent with, the objectives of the Forestry Program for Oregon and the Oregon Indicators of Sustainable Forest Management.

The 2019-2020 membership of the Committee for Family Forestlands includes:

Evan Barnes, (Southern Oregon Family Forestland Owner) Chair, Voting Member
Barrett Brown, (Northwest Oregon Family Forestland Owner) Voting Member
John Peel, (Eastern Oregon Family Forestland Owner), Voting Member
Vacant, (Landowner At Large) Voting Member
Kaola Swanson, (Conservation Community Representative) Voting Member/Vice Chair
Mark Vroman, (Industry Representative) Voting Member
Vacant, (Citizen at Large), Voting Member
Josh Barnard, (Deputy Chief Private Forests Division) Secretary (non-voting)
Glenn Ahrens, (OSU College of Forestry) Ex-Officio
Janelle Geddes, (Public Land Management/USFS State Liaison) Ex-Officio
Julie Woodward, (OFRI) Ex-Officio
Rex Storm, (AOL, OTFS) Ex-Officio
Kyle Abraham, (Chief Private Forest Division, State Forester Representative) Ex-Officio
Jim James, (OSWA) Ex-Officio

CFF Membership Items

- Mark Vroman, Forest Industry Representative is up for re-appointment.
- Wendy Gerlach was nominated to be the citizen at large representative.
- Recruitment is underway for the vacant landowner at large representative.

Acknowledgments

Members acknowledge the support received from the Department as a whole, but specifically the Private Forests Division staff, Protection from Fire Division staff, Partnership and Planning Division staff, the State Forester, Board Chair and members of the Board of Forestry. And CFF's efforts wouldn't be as well-informed without the expert backgrounds of our Ex-Officio members who represent:

- Oregon Small Woodlands Association (OSWA),
- Oregon Forest Resources Institute (OFRI),
- Oregon Tree Farm System (OTFS),
- American Forest Foundation (AFF),
- U.S. Forest Service, State and Private Forestry
- OSU College of Forestry and Extension

In particular, members want to thank Andrew Owen, NRCS State Forester who presented an overview of the USDA Natural Resources and Conservation Service and description of their incentive programs and strategic approaches to promote conservation and get landscape level conservation measures on the ground. NRCS programs are targeted to provide assistance to private landowners and prioritized locally.

Chair's Introduction

This past year has been characterized by challenges and change, with environmental and economic uncertainty. In particular, the Governor's Office and Legislature have recognized the threat large fires pose to all sectors in Oregon. The Governor called on leadership from a variety of sectors to form the Governor's Wildfire Response Council. CFF closely tracked this process and the outcomes. On another front, industry leaders and environmental organizations got together with the support of the Governor's office to develop and sign a Memorandum of Understanding. The MOU committed those parties to work collaboratively on issues and establish some common ground in forest management policy, assuring that all voices are heard. Members consistently expressed their concern that any rule changes should be accompanied by the funding necessary to maintain and increase the Department's capacity to implement those recommendations.

Recognizing the importance of its work on these current and future topics, and the diversity of representation on the Committee, CFF invested significant effort developing a formal and inclusive process for making recommendations to the BOF and State Forester. The Committee, with special thanks to members Barrett Brown and Kaola Swanson, drafted a process for making and documenting formal recommendations, which is now contained in the Committee's charter.

Additionally, the Committee has also committed to working more closely with the State Stewardship Coordinating Committee (SSCC). Following several years of dialog between both groups, the SSCC will become a working group under CFF. We hope this will create the opportunity for more collaboration between both groups and provide some efficiencies for ODF staff that serve these committees.

On top of these significant efforts, the working environment has been changed by COVID-19. I appreciate the Committee's willingness and commitment to conducting our work under the restrictions imposed by COVID-19.

The following report provides an overview of the membership, a summary of key topics of interest and recognition of staff efforts to provide resources pertinent to any recommendation or testimony we may provide the Board. We look forward to another productive year and as always, welcome Board Members to attend our meetings.

Sincerely,

Evan Barnes, Southwest Landowner Representative and Chair, Committee for Family Forestlands

2019 - 2020 Priority Issues

Following are priority issues for the committee and their engagement over the past year on these topics.

Tracking and Input to BOF on Key Topics

Conservation and Timber Industry Memorandum of Understanding A Memorandum of Understanding was announced by the Governor on February 10, 2020 between representatives of the forest industry and environmental interests. The intent of the MOU is to provide a collaborative approach to evaluate and recommend changes to the Oregon Forest Practices Act laws and attempt to attain federal regulatory assurance for aquatic and riparian species. The committee is generally supportive of this effort and is interested in closely tracking this process as it unfolds. Most recently, the BOF was requested to implement a temporary rule in the Siskiyou Georegion to help the signatories on the MOU move forward. The committee took an opportunity to support this effort by sending a letter to the BOF expressing support of the MOU and the request for temporary Salmon, Steelhead and Bull trout rules.

Wildlife Food Plots Rulemaking – The BOF was directed by the legislature to develop rules to implement ORS 527.678, “wildlife food plots”. CFF was selected as the advisory committee for this rule making process. The committee has reviewed draft rule language, provided input to staff, and reviewed the fiscal impact of the rules. Final rules will be presented to the BOF at the July 2020 meeting for adoption.

Marbled Murrelet Rulemaking – Member have received regular updates on this topic. The committee is interested in this topic and continues to track this rulemaking process ready to engage in any policy discussions when appropriate.

Siskiyou Streamside Protection Review - Members received regular updates on the Siskiyou Streamside protections review. ODF staff and the committee discussed ORS 527.714 and the requirements listed under this statute relative to the Siskiyou Review and potential BOF decisions.

DEQ TMDL Work - The interagency work between ODF and DEQ relating to TMDLs is a subject of interest with the committee. Members look forward to hearing more in the fall to gain a better understanding of the TMDL process and determine where it may be appropriate for the committee to engage.

Western Oregon DFC/Large Wood Project - Members received an overview of the Western Oregon DFC/Large Wood Project including the scope, areas of focus, and interagency coordination.

Formal process for recommendations to the BOF and State Forester – Recognizing the importance of the role as an advisory committee and the value of the each member’s perspective, the committee spent significant time over the past year formalizing a process for making recommendations. Under this new process, the committee has set ground rules for deliberations, codified how to approve a recommendation, and noted requirements to include any context where there is not committee consensus.

Family Forestland Viability

Eastern Oregon challenges – The committee is interested in learning more about the eastern Oregon infrastructure challenges and the diminishing ability for family forestland owners to be successful on the east side of the state. A tour of the Wallowa County area was planned for May of 2020, but was cancelled given the Departments financial situation and COVID 19. The committee looks forward to the opportunity to reschedule this visit and engage in the conversations relating to the challenges of family forest landowners in eastern Oregon.

Outreach - Members agreed to develop a CFF factsheet that defines who family forestland owners are and how CFF represents their interests in policy development. Work is currently underway on the fact sheet. Once complete, members plan to use this as a communication tool to reach out to other family forestland owners and invite them to engage more frequently with the CFF.

State Stewardship Coordinating Committee (SSCC) - Seeking better alignment when working on topics relating to family forest landowners, staff approached the committee about including the State Stewardship Coordinating Committee as a work group under CFF. The SSCC advises the State Forester on policy and procedures for participation with USFS State & Private Forestry Programs such as Forest Legacy and Forest Stewardship. SSCC membership includes representatives from state and federal natural resource agencies, private forest landowners, consulting foresters, the forest industry and conservation organizations. Given the overlap in membership and goals, both groups agreed it makes sense to work more closely. The SSCC’s core functions related to Forest Legacy and Stewardship will remain in the working group, but

members hope to collaborate more closely on exploring and helping to address issues that impact family forestland owners. The arrangement also brings more efficiency for ODF staff who serve both committees.

Forest Landowner Recreational Immunity

The committee initiated a discussion on the laws regarding landowner liability. For family forestland owners liability is part of the viability quotient, the costs and risks of forestland ownership. The Land Trust community has also expressed concern around liability as well. The Recreational Immunity Statute, ORS 105.682, immunizes landowners from claims of negligence unless charging a fee to use the land for recreation. Recently, courts have interpreted that “any permit” even a hunting permit or Driver’s License could negate that immunity. Members agreed that it would be good for the Committee to track this topic and that they have an interest in engaging in any policy discussions that may develop.

Forest Health

Staff presented an overview of Oregon forest’s health and invasive species, eradication efforts, current threats, and overall governance in the state. Staff provided the committee members with ways to access resources and fact sheets relating to forest health topics.

Prescribed Fire

Committee members received an update on work of the Oregon Prescribed Fire Council and OSU’s new Forestry and Natural Resources Extension Fire Program. Much of that work is occurring in Eastern and Southwest Oregon. The Prescribed Fire Council is interested in examining barriers to the use of prescribed fire as a forest management tool on non-industrial lands. Liability and technical expertise are two key limitations. The new Extension program is mostly focused on the latter – looking at development of a statewide fire education program that encompasses fire preparedness and community planning, community resilience, and use of fire as a management tool to help decrease the threat of wildfire at a landscape scale.

Seed/Seedling Availability

The issue of seedling availability for family forestland owners has been a consistent topic for the Committee. There are many perceived and actual barriers to reforestation on non-industrial lands. Lack of technical assistance and appropriate planning tools are two key barriers for family forestland owners. It can also be challenging for them to access the seedling market, which is built around large orders, primarily for industrial landowners. Unplanned events, such as wildfire, also pose significant challenges, both to landowners and the seedling market. Without intervention, the market may not provide seedlings for post-fire restoration, especially in unique seed zones. Family forest landowners also often lack the resources for post-fire restoration without cost share assistance (which is often available through the Farm Services Agency). The Department currently has grant funds available from State & Private Forestry to help address some of these structural needs at the statewide level. Staff also initiated a pilot project with the J. Herbert Stone Nursery to test sourcing seedlings for family forestland owners.

Other Areas of Interest

The committee is also interested in topics such as forest chemical use, climate change, and valuation of ecosystem services however with the time dedicated to the other topics covered in this report, the committee did not to spend significant time on these topics this past year.

Member also received regular updates from staff as follows:

- Division updates
- Agency financial and budget updates
- Fire Season Preparedness and fire season updates
- Family Forest Landowner Assistance Program updates
 - USFS State & Private Forestry
 - Statewide Agreement with the Natural Resources Conservation Service

2020-2021 Work Plan

The committee will continue to track policy topics before the BOF that are of interest to family forestland owners and continue working on the other items of interest noted above in this report. CFF will evaluate its work plan in the fall when the committee reconvenes and adjust based on priority policy items.

Committee for Family Forestlands

2600 State Street
Salem, OR 97310
503-945-7200
Fax 503-945-7490



June 2, 2020

Dear Chair Imeson and Board of Forestry members,

The Committee for Family Forestlands (CFF) appreciates the support you have given to the concepts and actions outlined in the historic February 10th 2020 [Memorandum of Understanding](#) (“MOU”) signed by forest stakeholders with the intention of to find common ground on a variety of contentious issues related to Oregon’s Forest Practice Act. We have reviewed the request letter submitted jointly by the MOU signatories to Chair Imeson and the Board of Forestry on May 15th. The CFF fully endorses what has been proposed regarding a temporary rule to implement the 2017 Salmon, Steelhead and Bull trout (SSBT) stream rules in the Siskiyou Georegion and other recommendations related to it.

We know you are aware there is a commitment by the MOU signatories to pass legislation that would implement the 2017 Salmon, Steelhead and Bull trout (“SSBT”) stream rules in the Siskiyou Georegion at the next opportunity. This legislative effort is being coordinated with Governor Brown and her staff and we are hopeful that it will move forward successfully.

Looking ahead to the summer of 2020, the Oregon Department of Forestry staff is likely to be operating under challenging circumstances, compounded by COVID-19 and an approaching drought-driven wildfire season. The temporary SSBT rule will fill the gap to allow time for the legislation to be passed and fulfill the commitment in the MOU without creating duplicate efforts from ODF’s staff in the interim.

The CFF supports the recommended actions outlined in the May 15th letter and the adoption of a temporary rule in the Siskiyou Georegion. Thank you for your consideration.

Sincerely,

Evan Barnes, Chair of the Committee for Family Forestlands

cc: Peter Daugherty, State Forester
Lena Tucker, Deputy State Forester
Kyle Abraham, ODF Private Forests Division Chief
Josh Barnard, Private Forests Deputy Chief

AGENDA ITEM 6
Attachment 1
Page 7 of 7

Charter of the Committee for Family Forestlands

Presented to Board of Forestry July 22, 2020

Pursuant to ORS 526.016 General duties, limits, meetings, and rules; the State Board of Forestry hereby establishes a standing committee to assist the Board in addressing family forestland issues.

Purpose: The Committee for Family Forestlands (CFF) shall advise the Oregon Board of Forestry and State Forester in matters relating to family forestlands consistent with the Board of Forestry's Forestry Program for Oregon such as but not limited to:

- ◆ Maintenance of a viable family forestland base in Oregon.
- ◆ Maintenance and enhancement of the positive contributions that family forestland owners make to Oregon's vitality, including timber availability and the protection and enhancement of watersheds and fish and wildlife habitat.
- ◆ Evaluating the effects that changes in forest policies have on family forestland owners.
- ◆ Formulation of policies and policy option recommendations for family forestland.
- ◆ Providing guidance for implementing Department of Forestry program strategies and activities to improve services to family forestland owners.
- ◆ Evaluating the types and levels of assistance needed by family forestland owners to fulfill their objectives while considering public values and benefits that are derived from their lands.
- ◆ Improving family forestland owners' access to the Board of Forestry.
- ◆ Raising public awareness of the role family forestland owners play in maintaining the Oregon environment.
- ◆ Improving federal forest neighbor relationships with family forestland owners to help maintain and build viable forest economies.

The Board and State Forester shall consult with the committee with regards to such matters.

Committee Membership: The committee shall be composed of no more than thirteen members consisting of:

Seven voting members:

- Four family forestland owners: one from each of the Department of Forestry's three administrative regions and one at-large.
- One forest industry representative.
- One environmental community representative.
- One citizen-at-large (preferably, this member shall serve as committee chairperson).

Ex-officio members, which may include:

- Oregon State University College of Forestry
- State Forester representative
- Oregon Forest Resources Institute
- Public land manager
- Representative of forestry interest or consulting group
- Small forestland owner group

Member Appointments, Qualifications, Committee Organization:

1. The Board of Forestry shall appoint voting committee members.
2. Family forestland owners' acreage of forestland, 10 to 5,000 acres, shall be a consideration in selecting landowners to provide a perspective of small to large forest ownership. The forest Industry representative shall be a landowner of more than 5,000 acres of forestland or the authorized representative of such landowner. The environmental community member shall be a recognized representative of the environmental community. The citizen-at-large shall be a private citizen who does not own forestland.
3. Voting members are appointed to three-year terms with a maximum of two consecutive three-year terms.
4. The State Forester shall appoint the Director for the Private Forests Program to serve as secretary to the committee.
5. Committee members are expected to participate regularly in committee activities; lack of participation shall be grounds for replacement at the request of the chairperson to the Board of Forestry.
6. The Board of Forestry shall appoint the chairperson and vice-chairperson.
7. Ex-officio members are appointed by the CFF to two-year terms with no maximum number of terms.

Conduct of Meetings:

1. The committee may determine the operating procedures governing the transaction of their business.
2. The chairperson shall have the usual duties and power of a presiding officer.
3. All meetings will be conducted as open public meetings, consistent with ORS 192.610 – ORS 192.710.
4. The committee secretary shall send an agenda together with minutes of the previously held meeting to all committee members prior to each meeting.

Process for Formal Recommendations:

1. Members first determine their intent to make a recommendation to the Board of Forestry by voting. A majority vote is needed to approve that action. Proxy voting is allowed.

2. The Committee for Family Forestlands will seek consensus on the content of its recommendation through discussions and deliberations conducted with the highest standards of professionalism and honoring dissenting opinions in accordance with the Department's Working Guidelines.
3. After the recommendation is drafted it must be formally approved by the majority members before forwarding on to the Board of Forestry.
4. The Committee Chair is obliged to ensure that any documentation or presentation of the committee's recommendation to the BOF or State Forester also reflect any conflicting or minority views by summarizing those deliberations. This may also include a voting tally on any disputed component of a recommendation.
5. In the case of a recommendation having independent or interleaved components, the Committee may determine to vote on these separately.

STAFF REPORT

Agenda Item No.:	7
Topic:	Forest Trust Land Advisory Committee
Presentation Title:	FTLAC Testimony to the Board of Forestry
Date of Presentation:	July 22, 2020
Contact Information:	David Yamamoto, Tillamook County Commissioner

On behalf of the Forest Trust Land Advisory Committee (FTLAC), comments and additional information provided on State Forest Lands business.

Agenda Item No.:	8
Work Plan:	State Forests Work Plan
Topic:	State Forests Management
Presentation Title:	State Forests Habitat Conservation Plan Update
Date of Presentation:	July 22 nd 2020
Contact Information:	Liz Dent, State Forests Division Chief (503) 945-7351 Liz.F.Dent@Oregon.gov Cindy Kolomechuk, Project Lead (503) 945-7731 Cindy.Kolomechuk@Oregon.gov

CONTEXT

The Board of Forestry (BOF) has directed staff to continue exploring options for enhancing financial viability while increasing conservation outcomes, including the pursuit of a programmatic ESA compliance tool, such as a Habitat Conservation Plan (HCP). State forestlands in western Oregon to be considered in this HCP scoping project total 639,269 acres. The majority of these lands (96%, or 613,577 acres) are owned by the BOF, and the remaining 4% (25,692 acres) are Common School Forest Lands (CSFL) owned by the State Land Board. The plan area does not include the CSFL in the Elliott State Forest.

The State Forests Division developed a 3-phase approach to explore the possibility of a Western Oregon HCP. The Board of Forestry (BOF) approved this approach in November 2017. In 2018, the Division completed Phase 1: HCP Initiation and Scoping, and the BOF directed the Division to begin work on Phase 2: Strategy Development.

This work has been funded by a \$750,000 federal grant (\$250,000 match) United States Fish and Wildlife Service (USFWS) Technical Assistance grant, which was expended in August, 2019. The Division was recently awarded an additional USFWS Technical Assistance grant in the same amount to support the development of the 1st Administrative Draft of the HCP.

In October, 2020 the Division will present the 1st Administrative Draft of the HCP to the Board, who will be asked to determine if it is in the best interest of the state to continue to Phase 3: NEPA analysis and consultation. If so directed, the Division will work with NOAA Fisheries and USFWS to complete the NEPA process. It is anticipated that this process will take 18 months to complete. During this time, the Division will also be completing the companion Forest Management Plan. In June 2022, the Board will be asked to determine if it is in the best interest of the state to approve the Western Oregon HCP and the companion Forest Management Plan (FMP).

BACKGROUND AND ANALYSIS

During the HCP initiation phase, the Division hired Oregon Consensus and Kearns and West to assist with stakeholder engagement and facilitation needs. ICF and EcoNorthwest were hired to assist with developing the content of the HCP. These consultants, in coordination with Division staff, serve as the HCP Project Team.

In 2018, Oregon Consensus and Kearns and West assisted the Division in developing a multi-agency governance structure to support the HCP planning process. This includes a Steering Committee comprised of policy-level representatives from state and federal agencies, and a Scoping Team comprised of technical representatives from state and federal wildlife agencies. The Steering Committee and the Scoping Team serve as the Planning Teams that will lead the development of a potential Western Oregon HCP.

WESTERN OREGON HCP PHASE 2 UPDATES

Conservation Strategy Development

The Scoping Team is currently developing and evaluating potential conservation strategies designed to meet the Biological Goals and Objectives for each covered species. Conservation strategies are based on the ecosystem processes needed to support the persistence of the covered species. The Scoping Team is using the best available science to develop strategies that address these critical processes across the landscape. This includes current and historic data as well as modeled data for both aquatic and terrestrial species.

Aquatic Conservation Strategy: Riparian

The aquatic strategy is focused on the ecosystem processes that address the primary limiting factors for the covered aquatic species: wood recruitment, retaining cold water, and reducing sedimentation. The Division procured the services of Terrain Works to assess the ability of proposed strategies to address these limiting factors. Specifically, Terrain Works is evaluating potential wood delivery and reduction of temperature impacts (climate change) associated with proposed strategies. Recognizing that contributions to wood, temperature, and sediment are variable throughout the landscape, the strategies will be tailored to protect the aquatic features that provide the greatest contributions to these ecosystem processes.

The Aquatic Conservation Strategy is comprised of the following: Riparian Conservation Areas (buffers), stream enhancement projects, fish passage improvements, and management of the roads network (weather related road use restrictions, drainage, proper location of new roads, road decommissioning). Collectively, these strategies will meet the following objectives: promote long-term wood recruitment, enhance overall channel complexity, maintain and enhance water quantity and quality, and improve fish passage over time.

The size and extent of the Riparian Conservation Area (RCA) is being informed by the Terrain Works modeling effort, as well as the best available science related to stream function. Variation in the RCA is informed by fish use, stream size, location in the watershed, and potential for debris flows, slope failures, and landslides. There will be little to no management within the RCA. Any potential management would be targeted to achieve mature forest conditions, and would not be commercially driven.

Terrestrial Conservation Strategy

The terrestrial strategy is focused on the processes that provide habitat and promote ecosystem connectivity to allow covered species to utilize habitat across the landscape. The primary objectives of the terrestrial strategies are to conserve, maintain, and enhance occupied habitat and suitable habitat (where occupancy is known), and increase the quality and quantity of habitat over the permit term.

We are using a combination of current and historic data as well as newly developed species habitat models to develop Habitat Conservation Areas (HCAs) that will protect multiple covered species over the permit term. ODF worked collaboratively with ICF and the Scoping Team to develop species models for Northern Spotted Owl, Marbled Murrelet, Red Tree Vole, and Oregon Slender Salamander. These models were reviewed by a panel of experts to validate the modeling approach.

In drafting the HCAs the Division first considered survey data and supplemented with model data where needed. A growth model is also used to anticipate changes to habitat over time, in addition to species and model data. A tiered approach is used to construct an HCA, beginning with the Northern Spotted Owl, then overlaying Marbled Murrelet, and incorporating Red Tree Vole information. Because the Oregon Slender Salamander and Coastal Marten have limited survey and modeled data, the Division will evaluate how the needs of these species are met by strategies developed for other covered terrestrial species, and refine as needed. Torrent Salamanders will be addressed by the aquatic strategy.

The HCAs strive for more contiguous areas, and seek to optimize ecosystem and habitat function for all covered terrestrial species, while retaining flexibility for covered activities outside of the HCAs. The size of these areas may be influenced by the ability to manage for multiple benefits within the HCA.

The Western Oregon State Forests HCP enables the Division to move away from the single species, reactive approach to conservation currently employed under take avoidance. Rather, the Division will be able to think more holistically and proactively about a variety of species and align their habitats to get the greatest conservation benefits while retaining economic viability. In large part, the areas already designated as good habitat will continue to be protected, but they may be reconfigured to create connectivity and to improve ecosystem function.

Forest Goals and Objectives

The Conservation Strategies described above are designed to meet the Biological Goals and Objectives for the covered species to ensure compliance with the Endangered Species Act (ESA). The mission, vision, and goals of the HCP recognize that, in addition to meeting ESA requirements for covered species, ODF's forest management activities must also address the full suite of benefits articulated in the Greatest Permanent Value Rule (GPV).

As such, the Division created Forest Goals and Objectives (Attachment 1) to provide foundation for the Forest Management Plan that would complement the HCP. Should the Board direct the Division to continue working toward an HCP in October 2020, staff will develop this companion FMP to meet management objectives for all forest resources required by the Forest Planning Rule. Collectively, implementation of the conservation and timber management strategies associated with the Biological Goals and Objectives and the Forest Goals and Objectives will ensure that we comply with the ESA, and meet GPV.

Timber Harvest Modeling

The Division is working with ICF to conduct policy-level timber harvest modeling to support the development of the HCP. The intent is to apply draft conservation strategies to the harvest scheduling model to evaluate the relative outcomes among potential harvesting and conservation actions. As an applicant, ODF must be able to demonstrate implementation of the HCP can be afforded. The policy-level timber harvest model will provide the information necessary to refine the conservation strategies that minimize and mitigate impacts to the maximum extent practicable, and develop harvest strategies that will generate sufficient revenue to implement the HCP.

This policy-level modeling is not intended to provide actual volume or revenue outputs, but simply to help inform the decision in October on whether or not to move forward with submission of the first Administrative Draft of the HCP into the NEPA process. Implementation modeling may begin once the conservation and general timber harvest strategies have agreed upon, and will provide more refined estimates of conservation and timber harvest outcomes.

HCP Stakeholder Engagement Update

Public engagement is critical for an effective HCP process. The goals of the stakeholder engagement process are to provide a variety of touch points to keep a diversity of stakeholders informed, and provide a venue for efficient exchange of ideas and information as work products are developed (see Attachment 2: Western Oregon HCP Stakeholder Engagement).

It begins with a series of quarterly HCP Update meetings open to the public, where draft work products that are developed by the Planning Teams are presented. These meetings are designed to provide information regarding HCP work products, solicit feedback, and gauge the interest for more in-depth, targeted meetings with Project Team members. Following the HCP Update meetings, the Project Team meets with stakeholders individually and in focus groups to further the discussion and gather feedback for the Steering Committee and the Scoping Team to consider.

The Project Team has engaged three focus groups in the development of the conservation strategies: recreation, forest industry, and conservation advocates. These focus groups are, in large part, self-selected and are given an opportunity to help design agendas that will speak to their interests. Since our last update in November 2019, we have worked with these focus groups to better understand their goals and concerns around potential conservation strategies. Meeting notes from these focus group meetings are shared with

the Scoping Team and the Steering Committee to ensure their ideas are considered as these Planning Teams develop the conservation strategies.

In addition, the State Forester recently hosted meetings with industry and conservation stakeholders interested in the modeling associated with conservation strategy development. Subsequent meetings with these groups were held to bring technical expertise from all perspectives into the conversation.

Due to the special relationship with the Forest Trustland Advisory Committee (FTLAC), the Division has provided regular updates on the HCP process and work products. These FTLAC updates are focused on addressing the unique interests of the FTLAC members to better integrate their perspectives in a meaningful way. Many FTLAC members attend the meetings that are open to the public and provide valuable feedback in this forum as well. Coordination with the FTLAC was paused during the Linn County trial in late fall, and we are now working with the Counties to continue to advance opportunities for communication and collaboration.

To date, there have been five HCP Update Meetings open to the public. Last year, these meetings were held in March, June, and October. Despite the Covid-19 crisis, the Division held a very well-attended webinar meeting open to the public in March 2020, where 85 Oregonians joined the HCP conversation. Our most recent HCP Update meeting open to the public was July 13th 2020, and focused on presenting updates toward conservation strategy development. All meetings include a webinar option for those that are not able to attend in person.

The Project Team has conducted over 40 stakeholder meetings to engage interested parties in the HCP process. In addition, updates are provided at State Forests Advisory Committee (SFAC), Conservation Collaboration, and Industry adhoc meetings.

The Division has also been working to engage tribes with ancestral ties to lands within the HCP Plan Area. In December 2019, Division staff (Liz Dent and Cindy Kolomechuk) joined State Forester Daugherty in attending the Confederated Tribes of the Grand Ronde Tribal Council. This introductory meeting provided an opportunity to better understand the history and values of the Grand Ronde. The Tribal Council expressed an interest in the HCP, and invited the Division to give a presentation on the HCP at a future Tribal Council meeting.

State Forests Management Comparative Analysis

The Business Case Analysis conducted for Phase 1 of the Western Oregon State Forests Habitat Conservation Plan process focused on differences in financial outcomes between an HCP and the current (2010) take-avoidance FMP. In the absence of a draft HCP, this analysis relied on a number of assumptions. In addition, it did not include the full range of benefits to Oregonians required under GPV, including environmental and social benefits. In November 2018, the Board asked the Division to revisit this analysis once the HCP draft is complete to reduce assumptions and include additional environmental and social benefits.

In tandem with development of the HCP, the Division is also revising the 2010 take-avoidance FMP. ODF has determined that it will be useful to apply the Comparative Analysis to the current take-avoidance FMP, the revised take-avoidance FMP, and the HCP to provide a single, consistent, comprehensive method for comparing these forest management options. This analysis is currently under development, and will be used to assist the Board in evaluating whether to continue working toward an HCP in October 2020.

RECOMMENDATION

Information Only.

NEXT STEPS

The Division and its contractors will continue work toward a Western Oregon HCP to develop an administrative draft of the Western Oregon State Forests HCP and the Comparative Analysis. Specific steps include:

- Implement an HCP public engagement process.
- Continue developing 1st Administrative Draft of the Western Oregon HCP
- Continue developing the Comparative Analysis
- Present Phase 2 outcomes to the Board in October 2020

ATTACHMENTS

1. Forest Goals and Objectives for the Western Oregon HCP
2. Western Oregon State Forests HCP Stakeholder Engagement

Forest Goals and Objectives for the Western Oregon HCP Companion Forest Management Plan Final Draft

The following forest goals and objectives will guide the Forest Management Plan that would accompany a Western Oregon HCP. These goals are focused on forest goals and objectives that are central to Greatest Permanent Value. When the companion Forest Management Plan for the HCP is developed, goals and strategies related to agriculture and grazing, air quality, cultural resources, energy and geology, fish and wildlife, plants, scenic resources, water quality, water supply, and wetlands will be included. Please note the following definitions of terms:

Maintain: Active management that preserves resources from decline or collapse.

Conserve: To protect from harm and destruction.

Enhance: Actions implemented that increase or improve in value, quality, or desirability.

Restore: Assisting the recovery of a resource that has been degraded, damaged, or destroyed.

Table 1. Forest Goals and Objectives for the Western Oregon State Forests HCP Companion Forest Management Plan

Social
Goal 1: Support local and statewide Oregon economies and community well-being
Objective 1.1: Foster a full range of employment opportunities through forest management, recreation, and other activities.
Objective 1.2: Provide for a wide range of public use options and activities that are accessible to all Oregonians.
Objective 1.3: Maintain and enhance formalized infrastructure and programs that provide diverse forest recreation, education, and interpretation opportunities.
Objective 1.4: Maintain, enhance, and restore a healthy environment by supporting ecosystem services, including clean air, clean water, and net carbon sequestration in live trees.

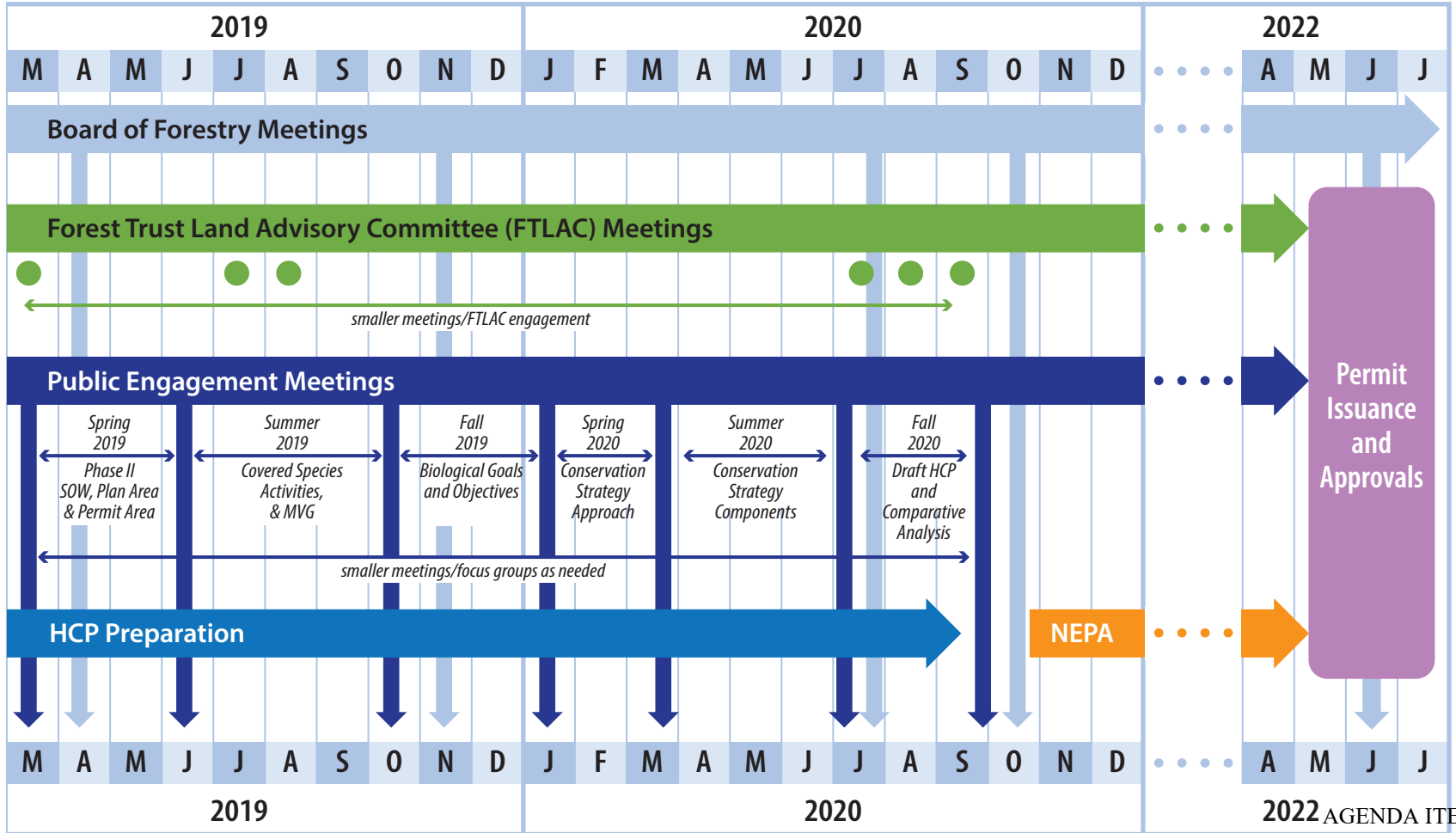
**Forest Goals and Objectives for the Western Oregon HCP
Companion Forest Management Plan
Final Draft**

Environmental
Goal 2: Maintain, enhance or restore the health of western Oregon state forests, thereby promoting sustainable, productive and resilient ecosystems.
Objective 2.1: Utilize science-based forest management techniques and strategies to manage for a healthy and sustainable forest in the uncertainty of global change.
Objective 2.2: Maintain or enhance net carbon sequestration in live trees over the life of the plan.
Objective 2.3: Minimize negative impacts of insects and disease outbreaks, fire and extreme weather and other environmental effects while increasing resiliency across the landscape.
Objective 2.4: Maintain biological diversity of native vegetation across the landscape.
Objective 2.5: Provide for structural complexity and tree size diversity at the stand level and across the landscape.
Objective 2.6: Maintain, conserve, enhance or restore long-term soil productivity.
Objective 2.7: Maintain, conserve, enhance or restore native wildlife habitats.
Objective 2.8: Maintain, conserve, enhance, or restore properly functioning aquatic habitats.

**Forest Goals and Objectives for the Western Oregon HCP
Companion Forest Management Plan
Final Draft**

Economics
Goal 3. Ensure sustainable and predictable revenues across the Western Oregon Forest Permit Area over the term of the permit.
Objective 3.1: Maintain or enhance State Forest financial viability.
Objective 3.2: Maintain or enhance revenue to counties, local taxing districts, and the common school fund.
Objective 3.3: Maintain or enhance opportunities for a diversity of revenue generating activities (carbon sequestration, recreation, communication sites, permits for special events, etc.).
Objective 3.4: Maintain or enhance the availability of revenue producing special forest products.
Objective 3.5: Maintain or enhance the long-term production of forest products through timber harvests.

Attachment 2: Western Oregon State Forests HCP Stakeholder Engagement



Agenda Item No:	9
Work Plan:	Climate Change and Forest Carbon
Topic	Recent and Ongoing Climate Change Work Update
Presentation Title:	Update on a selection of current climate change work taking place in the Department
Date of Presentation:	July 22, 2020
Contact Information:	John Tokarczyk, Manager, Policy Analysis Unit (PAU) 503-945-7414 John.A.TOKARCZYK@oregon.gov Andrew Yost, Forest Ecologist, PAU 503-945-7410 Andrew.Yost@oregon.gov Danny Norlander, Forest Carbon and Forest Health Policy Analyst, PAU, 503-945-7395 Danny.NORLANDER@oregon.gov

SUMMARY AND CONTEXT

Policy Analysis Unit staff will provide updates on parts of the Board of Forestry’s (Board) Climate Change and Forest Carbon work plan. Topics will include an update on findings from the harvested wood products and sawmill energy reports, the request to the Department of Justice on statutory authorities and climate change, the statewide Climate Adaptation Framework, and the Department of Forestry’s requirements and response to Executive Order 20-04.

BACKGROUND

Beginning in 2019, the Board reviewed prior Board work dating back to 2015 on climate policy, including how departmental Divisions incorporated climate change into operations. Throughout the year, Board members identified several specific topics of interest.

At its January and March 2020 meetings, the Board discussed work plan topics related to climate change and forest carbon as part of the Overarching Issues work plan. In response, Department staff offered to develop a specific work plan to house various elements of the Board’s work on Climate Change, rather than include specific items within division work plans.

This agenda item is a product of ongoing staff work identified under the Climate Change work plan. As part of that work, the department is been involved with collaborative research and reports on forest carbon storage and flux and continues to engage with efforts to quantify and model forest carbon. Current work was initiated following the determination that there were gaps in the knowledge around harvested wood products and their production. The report is nearing completion.

At their June 2020 meeting, the Board has identified questions to pose to the Department of Justice around their statutory authorities and climate change. The DOJ has begun to work on providing feedback and answering the questions outlined during the June Board meeting.

Governor Brown signed Executive Order 20-04 on climate change in March 2020 (Attachment 1). The order directs the Department to complete several tasks. These tasks include providing a report to the Governor’s office (Attachment 2, submitted in May 2020), participating on a work group focused on climate-impacted communities, and engaging with the Oregon Global Warming Commission on goal setting in natural working lands.

Lastly, over the last year and a half the Department of Land Conservation and Development has been leading a multiagency effort to update the State's Climate Adaptation Framework (Attachment 3). Staff from the department has been involved with this work and will present on the current state and intersection with the forest sector.

NEXT STEPS

1. Staff will continue work with the DOJ to address the desired statutory authority questions.
2. DOJ will present their findings to the Board at a later meeting.
3. Completion of the HWP and Sawmill Energy reports is expected by early fall.
4. The broader statewide efforts and collaboration with other partners will continue within their respective groups.

ATTACHMENTS

1. Executive Order NO. 20-04. Directing State Agencies to Take Actions to reduce and Regulate Greenhouse Gas Emissions.
2. Oregon Department of Forestry Report on Proposed Actions for Executive Order No. 20-04
3. Oregon's Climate Change Adaptation Framework



EXECUTIVE ORDER NO. 20-04

**DIRECTING STATE AGENCIES TO TAKE ACTIONS TO REDUCE AND
REGULATE GREENHOUSE GAS EMISSIONS**

WHEREAS, climate change and ocean acidification caused by greenhouse gas (GHG) emissions are having significant detrimental effects on public health and on Oregon's economic vitality, natural resources, and environment; and

WHEREAS, climate change has a disproportionate effect on the physical, mental, financial, and cultural wellbeing of impacted communities, such as Native American tribes, communities of color, rural communities, coastal communities, lower-income households, and other communities traditionally underrepresented in public processes, who typically have fewer resources for adapting to climate change and are therefore the most vulnerable to displacement, adverse health effects, job loss, property damage, and other effects of climate change; and

WHEREAS, climate change is contributing to an increase in the frequency and severity of wildfires in Oregon, endangering public health and safety and damaging rural economies; and

WHEREAS, the world's leading climate scientists, including those in the Oregon Climate Change Research Institute, predict that these serious impacts of climate change will worsen if prompt action is not taken to curb emissions; and

WHEREAS, the Intergovernmental Panel on Climate Change has identified limiting global warming to 2 degrees Celsius or less as necessary to avoid potentially catastrophic climate change impacts, and remaining below this threshold requires accelerated reductions in GHG emissions to levels at least 80 percent below 1990 levels by 2050; and

WHEREAS, Oregon, as a member of the U.S. Climate Alliance, has committed to implementing policies to advance the emissions reduction goals of the international Paris Agreement; and

WHEREAS, GHG emissions present a significant threat to Oregon's public health, economy, safety, and environment; and





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WHEREAS, the transition from fossil fuels to cleaner energy resources can significantly reduce emissions and increase energy security and the resilience of Oregon communities in the face of climate change; and

WHEREAS, emissions from the transportation sector are the single largest source of GHG emissions in Oregon; and

WHEREAS, actions to reduce GHG emissions in Oregon's transportation sector will provide substantial public health co-benefits by reducing air pollutants from the combustion of gasoline and diesel fuel that are harmful to human health; and

WHEREAS, the rapid transition from internal combustion engines to zero-emission vehicles will play a key role in reducing emissions from the transportation sector and advancing the state's GHG emissions reduction goals; and

WHEREAS, zero-emission vehicles provide multiple benefits to Oregonians, including lower operating, maintenance, and fuel costs, and lower emissions of GHGs and other pollutants; and

WHEREAS, the Legislature established ambitious goals for the adoption of zero-emission vehicles in Senate Bill 1044 (2019); and

WHEREAS, rapid actions and investments by Oregon's utility sector to reduce GHG emissions and improve the resilience of the energy system in the face of climate change and wildfire risk can reduce risks for utility customers; and

WHEREAS, transitioning the traditional natural gas supply to renewable natural gas can significantly reduce GHG emissions; and

WHEREAS, energy efficiency standards in the built environment can reduce operating costs, save renters and homeowners money on their utility bills, improve the comfort and habitability of dwellings, and reduce GHG emissions; and

WHEREAS, product energy efficiency standards reduce costs for consumers, save energy, and reduce GHG emissions; and





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WHEREAS, in the absence of effective federal engagement on these issues, it is the responsibility of individual states to take immediate actions to address climate change and ocean acidification; and

WHEREAS, after thorough hearings within the Oregon Legislature, a majority of both chambers support addressing climate change, and the failure of the Oregon Legislature to attain quorum has thwarted legislative action to achieve science-based GHG emissions reduction goals; and

WHEREAS, given the urgency and severity of the risks from climate change and ocean acidification, and the failure of the Legislature to address these immediate harms, the executive branch has a responsibility to the electorate, and a scientific, economic, and moral imperative to reduce GHG emissions and to reduce the worst risks of climate change and ocean acidification for future generations, to the greatest extent possible within existing laws; and

WHEREAS, existing laws grant authority to state agencies to take actions to regulate and encourage a reduction of GHG emissions in a variety of circumstances; and

WHEREAS, the Legislature through the Emergency Board took action on March 9, 2020, to provide permanent funding to the executive branch to pursue executive action on reducing GHG emissions; and

WHEREAS, considering climate change in agency planning and decision making will help inform decisions regarding climate change risks and avoid higher mitigation and adaptation costs in the future; and

WHEREAS, all agencies with jurisdiction over the sources of GHG emissions will need to continue to develop and implement programs that reduce emissions to reach the state's GHG goals; and

WHEREAS, all agencies with jurisdiction over natural and working landscapes in Oregon will need to prepare and plan for the impacts of climate change and take actions to encourage carbon sequestration and storage; and





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WHEREAS, the Legislature previously established the goal of achieving GHG levels “at least 75 percent below 1990 levels” by 2050, and our State has an urgent, moral obligation to set and achieve more ambitious GHG reduction goals.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. **State Agencies.** The following state commissions and state agencies are subject to the directives set forth in this Executive Order:
 - A. Business Oregon;
 - B. Department of Administrative Services (DAS);
 - C. Department of Consumer and Business Services Building Codes Division (BCD);
 - D. Department of Land Conservation and Development (DLCD) and Land Conservation and Development Commission (LCDC);
 - E. Environmental Justice Task Force;
 - F. Environmental Quality Commission (EQC) and Department of Environmental Quality (DEQ);
 - G. Oregon Department of Agriculture (ODA);
 - H. Oregon Department of Energy (ODOE);
 - I. Oregon Department of Fish and Wildlife (ODFW);
 - J. Oregon Department of Forestry (ODF);
 - K. Oregon Department of Transportation (ODOT) and Oregon Transportation Commission (OTC);
 - L. Oregon Global Warming Commission;
 - M. Oregon Health Authority (OHA);
 - N. Oregon Water Resources Department (OWRD);
 - O. Oregon Watershed Enhancement Board (OWEB); and
 - P. Public Utility Commission of Oregon (PUC).





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2. **GHG Emissions Reduction Goals.** Consistent with the minimum GHG reduction goals set forth in ORS 468A.205(1)(c), this Executive Order establishes science-based GHG emissions reduction goals, and calls for the State of Oregon to reduce its GHG emissions (1) at least 45 percent below 1990 emissions levels by 2035; and (2) at least 80 percent below 1990 emissions levels by 2050.

3. **General Directives to State Agencies.** From the date of this Executive Order, the state commissions and state agencies listed in paragraph 1 are directed to take the following actions:
 - A. **GHG Reduction Goals.** Agencies shall exercise any and all authority and discretion vested in them by law to help facilitate Oregon's achievement of the GHG emissions reduction goals set forth in paragraph 2 of this Executive Order.
 - B. **Expedited Agency Processes.** To the full extent allowed by law, agencies shall prioritize and expedite any processes and procedures, including but not limited to rulemaking processes and agency dockets, that could accelerate reductions in GHG emissions.
 - C. **Agency Decisions.** To the full extent allowed by law, agencies shall consider and integrate climate change, climate change impacts, and the state's GHG emissions reduction goals into their planning, budgets, investments, and policy making decisions. While carrying out that directive, agencies are directed to:
 - (1) Prioritize actions that reduce GHG emissions in a cost-effective manner;
 - (2) Prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts; and
 - (3) Consult with the Environmental Justice Task Force when evaluating climate change mitigation and adaptation priorities and actions.
 - D. **Report on Proposed Actions.** The following agencies are directed to report to the Governor by May 15, 2020, on proposed actions within their statutory authority to reduce GHG emissions and mitigate climate change impacts: DEQ, DLCD, ODA, ODOE, ODFW, ODF, ODOT, OWRD, OWEB, and PUC.





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- E. Participation in Interagency Workgroup on Climate Impacts to Impacted Communities. The Governor's Office will convene an interagency workgroup on climate impacts to impacted communities to develop strategies to guide state climate actions, with participation by the following agencies and commissions: DEQ, DLCDC, ODA, ODF, ODFW, ODOE, ODOT, OHA, OWEB, OWRD, PUC, Environmental Justice Task Force, Oregon Global Warming Commission, Oregon Parks and Recreation Department, and Oregon Sustainability Board.
4. Directives to the Environmental Quality Commission and the Department of Environmental Quality. In addition to the general directives set forth in paragraph 3, the EQC and DEQ are directed to take the following actions:
- A. Oregon's Clean Fuel Standards. Pursuant to its authority under ORS 468A.265 *et seq.* and other applicable laws, the EQC and DEQ shall take actions necessary to amend the low carbon fuel standards, and the schedule to phase in implementation of those standards, with the goal of reducing the average amount of GHG emissions per unit of fuel energy by 20 percent below 2015 levels by 2030, and 25 percent below 2015 levels by 2035.
- B. Clean Fuel Credits for Electrification. The EQC and DEQ are directed to advance methods accelerating the generation and aggregation of clean fuels credits by utilities that can advance the transportation electrification goals set forth in Senate Bill 1044 (2019).
- C. Sector-specific GHG Cap and Reduce Program. Pursuant to its authority under ORS 468A.005 *et seq.* and other applicable laws, the EQC and DEQ shall take actions necessary to:
- (1) Cap and reduce GHG emissions from large stationary sources of GHG emissions, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order;
 - (2) Cap and reduce GHG emissions from transportation fuels, including gasoline and diesel fuel, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order; and





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- (3) Cap and reduce GHG emissions from all other liquid and gaseous fuels, including natural gas, consistent with the science-based emissions reduction goals set forth in paragraph 2 of this Executive Order.
 - D. Regulation of Landfill Methane Emissions. The EQC and DEQ shall take actions necessary to reduce methane gas emissions from landfills, as defined in ORS 459.005(14), that are aligned with the most stringent standards and requirements for reducing methane gas emissions from landfills adopted among the states having a boundary with Oregon.
 - E. Reduction of Food Waste. The EQC and DEQ are directed to take actions necessary to prevent and recover food waste, with the goal of reducing food waste by 50 percent by 2030, to reduce GHG emissions resulting from such waste, including but not limited to engaging with states and other jurisdictions, industry, food retailers, and brand manufacturers to develop and implement strategies to prevent and recover food waste.
 - F. Timeline and Implementation.
 - (1) No later than May 15, 2020, DEQ shall submit a report to the Governor regarding an estimated timeline for rulemaking necessary for implementing the directives of paragraph 4(A)–(B) and paragraph 4(D)–(E), above.
 - (2) DEQ shall submit a preliminary report to the Governor by May 15, 2020, regarding program options to cap and reduce emissions from large stationary sources, transportation fuels, and other liquid and gaseous fuels that can commence no later than January 1, 2022. A final report shall be due by June 30, 2020.
 - (3) Reports submitted pursuant to paragraph 4 of this Executive Order also should detail DEQ’s plans to engage impacted communities during the rulemaking process, in a manner consistent with ORS chapter 183.
5. Directives to the Public Utility Commission of Oregon. In addition to the general directives set forth in paragraph 3, the PUC is directed to consider the following factors and values, consistent with state law:





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- A. Statement of Public Interest. It is in the interest of utility customers and the public generally for the utility sector to take actions that result in rapid reductions of GHG emissions, at reasonable costs, to levels consistent with the GHG emissions reduction goals set forth in paragraph 2 of this Executive Order, including transitioning to clean energy resources and expanding low carbon transportation choices for Oregonians.
- B. Regulatory Considerations. Executive Order 00-06, which ensures that the PUC maintains its independence in decision making, is reaffirmed. The directives in this Executive Order are consistent with Executive Order 00-06. When carrying out its regulatory functions, the PUC is directed to:
- (1) Determine whether utility portfolios and customer programs reduce risks and costs to utility customers by making rapid progress towards reducing GHG emissions consistent with Oregon's reduction goals;
 - (2) Encourage electric companies to support transportation electrification infrastructure that supports GHG reductions, helps achieve the transportation electrification goals set forth in Senate Bill 1044 (2019), and is reasonably expected to result in long-term benefit to customers;
 - (3) Prioritize proceedings and activities, to the extent consistent with other legal requirements, that advance decarbonization in the utility sector, and exercise its broad statutory authority to reduce GHG emissions, mitigate energy burden experienced by utility customers, and ensure system reliability and resource adequacy;
 - (4) Evaluate electric companies' risk-based wildfire protection plans and planned activities to protect public safety, reduce risks to utility customers, and promote energy system resilience in the face of increased wildfire frequency and severity, and in consideration of the recommendations made by the Governor's Council on Wildfire Response 2019 Report and Recommendations;





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- (5) Convening periodic workshops for purposes of assisting electric companies, consumer-owned utilities, and operators of electrical distribution systems to develop and share best practices for mitigating wildfire risk; and
- (6) In cooperation with Oregon Housing and Community Services, establish a public process to address and mitigate differential energy burdens and other inequities of affordability and environmental justice, including rate design and other programs to mitigate energy burden.

6. **Directives to the Department of Consumer and Business Services**

Building Codes Division. In addition to the general directives set forth in paragraph 3, BCD is directed to take the following actions:

- A. **Energy Efficiency Goal for New Construction.** BCD, through its advisory boards and committees, and in cooperation with ODOE, is directed to adopt building energy efficiency goals for 2030 for new residential and commercial construction. That goal shall represent at least a 60 percent reduction in new building annual site consumption of energy, excluding electricity used for transportation or appliances, from the 2006 Oregon residential and commercial codes.
- B. **Code Progress and Updates.** BCD, through its advisory boards and committees, and in cooperation with ODOE, is directed to evaluate and report on Oregon's current progress toward achieving the goal for new residential and commercial buildings, pursuant to paragraph 6(A) of this Executive Order, and options for achieving steady progress toward the goal over the next three code cycles (2023, 2026, and 2029). Pursuant to its authority under ORS 455.500, BCD also is directed to update the Reach Code on the same timeline. No later than September 15, 2020, BCD should submit a report to the Governor on current progress and options for achieving the goals over the next three code cycles. The report should be updated every three years thereafter.
- C. **Baseline Metrics and Reductions.** BCD, in cooperation with ODOE, is directed to agree on metrics, based on best practice and academic research, to inform the baseline and reductions associated with the code updates set forth in paragraph 6(B).





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7. **Directives to the Oregon Department of Energy.** In addition to the general directives set forth in paragraph 3, ODOE is directed to take the following actions:
- A. **Energy Efficiency Standards.** ODOE is directed to pursue emissions reductions by establishing and updating energy efficiency standards for products at least to levels equivalent to the most stringent standards among West Coast jurisdictions, including grid-connected appliances that can be utilized to manage end-use flexible electrical loads. ODOE also is directed to periodically evaluate and update those standards, as practicable, to remain at least equivalent to the most stringent standards among West Coast jurisdictions.
 - B. **Rulemaking.** ODOE is directed to take actions necessary to establish and update energy efficiency standards for products sold or installed in Oregon that include but are not limited to the following:
 - (1) High CRI fluorescent lamps;
 - (2) Computers and computer monitors;
 - (3) Faucets;
 - (4) Shower heads;
 - (5) Commercial fryers;
 - (6) Commercial dishwashers;
 - (7) Commercial steam cookers;
 - (8) Residential ventilating fans;
 - (9) Electric storage water heaters; and
 - (10) Portable electric spas.
 - C. **Timeline.** Any rulemaking necessary to implement the directives set forth in paragraph 7(B) should be completed by September 1, 2020.
 - D. **Third-Party Validation for Cost Savings.** ODOE, in cooperation with BCD, is directed to contract with a third party consulting firm to assess cost implications, including long-term energy cost savings, of the energy efficiency and building code actions set forth in paragraph 6(A)–(B) of this Executive Order.





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8. **Directives to the Department of Administrative Services.** In addition to the general directives set forth in paragraph 3, DAS is directed to take the following actions:
- A. **Procurement Model for Zero-Emission Vehicles.** DAS is directed to develop a statewide policy and plan for state agencies to follow for procuring zero-emission vehicles, which local governments and special government bodies may use as a model program for furthering adoption of zero-emission vehicles for their fleets. The model program shall provide for a rate of procurement of zero-emission vehicles consistent with the findings and goals set forth in ORS 283.398 and the provisions of ORS 283.327. The model program may provide for DAS to participate in, sponsor, conduct, or administer cooperative procurements in accordance with ORS 279A.200 to ORS 279A.225, under which DAS, local governments, and special government bodies may procure zero-emission vehicles.
 - B. **GHG Implications of Contracting.** DAS is directed to review existing state procurement laws and practices to identify potential improvements that can reduce GHG emissions, consistent with the GHG reduction goals set forth in paragraph 2 of this Executive Order. DAS shall provide a report to the Governor no later than September 15, 2020, detailing options.
 - C. **GHG Reduction Goals and Electrification Goals.** DAS is directed to support the state in meeting the GHG reduction goals set forth in paragraph 2 of this Executive Order, and the zero-emission vehicle adoption goals set forth in Senate Bill 1044 (2019), through the rapid conversion of state fleets to zero-emission vehicles, and the expansion of electric vehicle charging infrastructure for public buildings. DAS shall provide a report to the Governor no later than September 15, 2020, detailing its plan.
9. **Directives to the Oregon Transportation Commission, Oregon Department of Transportation, Land Conservation and Development Commission, Environmental Quality Commission, and Oregon Department of Energy.**





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- A. In a letter from the Governor, dated September 23, 2019, the OTC, LCDC, EQC, and ODOE were directed to prioritize implementation of the Statewide Transportation Strategy, adopted by the OTC. Those agencies are further directed to include the following elements in their implementation of the Statewide Transportation Strategy:
 - (1) Establishment of GHG emissions reduction performance metrics; and
 - (2) Amendments to the Transportation Planning Rule that direct changes to the transportation plans of metropolitan planning areas to meet GHG reduction goals.
 - B. ODOT and DLCD are directed to identify and implement means to provide financial and technical assistance to metropolitan planning areas for amendment to transportation and land use plans that meet the state GHG reduction goals, or more stringent goals adopted by a metropolitan planning area.
 - C. Implementation of the directives set forth in paragraph 9(A)–(B) shall be at the highest level within the agencies, with regular and direct reporting to the Governor. The first report shall be made to the Governor no later than June 30, 2020.
- 10. Directives to the Oregon Department of Transportation.** In addition to the general directives set forth in paragraph 3, ODOT is directed to take the following actions:
- A. In consultation with DEQ, ODOE, other appropriate state agencies, and public utilities, ODOT is directed to conduct a statewide transportation electrification infrastructure needs analysis, with particular focus on rural areas of the state, across use types and vehicle classes, to facilitate the transportation electrification goals set forth in Senate Bill 1044 (2019). The study should be completed no later than June 30, 2021.
 - B. ODOT is directed to develop and apply a process for evaluating the GHG emissions implications of transportation projects as part of its regular capital planning and Statewide Transportation Improvement Program planning processes. ODOT shall provide a report on the process to the Governor no later than June 30, 2021.





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11. **Directives to Oregon Health Authority.** In addition to the general directives set forth in paragraph 3, OHA is directed to take the following actions:
- A. OHA is directed to deliver a report to the Governor, the Oregon Global Warming Commission, and the Environmental Justice Task Force no later than September 1, 2020, on the public health impacts of climate change in Oregon, with particular emphasis on the risks faced by vulnerable communities, including Oregon's nine federally recognized Native American tribes, communities of color, low income communities, and rural communities. OHA is directed to update the report annually.
 - B. OHA is directed to study the impacts of climate change on youth depression and mental health in Oregon and deliver a report to the Governor no later than June 30, 2021.
 - C. OHA and the Oregon Occupational Safety and Health Administration (OSHA) are directed to jointly develop a proposal for standards to protect workplace employees from exposure to wildfire smoke and excessive heat. The proposal should be completed no later than June 30, 2021.
12. **Directives to Oregon Global Warming Commission.** In addition to the general directives set forth in paragraph 3, the Global Warming Commission is directed to take the following actions:
- A. In coordination with ODA, ODF, and OWEB, the Oregon Global Warming Commission is directed to submit a proposal to the Governor for consideration of adoption of state goals for carbon sequestration and storage by Oregon's natural and working landscapes, including forests, wetlands, and agricultural lands, based on best available science. The proposal shall be submitted no later than June 30, 2021.
 - B. Consistent with its reporting requirements in House Bill 3543 (2007), the Oregon Global Warming Commission shall also include reporting on progress toward the GHG reduction goals set forth in paragraph 2 of this Executive Order, and the zero-emission vehicle adoption goals set forth in SB 1044 (2019).





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13. **Effectiveness.** This Executive Order will remain in effect unless and until it is superseded by statute or another Executive Order.

Done at Salem, Oregon, this 10th day of March, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE





Oregon Department of Forestry

Report on Proposed Actions for Executive Order No. 20-04

Overview

As related to the Agency’s plans for implementation of specific directives given to the agency by EO 20-04, the Oregon Department of Forestry (ODF) has been actively and cooperatively working on climate change and climate mitigation efforts for over 20 years. Initially working to establish the authority and ability to facilitate development of carbon offset markets and later participating in early statewide climate and carbon research and policy development efforts. The department continues these efforts with multiple partners and stakeholders and is actively involved in the development of science behind measurement and quantification of carbon storage and sequestration in forests.

Agency Reduction of Greenhouse Gas (GHG) Emissions

Agency operational protocols have a direct relationship to carbon and emissions. Further evaluation of these protocols and related business practices to identify where achieving efficiencies are meaningful in realizing emission reductions. Toward this end, actions ODF has begun evaluating, and will continue to evaluate, towards reducing “GHG emissions in a cost-effective manner” include:

- Expand and encourage utilization of remote meeting technology to reduce vehicle travel to and from the numerous meetings agency staff and associated committees are regularly involved.
- Reduce building energy and electrical consumption through technological and personal action (e.g. power sensors, shut off lights and computers off when not needed).
- Utilize electric vehicles where reasonable as fleet replacements arise. Identify and facilitate additional telecommuting options where appropriate.

Agency Reduction of GHG in Policy

ODF has established active research and policy relationships with federal, academic, and stakeholder partners and neighboring states to assess and account for forest carbon and impacts of climate change. The Pacific Temperate Forest MOU (Oregon, California, Washington, and British Columbia) formalizes this relationship and involves active research participation and support around regional forest carbon and climate change. The policy and research efforts vary but relate directly to the relationship between carbon, climate and Oregon’s forests and natural working lands. Examples of these efforts include:

Forest Carbon Sequestration and Flux – ODF has worked cooperatively with the USDA Forest Service Pacific Northwest Research Station (PNWRS), research institutions, and stakeholders to produce the Forest Ecosystem Carbon Report (FECR) that quantifies the amount of carbon that is currently stored in Oregon’s forests. The report is intentionally consistent with forest carbon reporting in California and Washington to facilitate regional analysis and comparison and has helped establish a baseline for the storage and flux of carbon in forest ecosystems across the Pacific coast region. This approach is a critical aspect to understanding and informing carbon and climate policy within and beyond Oregon. Forest ecosystem carbon reporting in Oregon will be iterative, utilizing ongoing federal Forest Inventory Analysis (FIA) data collection and will continue to be dynamic and current with the next update expected when all field plots have been remeasured in the next few years.



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Wood Product Carbon Flux – ODF is currently working with the PNWRS and State partners to produce a report on the storage and flux of carbon in harvested wood products (HWP). This report will provide estimates of carbon in products currently in use, landfills, and emitted from burning (by ownership) based on timber harvests in Oregon since 1906. This report is anticipated to be completed by the fall of 2020 along with an assessment of sawmill energy usage and production in Oregon. ODF included a stakeholder committee during the production of both the Forest Ecosystems Carbon Report and the Harvested Wood Products Carbon Report. This research and reporting provides a vital linkage with the flow of carbon out of forest pools to utilization. Work like the FECR is being conducted in a manner comparable to neighboring state partners, providing a necessary mechanism for tracking carbon flows and utilization regionally.

Scenario Planning and Management Projections – ODF is currently collaborating with the PNWRS, and the other signatories of the Pacific Temperate Forest MOU in a co-production effort to model the benefits and consequences of alternative forest management scenarios for carbon mitigation. There is ongoing, broad-level stakeholder involvement, with outreach to those most impacted. This work is part of a long-term initiative within the PNWRS that includes numerous staff from various natural resource agencies and organizations including Andrew Yost, the department's forest ecologist and Danny Norlander, the forest carbon policy analyst. With completion of this work, ODF will be able to present projected impacts of various forest management scenarios and the implications to forest carbon. It is anticipated that this work will be completed within the next few years with a variety of intermediate products produced along the way.

Detecting Changes in Biogeography of Trees and Adaptation Planning – ODF is currently collaborating with the Forest Inventory and Analysis Program, The Institute For Natural Resources, and Groom Analytics to measure the rate of change in tree species' distributions due to climate change. In 2021, the US National Forest Inventory program will complete remeasurement of 33,600 Forest Inventory and Analysis (FIA) plots in Oregon, California, and Washington. These measurements provide the data to test one of the most important hypotheses about the effects of atmospheric carbon enrichment on climate and vegetation on a large geographic scale. This analysis will provide a geographical baseline for all tree species in the FIA datasets. The intensity, design, and spatial extent of the Forest Inventory and Analysis (FIA) data sets provide a distinct opportunity to detect slight shifts in tree species' ranges within a 10-year monitoring interval. ODF and the Board of Forestry (Board) will use the results of this analysis for adaptation planning centered on assisted migration.

Oregon Board of Forestry – The Board is interested in developing effective policies for climate change mitigation and adaptation. The Forestry Plan for Oregon is the Board's strategic planning document and it integrates climate change as a key goal. The Board has begun the process of updating the FPFO starting with revision of the values statements and the climate change goals (Goal G). As with all Board work, this process will be open, transparent and will incorporate public comment.

Diversity, Equity, and Inclusion – Separately identified in the Board work plans for both the values and Goal G revision is identification and implementation of an inclusive and equitable public input process. How much and to what degree the public and outside entities will be able to participate in these processes will be established by the Board. To help ensure an equitable process, staff hopes to



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utilize an equity lens and tools being developed under the Statewide Climate Change Adaptation Framework process led by the Department of Land Conservation and Development (DLCD). This large project has an equity subgroup that has contracted with a Diversity, Equity, and Inclusion (DEI) consultant to help develop these tools. One intent of this contract is to provide durable tools participating agencies can utilize in their own policy development and project outreach. ODF is closely involved with this group and is providing funding to the contracting agency (Oregon Health Authority) for the DEI consultant. The lead for this work is Danny Norlander, who has been the primary participant from the agency in the adaptation framework process. The timeline of the equity tools aligns with the current anticipated timeline for the Board’s strategic plan revision work, with the equity lens and tools due in late summer 2020.

Work with the Board on DEI and public outreach leads into the Executive Orders requirement on participation with the workgroup on climate-impacted communities. The department will utilize the processes and tools developed in both the strategic plan revision and the adaptation framework project to increase its inclusion and outreach to impacted communities. At this time, the lead individual is likely be Danny Norlander but may also include department representatives to the Environmental Justice Task Force, Andy White and Ryan Gordon. If the agency is successful in increasing DEI staffing through budgetary requests, any new staff will be included in the process as well. It is unclear how closely this work will align with what has been done towards the adaptation framework, but it could stand as a starting point for the process.

Oregon Global Warming Commission Support and Participation – The final area where the Order specifically directs ODF action is coordination with the Oregon Global Warming Commission (OGWC) towards goal setting and scoping relating to natural working lands (section 12). ODF has been an active participant and member in the work of the OGWC and providing substantive staff support and focus on carbon and climate particularly as it relates to forestlands. While these efforts are in line with the overall direction of the Order, there are some finer points that the agencies and the Commission will need to work on before the June 2021 due date. ODF will participate in this strategic and scientifically supported best practice goal setting with participation from the state forester, Peter Daugherty and support from Andrew Yost and Danny Norlander, among other knowledgeable staff.

**Advancing
GHG
emission
reduction
Goals**

Relating to the general direction to all agencies to advance the greenhouse gas emissions reduction goals established by EO 20-04, ODF staff has and will continue to interact with the Board in revising the Board’s strategic policy document, the Forestry Program for Oregon. The document has a series of goals, of which Goal G is specifically related to forest carbon and climate change. It reads:

“Improve carbon sequestration and storage and reduce carbon emissions in Oregon’s forests and forest products.”

The Board is focusing on revising the specific objectives within the goal. While there is no rulemaking in this process there will be public outreach throughout the revision process.

Statutory Authority Review – In anticipation of future rulemaking (whether climate change related or not), the department and the Board are requesting that the Department of Justice (DOJ) provide clarification on the Board’s authorities to set climate change policy and to take climate change into



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account in development of new rules or revision of existing ones. This analysis of the Board's authority and related statutes is scheduled to begin in June of 2020 with anticipated completion in the fall. This process will help the Board in the revision of the climate change portion of their strategic plan. The Board has already included climate change as a policy emphasis for department operations.

Systematic Statute and Rule Review – Following input from the DOJ and revision of the climate change goal, the Board and department plan to implement a systematic review of all statutes and rules as they relate to climate change, greenhouse gas mitigation, climate adaptation, and the impact of the regulations on meeting policy and executive goals.

Forest Carbon Offsets – While ODF has the statutory authority to implement a forest carbon offset program (ORS 526.780 to 526.789), it has not had the staffing capacity or demand to progress into rulemaking and program development. With the direction provided to the Department of Environmental Quality (DEQ) and the Environmental Quality Commission (EQC) by EO 20-04 regarding programs to cap and reduce GHG emissions in several sectors, ODF will coordinate with their rulemaking processes regarding any development of forest carbon offsets that are linked to those new programs. The department will reach out to DEQ and work to be included in this program development work over the next 18 months as it relates to forest carbon. ODF has developed a Policy Option Package that would provide the needed staffing to develop a carbon offset program. Staffing capacity will likely continue to be an issue for the department and may provide a barrier to the development of the forest carbon offset program.

Partner GHG and Carbon Research – Further development of the Board's strategic plan will provide policy guidance to the department in its efforts to reduce GHGs and help to identify further mitigation and adaptation possibilities. The continuing research and modeling that the department is involved with will provide additional scientific background and support for actions that the department may take.

Outreach and Inclusion – Community outreach and inclusion of impacted communities will continue to be a priority for the agency because ODF is committed to ensuring that climate impacted communities are included in the development of new programs or policies.

Maintaining Forestland as Forestland and Expand Forest Cover – More forests equate to more carbon sequestration. Maintaining existing forest cover and restoring forests lost to wildfire and conversion to agriculture or urban uses provides a foundational strategy for forest carbon mitigation. The combination of Oregon's statewide land use system, efficient and effective Forest Practices Act, and use of voluntary measures, such as the Oregon Plan for Salmon and Watersheds, are currently very effective at keeping Oregon's forests as forests. Relative to 1974, Oregon has maintained 98% of its wildland forests; forest industry and non-federal public forests have remained virtually unchanged. Most of the conversion has occurred in non-industrial or family forestland, because of their proximity to developed and developing areas. This success is reflected in the Forest Ecosystem Carbon Report finding of no net loss of carbon due to forestland conversion. Continued support for Oregon's statewide land use system and approaches to maintaining working forests are critical to climate mitigation. Additional support and incentives for family forestland owners could also improve carbon sequestration and help avoid conversions to non-forest uses.



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Afforestation and Urban Tree Canopy (UTC) – One of Oregon’s opportunities for afforestation lies in its urban and community forestry efforts. UTC cover as an environmental amenity stems from the direct flow of benefits, or ecosystem services, to people, neighborhoods, and communities where UTC cover is found. Areas with healthy, extensive UTC cover have been associated with the regulation of local climate and water cycles, and associated with reductions in childhood obesity and asthma rates, decreases in cognitive fatigue, improvements in worker attitudes on the job, and reduction of stress, including decreased feelings of anger, depression, and anxiety. UTC cover has also been associated with improved aesthetics, noise reduction, skilled and unskilled local job opportunities, stronger social cohesion and community empowerment. UTC cover is also identified as an environmental justice issue, with lower UTC cover correlated to poorer neighborhoods, often comprised of rental properties, multi-family residences, strip malls, and industrial uses. Populations in these areas often have health and social conditions that could be improved with improved UTC cover. Implementation of this urban afforestation effort would need a continual budget increase of approximately \$500,000 annually to provide municipalities grant funding and staffing related to program development, implementation tracking, and ensuring that appropriate DEI process are in place and followed to ensure equitability.

Federal Forest Restoration and Fuels Reduction – Utilization of natural and working lands is seen as a key part of the implementation of mitigation and adaptation measures. Unfortunately, many of the states wildland forests are currently in an unhealthy state due to a multitude of factors. The department and its cooperators have been working for many years to address over-stocking and forest health issues through fuels treatments and cost-share programs. One barrier to full implementation of restoration principles is the lack of managed fire following fuels treatments. Current statutes appear to be in conflict in the ability of the state to participate and fund prescribed fire operations. Alignment of the fire protection and forest management statutes as well as looking to adjust the negligence and liability laws related to prescribed fire may increase the use of this tool.

Shared Stewardship – Finally, further utilization of the recently signed Shared Stewardship Agreement, and continued use of Good Neighbor Authority with our federal partners will likely lead to increased landscape level treatment and restoration of unhealthy forests across ownership classes. This process is ongoing but may become resource limited as the state attempts to increase the pace, and scale of restoration efforts. Additional staffing will be required to fully implement these programs and meet the goals of creating healthy and resilient forested ecosystems, vibrant local economies, healthy watersheds with functional aquatic habitat, and quality outdoor experiences for all Oregonians.

Concluding Remarks

Thank you for the opportunity to report out on the actions that the Oregon Department of Forestry is undertaking, envisions, and has considered in reducing the impacts of climate change on Oregonians, Oregon businesses, and the states natural environment. We look forward to further conversation and participation with the Governor’s Office, our partner agencies, impacted communities, external partners, and stakeholders in this important area of work.

Contact

Danny Norlander
503-945-7395

John Tokarczyk
503-945-7414

Oregon's Climate Change Adaptation Framework

Getting Ready for a Changing Climate

Oregon's climate is changing.

And it's critical the State of Oregon gets ready.

The State of Oregon is currently updating the *Oregon Climate Change Adaptation Framework*.

The Department of Land Conservation and Development has built a team of staff from 24 state agencies to update Oregon's 2010 Climate Adaptation Framework. The 2010 Framework called on the State to research challenges, monitor the effects of climate change, and integrate adaptation and mitigation strategies into state agency work.



Building on Past Work, Learning from Peers

The team's review of progress since the 2010 Framework noted though the risks from climate disruption have been constant, the impacts from those risks (e.g. forest fires, extreme temperatures, loss of snow pack) have become more severe and frequent.

The review also found although agencies had some success acting on the recommendations in Framework, the state lacks an organizing structure to ensure consistent, strategic, and equitable action on climate.

Framework staff also reviewed adaptation plans from 17 other states, and found those efforts generally resulted in wish lists of projects not completed, except where action was required or institutionalized.

The team decided to shift the *Framework* into a multi-agency climate adaptation program to guide state agencies as each develops an adaptation action plan in its specialty areas.

Finding Climate Drivers and Risks, Identifying Responses and Agency Needs

The 2020 Framework will describe climate change drivers, resulting risks, potential responses, and agency needs under six themes¹:

- Economy
- Natural World
- Built Environment
- Public Health
- Cultural Resources
- Social Systems

The *Framework* will help state agencies work in partnership with Tribal nations, local governments and other community partners.



AGENDA ITEM 9

Attachment 3

¹ Adapted from the Fourth Oregon Climate Assessment Report (<http://www.occri.net/media/1095/ocar4full.pdf>) Page 1 of 2

Implementation Strategy

Leadership, Equity, Engagement, Collaboration

The Framework will include an implementation strategy aimed at state agencies. Staff are developing five key areas:

1. **A structure of leadership and support** from agency staff empowered to set direction and allocate resources
2. **Equity and inclusion guidelines** to ensure agencies are consistently following best practices
3. **Completion of a comprehensive climate change vulnerability assessment**
4. **Tools to encourage a culture of interagency collaboration** by building information sharing and coordination protocol
5. **Integration of climate change adaptation into agency programs and budgets.**

Publication by Fall 2020; Ongoing Work

Many of the Framework's climate change adaptation actions will be integrated into Oregon's next Natural Hazard Mitigation Plan to be adopted in the Fall of 2020. A complete *Framework* will be published in December 2020.

But more importantly, the *Framework* has launched state's ongoing focus on climate change adaptation. The 24-agency work group will continue to work together to identify priority climate adaptation actions and find the means to take those actions.

The *Framework* is a living document, to be updated and refined with our community partners as agencies use it to develop detailed action plans.

You can contribute to this first version; public comment events are planned for August 2020.

For More Information

Sign up for updates on DLCD's climate change work at public.govdelivery.com/accounts/ORDLCD/subscriber/new

Christine Shirley
Climate Change Resilience Coordinator
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State of Oregon
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Updated 07/8/2020



24 State Agencies Involved in the Framework Development

Business Oregon
Department of Administrative Services
Department of Agriculture
Department of Consumer and Business Services - Building Codes
Department of Consumer and Business Services - Insurance
Department of Environmental Quality
Department of Fish and Wildlife
Department of Geology and Mineral Industries
Department of Land Conservation and Development
Department of State Lands
Office of Emergency Management
Oregon Department of Energy
Oregon Department of Forestry
Oregon Department of Transportation
Oregon Employment Department
Oregon Health Authority
Oregon Housing and Community Services
Oregon Parks and Recreation Department
Oregon State Marine Board
Oregon State Police - State Fire Marshal
Oregon Water Resources Department
Oregon Watershed Enhancement Board
Public Utilities Commission

Agenda Item No.:	10
Work Plan:	Administrative
Topic:	Board Governance Discussion
Presentation Title:	Adopting Governance Policy and Procedures
Date of Presentation:	July 22, 2020
Contact Information:	Peter Daugherty, State Forester 503-945-7429, Peter.Daugherty@Oregon.gov Tom Imeson, Board of Forestry Chair 503-945-7210, BoardofForestry@Oregon.gov

SUMMARY

This agenda item allows time for the Board of Forestry (Board) to discuss good governance practices based on the action plan designed to help the State Forester, Department, and Board work together to build relationships, to promote consensus, and to foster respectful and effective governance.

BACKGROUND/CONTEXT

Generated from the October 9, 2019 Board Retreat, the March 2020 Board meeting, and the January 8, and June 3, 2020 Board Executive Sessions on the State Forester's Annual Performance Review.

At their March meeting, the Board held their first public discussion of good governance practices. The Board agreed to commit to meeting the Governor's expectations as excerpted from her Membership Handbook for Boards and Commissions – revised 2/18/2015. The Board preferred a bulleted list, asked the State Forester to proceed with development, and to include the list of Governor's expectations. They also preferred more time to review and work on additional expectations at the next scheduled governance discussion.

The Board also agreed to develop written documentation on policy process, discussed governance topics including additional topics. They directed the State Forester to draft a bylaws document on Board governance and an updated list of governance topics, ordered by priority.

The State Forester drafted a bylaws document on Board Governance (Attachment 1), updated the list of governance topics, ordered by priority (Attachment 2), and revised the Expectations of Board Members document (Attachment 3). These documents were presented to the Board at the June 3, 2020 Board Executive Session on the State Forester's Annual Performance Review. The State Forester briefly discussed these documents in the context of work completed to meet Board expectations. No decisions were made. The State Forester subsequently sent electronic versions of these documents to the Board for further review and feedback.

ANALYSIS

The draft Board Governance Policy meets the Governor's Handbook recommendation that boards have a set of bylaws to direct and clarify its actions, procedures and organization. The draft follows Board direction not to duplicate policies already included in statutes and administrative rules, by referencing the ones that relate to Board administrative policies and procedures. Staff made one change based on feedback, by adding a definition of "Governance" under the definitions section.

The Handbook also recommends that the bylaws include expectations of members. The Board can meet this recommendation by finalizing the Expectations of Board of Forestry Members document. The Board Governance Policy references the expectations as a supporting document. Staff made clarifying edits to expectations identified by the Board, based on feedback received.

The Board Governance Policy also references the governance topics identified through this process. The document lists these topics in priority order. As the Board adopts policies, procedures, and/or guidance to address these topics, they would add the to the Policy document by reference. Staff made clarifying edits to topics based on feedback received.

RECOMMENDATION

The Department recommends that the Board:

- 1) Adopt the Board Governance Policy (Attachment 1)
- 2) Review and confirm the priorities of governance topics, and adopt the list (Attachment 2) to provide direction to the State Forester.
- 3) Review, finalize expectations, and approve the set of Expectation of Board of Forestry Members (Attachment 3).

NEXT STEPS

One-hour will be set aside at upcoming meetings for the Board and Department to work on the highest priority topics.

ATTACHMENT

- (1) Board of Forestry Governance Policy
- (2) Board of Forestry Governance: Governance Topics
- (3) Board of Forestry Governance: Expectations of Board of Forestry Member



OREGON DEPARTMENT OF FORESTRY POLICY DOCUMENT

Title: Governance Policy	
Division/Program: Board of Forestry	
Applicability: All Board Members	
Effective Date: TBD	Last Review Date: TBD
Approval Name: Peter Daugherty	Review Interval: 4 Years
Signature: (Following Board Approval)	Custodian: Peter Daugherty
	Position: State Forester

POLICY STATEMENT:

It is the Policy of the Oregon Board of Forestry (Board) to have a set of bylaws to direct and clarify its actions, procedures and organization, which include expectations of members. The Board will establish written documentation for Board processes and procedures developed to execute its statutory responsibility.

AUTHORITY:

ORS 526-009 to 526-052, OAR 629-010-0005 to 629-010-0100, Membership Handbook for Boards & Commission. Kate Brown, Governor State of Oregon. Revised 2/18/15.

DEFINITIONS:

Governance: the effective and responsible management of the organization , which includes considering needs, communication and decision making.

RESPONSIBILITIES:

Board Chair: Oversees and administers the Board policy framework and governance process, which provides the structure to guide the development of Board Policies.

State Forester: As Secretary to the Board, supports the Board Chair in administering the Board policy framework and governance processes.

Board of Forestry: Approves all Policies and ensures that they are appropriately reviewed and vetted with the Department.

STANDARDS:

- A. Establishment of Policies and support documentation shall only occur by approval of the Board of Forestry.

- B. All Policies and supporting documentation will be posted on the Board website and reviewed at least every four years, as specified in the Policy. Review of support documentation shall not exceed the policy review interval.
- C. Detailed instructions and forms will not be included in Policies but should be included in procedures, guidance, and other supporting documents associated with a Policy.
- D. If there is an existing policy from statute, administrative rule, or another agency (such as the Department of Administrative Services, State Archives, etc.) that applies to the Board, then this policy will not be duplicated in a Board Policy, and referenced appropriately.

SUPPORTING DOCUMENTATION:

Board of Forestry Governance: Expectations of Board of Forestry Member, July 22, 2020.

Board of Forestry Governance: Governance Topics, July 22, 2020.

Policy History	
<i>Date</i>	<i>Description</i>
TBD	Adopted by the Board of Forestry

Board of Forestry Governance

GOVERNANCE TOPICS

Generated from the October 9, 2019, January 8, 2020 Board of Forestry Executive Sessions on the State Forester's Annual Performance Review, and March 4, 2020 Board meeting.

- Board develops a statement of expectations or guidelines to which members commit. For example, a code of conduct for Board members, Board charter, operating principles, or working guidelines. (In progress)
- Board reviews current process on developing Board work plans and revises as appropriate (Board discussion planned for September 2020 meeting).
- Board process to manage individual requests for information. While we currently use an informal process, the Board has not specifically discussed the process as a governance issue.
- Board process for two board members to submit a request for agenda topics. The Board discussed a potential process at the October retreat, but no decision was made to formalize the process.
- Board discussion on priorities and process for the revision of the Board's strategic plan, *Forestry Program for Oregon*. (Board will address this topic under the *Overarching Issues work plan*).
- Board members work collaboratively with staff on agenda topics to increase efficiencies and develop working relationships, e.g., call lists to discuss ideas.
- Board discussion on the level of information needed for policy decisions, their expectations about science included in Department staff reports, and the role of science in policy decisions.
- Process for assigning Board members to liaison positions to other Boards and Commissions and other Board positions.
- Process for staff evaluations / feedback of the Board performance. To be conducted in conjunction with Board self-evaluation process.
- Board prepares for calendared events and work plan topics that are communicated by State Forester or staff.

Board of Forestry Governance

Expectations of Board of Forestry Members

The first set of expectations are from the Governor's Membership Handbook for Boards and Commissions – revised 2/18/2015 (Adopted by Board March 4, 2020).

- Regularly attend board meetings.
- Prepare for meetings by reading reports, proposals and other documents prepared or distributed by staff.
- Recognize that serving the public interest is the top priority. All members have been appointed to the board to serve the public at large.
- Understand the primary responsibility of every board member is to protect the health, safety and welfare of the general public.
- Recognize the board must operate in a public and open manner.
- If you were recommended by a professional association or special interest group, you will be expected to provide the board with your technical expertise, and to bring the point of view of the group to the board.
- All board members must work for the benefit of the public first, with the good of any particular profession, industry or special interest group taking a secondary position.
- Listen to all viewpoints and work as a cohesive group to create a forum for developing good policies and procedures and finding fair solutions to problems.
- Learn about issues affecting the board.
- Examine all available evidence before making judgment.
- Acknowledge that authority to act is granted to the board as a whole, not to individual members.
- Board members must be familiar with and operate within their board's governing statutes and bylaws, and state and federal laws at all times.
- To ensure accountability, all applicable policies and procedures adopted by the board should be in written form.
- No board member should make decisions or take unilateral action without the consent of the board as a whole.
- Questions about board issues should be directed to the board's administrative or executive officer, who will see that all board members receive full information by the next regular meeting.
- Board members should disclose no details of board investigations or matters dealt with in executive session unless they are part of the public record.
- Board members should use caution about participating in private discussions on behalf of one party in the absence of other parties to a dispute.

- Board members should remember they are seen as representatives of the board when they appear at industry or professional gatherings. They must take care not to appear to be speaking for the board unless specifically authorized by the board to do so.
- Board members must keep in mind that their mission is to serve the public, and it is inappropriate to use board membership to create a personal platform.

This set of expectations are from discussions with Board Members and March 4, 2020 Board meeting. (Draft, need Board approval).

- Understand that the board set standards for the department through policy.
- Individual Board members may not agree with a decision, but once a Board decision is made, all Board members will respect and support the decision and move forward.
- The Board will take action only after hearing the State Forester's (Department's) recommendation.
- Avoid surprising staff. If you have alternate recommendations or new requests for information, discuss with State Forester or staff prior to a board meeting so they can prepare accordingly.
- Board members will strive to get out in the forests to discuss policy topics with staff and stakeholders.
- Board members commit to fostering an environment that respects all individuals, that seeks diverse perspectives, and values differences.

Board Closing Comments and Meeting Wrap Up