

DRAFT Board of Forestry Meeting Minutes

September 7, 2016

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Items listed in order heard.

Complete audio recordings from the meeting and attachments listed below are available on the web at www.oregonforestry.gov

- (1) Public Comments, [Furgus McClean-Carbon in the Elliot](#), Agenda Item 3
- (2) Presentation, [Fiscal Budget](#), Agenda Items 4
- (3) Presentation, [2016 Fire Season Presentation](#), Agenda Item 5
- (4) Presentation Map, [2016 Fire Season Map](#), Agenda Item 5
- (5) Handout, [Secretary of State Audit Report](#), Agenda Item 6
- (6) Handout, [Secretary of State FAQ’s Audit Report](#), Agenda Item 6
- (7) Presentation, [Timm Locke-OFRI’s Presentation](#), Agenda Item 8
- (8) Video, [OFRI’s Video](#), Agenda Item 8
- (9) Presentation, [Riparian Rulemaking Presentation](#), Agenda Item 7
- (10) Handout, [Riparian Rulemaking Advisory Facilitator’s Summary](#), Agenda Item 7
- (11) Public Comment, [Jim James-Woodland Owners on Riparian Rules](#), Agenda Item 7
- (12) Public Comment, [Jim James- on behalf of Paul Blunck Woodland Owner](#), Agenda Item 7
- (13) Public Comment, [Rex Storm- Commentary of Riparian Rules](#), Agenda Item 7
- (14) Public Comment, [Mary Scurlock Commentary on Equity Relief](#), Agenda Item 7

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on September 7, 2016 at the Oregon Department of Forestry, State Forester's Headquarters Office, 2600 State Street, Salem, Oregon 97310.

1. Executive Session (closed to public)

Pursuant to ORS 192.660(2)(a) and 192.660(7), the Board entered an Executive Session for the purpose of considering the employment of a chief executive officer. No decision was made in Executive Session.

Chair Imeson called the public meeting to order at 10:35 a.m.

Board Members Present:

Nils Christoffersen	Tom Insko
Cindy Deacon Williams	Mike Rose (via phone)
Tom Imeson	Sybil Ackerman-Munson

ACTION AND INFORMATION:

[Listen to audio](#) MP3 - (8 minutes- 3.64 MB)

2. State Forester Selection Decision and Announcement

State forester Doug Decker gave us notice in May 2016 of his intention to retire. He is planning on retiring by October. A new State Forester Selection process occurred in the last month, and now we are moving forward with a selection. We are now offering the position to the

Tom Insko moved to unanimously offer the position to Peter Daugherty. Cindy Williams seconded the motion. No further discussion. Motion Passed Unanimously.

The Board thanked the candidates and indicated commendation for Mike Cafferata who was a runner up for the position. Much thanks to the organization and all who helped in the process.

Comment by State Forester Doug Decker

State Forester Doug Decker recognizes the admin team, the HR team, and Robin Harkless for putting together the whole process for the new state forester.

He thanks Mike Cafferata for stepping up and readiness to do this job. He is very proud of the level of commitment from both candidates towards the agency.

This is Doug Decker's last Board of forestry meeting. He commented on his gratefulness for all the people he has gotten to work with and affirms the values of the work that the board has done and the support they have given him throughout the years. Support to the agency has been exemplary. He believes that the agency is stronger and more ready today for any issues that come up than they were six years ago.

September 30th will be Doug Decker's last day here. He will help with the transition with Peter Daugherty until then. Going forward Doug Decker will be working with Portland State University part time and will continue with his consulting practice. He would like to have the

opportunity to help with the salmonberry trail as well. He mentions his gratefulness for the support and confidence that Oregon Department of Forestry and the Board have shown him.

The *Board* thanks State Forester Doug Decker for his service and stated that it has been an excellent working relationship and they appreciate his commitment to forestry and the state of Oregon.

CONSENT AGENDA:

[Listen to audio](#) MP3 – (11 minutes –5 MB)

With Board consensus, Items A through H were approved.

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.

A. June 8, 2016 Meeting Minutes

Approved minutes

B. June 28, 2016 Meeting Minutes

Approved minutes

C. July 20, 2016 Meeting Minutes

Approved minutes

D. 2016 Board Governance Performance Self-Evaluation

Approved Summary evaluation report as the conclusion of the 2016 self-evaluation process.

E. Annual Performance Progress Report for Fiscal Year 2015-16
Annual Performance Progress Report Information
Information Only.

F. Annual Monitoring Update
Forest Practices Implementation and Effectiveness Monitoring Update and Modeling
Temperature Change Downstream of Forest Harvests
Information Only.

G. Forest Health Report
Addressing Major Insect, Disease, and other Damaging Agents Affecting Oregon Forests in 2015
Information Only.

H. Regional Forest Practices Committee Appointments and Reappointments

Approved Appointment of Adam Stinnett and Garrett Kleiner and Additional 8 reappointments for the Regional Forest Practice Committees.

ACTION AND INFORMATION:

3. State Forester and Board Member Comments

[Listen to audio](#) MP3 – (11 minutes –5 MB)

State Forester Decker and the Board of Forestry offered congratulations to Peter Daugherty.

Notable recognition for those who worked on the New State Forester Selection Process. Recognition for Johnathan Herman, Michele Olson, Paula Jones, and Tracy Taylor. Also recognized Stacy Miller, Jenna Nelson, Sabrina Perez, and Robin Harkless for all their hard work on making this process possible. A big thank you to Mike Cafferata for stepping up in readiness for committing to the agency and being willing to go through the process. He has done us proud in achieving the finalist round for State Forester.

State Forester Decker offered additional comments on matters of:

- Recognition of for all the board members that have worked with him along the way in the last 6 years.
- Oregon Department of Forestry is steadier, stronger, and readier then it was 6 years ago.
- September 30th is his last day.
- Comments that it has been a great privilege to work in this role.

Board Member *Tom Imeson* offered comments about what a positive relationship they have had with State Forester Decker, and hope to continue that going forward.

Board Member *Cindy Williams* comments that the timing of the announcement helped her commit to another term as a board member.

A. Public Comments

[\(Attachment #1\)](#)

Furgus Mclean, a retired forester from Dexter and Lane County and a candidate for the Oregon State Legislature from house district 7, offers public comment and written materials on the 2011 US Fish and Wildlife Study of Carbon in the Elliott State Forest (ORS 530.050, section 12 and ORS 468A.250, section 1, paragraph i). He had a message to the new State Forester concerning the selling off of the Elliott state forest which addresses carbon storage and prices of the carbon offset market. The State Forester may establish a forestry carbon offset program and manage the Elliott for the school fund and the overall benefit of the people. It is recommended by Mr. Mclean that the State Forester advises the Land Board of the concern of the loss monetary value in not recognizing the value of carbon credits that selling The Elliott State forest may produce. He suggests a slowdown of the sale and a look outside of the agency for advice on how best to take advantage of this Carbon Credit program.

4. Ongoing Financial Status Check

[Listen to audio](#) MP3 – (10 minutes – 4.93 MB)

Update to information given at the April 2016 Meeting on fiscal status.

PowerPoint ([Attachment #2](#))

Satish Upadhyay discusses the agency's financial health and budget.

- The Department of Forestry's 2015-17 Legislatively Approved Budget as of July 2016 consists of \$420.3 million total funds and 878.04 full-time equivalent positions.
- Fire Protection program has the largest budget with \$210.6 million total funds (50 percent of total budget) and 395.28 full-time equivalent positions.
- The State Forests program has the second largest budget with \$96.3 million total funds (23 percent of total budget) and 233.08 full-time equivalent positions.
- Private Forests program budget is the third-largest, with \$41.6 million total funds (10 percent of total budget) and 112.67 full-time equivalent positions.
- Agency Administration program has a budget of \$40.0 million total funds (10 percent of total budget) and 107.28 full-time equivalent positions.
- Two additional factors that will impact us is the Elliott Decision which will cost \$600,000 per year and the Linn County Lawsuit which will cost us \$1 million per year.

Board question: How do these two additional factors affect the State Forest program, for example, when the fund balance reaches zero?

Satish Upadhyay: we are going to move the fund balance forward to 2018 or 2019 and we need to look at how we will pay for these additional factors going forward.

Information Only.

5. Protection: Fire Season Update

[Listen to audio](#) MP3 – (23 minutes – 10.5 MB)

Doug Grafe introduced Ron Graham and highlighted his skill set as a positive addition to the fire protection division.

PowerPoint Presentation [Attachment #3](#)

Started by looking back at the high stress of last season. This year we are ready and rested. The drought situation is a lot different this year. We are looking at some significant relief. Despite some record temps from July, overall we have been fortunate. For September we are forecasted to be back to normal. We are seeing this evidence as we move through the month. Typical patterns seem to still be likely above temps that might be coming up during this month, and anticipating some eastern winds coming up soon.

Map ([Attachment #4](#))

This map is looks at regulated use and IFPL levels and where we are at around the state and in different districts.

As of last season, we were at protection level 4 nationally with 10 incident management teams deployed and 1.3 million acres burned.

This Season we are looking much better at protection level 2. There is a lot of fire still on the landscape. Fire season started early, but was short lived and there was a break in the weather. We got really ready due to this, which helped. A lot of human caused fires this year though.

Discussion and Statistics on Fires this season including the Growth Fire, Cleveland Ridge Fire, and Gold Canyon Fire.

Common positive elements this year include:

- Less Severity in Fires
- Shorter assignments
- Safe aggressive initial attack
- Better resources use
- Ability to help Minnesota and Washington in their Fire Season
- 96% of fires caught at initial attack
- Lightning fire numbers have gone down
- Finances Look good, under budget

Challenges include:

- Human caused fires have gone up

Question from *the Board*: Are we able to take stock of the efficacy of fuel reduction and thinning and the influence it may have on severity of fire, fire behavior, and fire suppression activities?

Doug Grafe: Mentioned a study done by the US Forest Service in following the 2015 season on this topic and efficacy on fire behavior. Thinks we will see another update to the study this fall. It is very comprehensive and will forward it on to the Board when that comes available.

Doug Decker: Emergency Fire Cost Committee meeting which was looking at climate change and impact on Forests. Presented the notion that the last 3 years of fire conditions has created a window into a baseline of what fire conditions we may be facing in 2040 or 2050. Looking at workforce development, this knowledge would be crucial and give us a leg up on working towards these possible conditions in the future, giving us the time to prepare. Mentioned Lloyds of London and that they will be here in first week of October and will be meeting with Oregon Department of Forestry when they come.

Information Only.

6. Secretary of State Audit Report

[Listen to audio](#) MP3 – (23 minutes – 10.6 MB)

Amelia Eveland

The department analyzed regular and overtime hours billed to the fire program to create a baseline for their analysis. An average of 71% of employees participated in fire in the month of August. There was an increase in 197% overtime hours. This increase in fire hours has caused impacts to the non-fire programs and created delays.

Addressed concerns of sustainable workforce, for example, ensuring Oregon Department of Forestry has the right staff at the right time. Workforce analysis is imperative to address this concern. More analysis is needed.

The performance audit recommended several actions that Oregon Department of Forestry take to address these challenges:

- Track costs, staffing, funding and workload impacts on programs unrelated to firefighting to reach and communicate to state leaders a better understanding of the impact of fire operations on the agency as a whole.
- Track data on strategies used to detect, prevent and mitigate wildfires to guide decisions and allow prioritization of the most cost-effective and successful methods.
- Develop a systematic workforce planning strategy to ensure the agency can meet current and emerging personnel and workload needs.
- Additional details on audit and recommendations found in [Attachment # 5](#) and [Attachment #6](#)

Overall they found Oregon Department of Forestry personnel to be professional, thoughtful, and open minded. Thanks to State Forester Doug Decker on his ability to see this as an opportunity to improve the agency.

Information Only.

The Board asks State Forester Doug Decker about the constraints based on resources should there be, in tracking our ability to implement the recommendations. It may be useful for the board to have a presence in response. Has the department thought about how to utilize this in a way that it could interact with the board?

State Forester Doug Decker: The heart of the question is that we have a militia model, and we always try to be ready for the worst case scenario, but not over prepared and not underprepared. That has worked so far until the last few years. These last few years may be a way for us to see a baseline for the future. This gives us an opportunity to prepare for the future, but not be over prepared that you are breaking the backs of the treasury or the organization. We have a list of things to get started with, things we are thinking about, and things we want to move forward with. How do we operationalize the audit? We have to do this in a way that we are utilizing the data, along with our own work with private property owners. We need to look at our capacity and what we have, vs what we need to bring onboard including outsourcing that work. We have brought policy option packages to the legislature before and we can use this audit as a cornerstone to make some of the improvements we have been wanting to make here.

Board Question: How does this work in terms of follow-up?

Sheronne Blasi, Audit Manager: They do a follow up a year after the audit. They will do a little in-house looking to see if things have been accomplished. They may dig a little deeper if they don't feel like any progress is being made. They do have an option for a follow up audit, but probably not likely.

State Forester Decker adds about strategic workforce planning and how as an organization we have been able to be successful at strategic workforce planning. We do this by looking at specific functions and operations that need to happen in the organization. November will be a good time to come back and look at this together with the auditors on how things are moving forward.

8. Oregon Forest Resources Institute's (OFRI) Video "Forest to Frame"

[Listen to audio](#) MP3 – (23 minutes – 10.6 MB)

Presentation ([Attachment#7](#))

Timm Locke, Forest Products Director for Oregon Forests Resources Institute, promote the use of wood products mostly in non-single family residential markets.

Video ([Attachment #8](#))

They are trying to get this information out the public at large.

OFRI was created by the state legislature in 1991 to advance public understanding of Oregon's forests, forest practices and forest products and to encourage environmentally sound forest management.

What is the promise of mass timber? Economically it is significant, but really it is environmentally better. This method would improve building options in an environmentally sustainable way. This can be an option for carbon storage and a renewable resource on the land they grow the trees on.

Wood Products working group has been operating with OFRI to create and implement strategies for development of advanced wood products manufacturing in Oregon to support rural economies.

The one thing the producers really need is that there is assurance that there is a market for these types of products. This has been a main goal for them as a group going forward, creating and finding that market.

Board Question: What are the most significant barriers on the market side to utilizing this?

Timm Locke: The biggest barrier is that it is not recognized in the building code which takes a long time to change. Anticipating it will be 2021 before that actually changes. They need better documented research and real life examples to show savings and value to make those changes to the building codes as well.

State Forester Doug Decker: Wanted to recognize the roll that OFRI has played. Vince Porter from the Governor's office has created a place for new wood technologies to come together with economic development and connections with construction architecture world. What are some ways you see Oregon Department of Forestry able to help move the ball on this sort of thing going forward, from a board perspective?

Timm Locke indicates how over time things have changed a lot, and have progressed a lot. They need to focus on the connection between wood products, trees, and forestry and to make sure that the public sees that connection. They need to push the why of these practices.

Board Question: What is your perspective on what is going on in Europe, on the CLT?

Timm Locke responds that they are far ahead of us and that we can learn from what they are doing, but unfortunately they can't use the results from other countries to back their own findings.

10. State Forests Business Processes Evaluation

[Listen to audio](#) MP3 – (35 minutes – 16.3 MB)

Liz Dent, Brian Pew, and Andy White were present.

State Forest Staff are looking for opportunities to address financial viability which is an ongoing process. They are looking closely at opportunities to improve how they do business and using multiple tactics to address the issue of financial viability and one of those ways is working within a balanced budget. They are currently instituting a series of things to reduce the budget, hoping that this is reaching the end of the need to reduce the budget in this way.

They are also working on ways to increase revenue and decrease expenditures. They are doing this in a context of business improvement, for example, to refine operations and find the best outcome in multiple ways.

In the recession they had to reduce budget by 30%, but that point is not sustainable. Going forward there is now an effort to make continual improvement and create positive change.

The steering committee brought out six overarching categories:

(1) Marketing of timber

- Makes up 98% of revenue for the division
- Looking to maximize profit by using current authorities to capture more values from the same volume of timber sold.
- Ensure currency and relevancy into the future.
- Switching some things into electronic format and delivery to save some money and move into the future of technology.
- Implementing new software and technology to change practices and service delivery.
- Looking for a strong and sustainable timber sale program into the future.

(2) Recreation, education, and interpretation

- Policy option package to seek funding from the general fund as part of a larger initiative.
- Multifaceted approach, focusing on developing a broader characterization of partnerships.
- Opportunity to demonstrate that a range of social and economic benefits can be provided to the public within a working forest context.
- Looking at options of a user pass, increasing permit fees at Tillamook Forest Center and grant opportunities.

(3) Intra-agency coordination

- They have discussed financial viability and ways to reduce cost.
- This group will identify overlap, funding and capacity, and how funding is received or shared.

(4) Workforce planning

- Ensure that current division and requirements are being achieved and while planning ahead as the workforce changes over time.

(5) Implementation plan revisions

- Western Lane revision is the highest priority right now especially in regards to U.S. Fish and Wildlife and Spotted Owl safe harbor agreement.

- Also looking in the North West Oregon area.
- Make sure they align with the Forest Management Plan.

(6) South Fork Camp

- Looking to complete the cost benefit analysis and diversify revenue streams.

Looking at these categories and maintaining focus on:

- Increasing revenue and decreasing expenditures, but also keep the division relevant in the process.
- The need to continue to attract a highly qualified workforce
- Shared leadership remains very important and we need to continue to re-invest in the workforce

Board Question: are these things then made within the department or do they come to the board?

Liz Dent: they are internal decision and business decisions, allowing them to work on them quickly. They don't need to be approved by the board. It would be addressed through updates.

State Forester Doug Decker: In regards to south fork we are primarily looking at fine tuning and equity, correct?

Andy White: Yes this is true. We are looking at still using them, but simply looking into the program in general and customer diversification for hiring them out outside of the agency.

Liz Dent: Conditions right now create a tough decisions and that will not change anytime soon. That leads us the opportunity to do this kind of work and assess how we can change what we are doing and address these challenging times. A need for increase pace for adapting. Looking to align them with the Secretary of State Audit report. This is an ongoing process and there is a sideboard for this work. We want to continue to achieve greatest permanent value in the context of a working forest and improve our sustainable organization with empowered employees and drawing on a diverse set of revenue streams. Keeping up good connections and relationships with stakeholders, communities, and commissioners.

Board Question: When do we have the bigger issue back on the table in regard to what is next for inventory yield work?

Liz Dent: This is in regards to the inventory question that was a finding that we needed to get through in regards to revisions of the Forest Management Plan. The TURG has been working on this and model Growth and Yield in terms of inventory. We should be getting something back from the contractors by the end of the month of September to mid-October. Final products should be late October to early November. Some points are that it is a modeling exercise and it is simply an estimate of things. We anticipate that there may not be whole sale agreement on the outcome even though we are using a third party.

Board Comment: When the Board works on this we will have to determine what our next step is and that line that is out there and the things worked on here may need some modification. This will help lead us into the steps we may have to take.

7. Forest Practices Act (FPA) Rule Enforcement Policy Review

[Listen to Audio](#) MP3 (70 minutes – 32.2 MB)

Presentation ([Attachment#9](#))

Handout Riparian Rulemaking Facilitators summary ([Attachment #10](#))

Met six times for the Riparian Rule Advisory Committee (RRAC) to finalize rule language with consensus based decision making.

- They reached a consensus on everything except for equity and relief which they did narrow the decision space.
- November 2015 Board Meeting adopted a final riparian prescription package for small and medium SSBT streams
- Directed Oregon Department of Forestry to establish the RRAC.
- RRAC worked to resolve concerns raised by wording and language construct.
- Reached a consensus of rule language.

Options for Relief:

- Option 1: Allow a 50 ft. no cut buffer on small streams, 70 foot no cut buffer on medium streams. This would provide relief for eligible owners who passively manage their riparian management areas but not to those who actively manage.
- Option 2: Allow a 10 ft. reduction in the riparian management area for both the cut prescription and variable retention prescription. This would provide relief for both type of management choices.
- Recommend an adoption of an 8% additional encumbrance as the level that sets eligibility for relief.

Asking to accept ACTION:

- (1) **Adopt** the RRAC consensus policy recommendations (Attachment 1), the policy clarifications on all other rules applies (Attachment 2), and the department recommendations on equity relief (Attachment 3).
- (2) **Accept** the Riparian Rulemaking Advisory Committee Report (Attachment 4).
- (3) **Direct** the department to move forward with formal administrative rule making for the Riparian/Salmon-Steelhead-Bull Trout rules (Attachment 7 and 8).

Public Comment: are all members of the RRAC

Jim James, Oregon Small Woodlands Association (OSWA), Executive Director

[Attachment # 11](#)

[Attachment # 12](#)

- Felt like the RRAC did a good job. The 10% threshold was based off a lack of information, but now there is a good amount of information to go off of. He thinks there is something missing and that is, what is the real impact? He believes that 4% is the correct threshold.
- Of the 2.25 million acres of family woodland owners, only 105,000 acres have SSBT streams.
- How much timber will be really harvested on this many acres?
- So if you assume it is all clear-cut, then that would only be a thousand acres a year in that SSBT acreage.

- These are small parcels of land that are scattered all over the ownership and not necessarily adjacent to each other.
- If you assume that the 820 feet of SSBT stream on those acres then there would only be 0.4% of SSBT being harvested.
- The increases in the temperature is temporary.
- OSWA believe there is simply no negative impact to fish if you select the 4% threshold. He recommends that the board consider the 4% threshold.

Rex Storm, Forest Policy Manager for Associated Oregon Loggers

[Attachment #13](#)

- Urge you to reject the 8% threshold and instead adopt the 4% relief threshold.
- Support the consensus of the agreement, but looking at a different level of relief.
- The 8% would prevent property takings for landowners.

Mary Scurlock, with the Oregon Stream Protection Coalition

[Attachment #14](#)

- Equity and relief is what she is addressing.
- The issues of the small landowners will not be addressed by just alternative regulatory relief.
- If our intent was to provide relief to those excessively impacted, it is not clear that it will make an impact, even at 10%.
- Encourages the board to stick to the 10% threshold and the relief of the no cut buffer.
- We haven't looked at total encumbrance, once that is addressed we can see that alternative prescriptions should be looked at.
- Recommends sending a rule proposal to public comment regardless.

Seth Barnes, Oregon Forest Industries Council

- Supports the RRAC's decisions and rules moving forward

Bob Van Dyke, Wild Salmon Center

- Very well run committee and a positive experience.
- Equity issue, a bigger question when compensation is required. There was never really a comparison and overall burdens of the landowners. Feels it is hard to see what difference this would make.
- They are most concerned with the variable retention option with the smaller buffers.
- Good reason to think there will be more temperature changes than with no cut buffers.
- Highlighted that the analysis that focused on the small woodland parcels to fish habitat. Needs to be more conversations about this going forward in regards to good habitat there.
- Supports the proposed change.

Discussion ensued.

Motion made by Nils Christoffersen and seconded by Cindy Williams.

ACTION: Adopted the RRAC consensus policy recommendations (Attachment 1), the policy clarifications on all other rules applies (Attachment 2), and the department recommendations on equity relief (Attachment 3). Accepted the Riparian Rulemaking Advisory Committee Report

(Attachment 4). Moving forward with formal administrative rule making for the Riparian/Salmon-Steelhead-Bull Trout rules (Attachment 7 and 8).

Unanimous carried vote for all accepting the motion.

11. Executive Session

Chair Imeson called the meeting to order and proceeded with the formal Executive Session announcement.

The Board of Forestry entered into Executive Session for the purpose of consulting with legal counsel regarding the Board's legal rights and duties in regards to current litigation or litigation likely to be filed [ORS 192.6600(2)(h)].

No decisions were made during Executive Session.

The Board exited the Executive Session. With no further business before the Board, Chair Imeson adjourned the public meeting at 4:40pm.

Respectfully submitted,

/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board

JN