

Draft Board of Forestry Meeting Minutes

March 8, 2017

INDEX

<u>Item #</u>	<u>Page #</u>
A. MINUTES – NOVEMBER 29, 2016	2
B. MINUTES – JANUARY 4, 2017.....	2
C. APPROVAL OF FINANCIAL TRANSACTIONS FISCAL YEAR 2016	2
D. FOREST PRACTICE ANNUAL REVIEW MEETING REPORT.....	3
1. STATE FORESTER AND BOARD MEMBER COMMENTS	3
2. SPECIFIED RESOURCE SITES RULEMAKING FOR BALD EAGLES	5
3. FIRE PREVENTION RULE MAKING.....	6
4. 2016 FOREST PRACTICES OPERATOR OF THE YEAR AWARDS	7
6. SPECIFIED RESOURCE SITES RULEMAKING FOR MARBLED MURRELET	8
7. EXECUTIVE SESSION.....	9

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) Handout, [Ted Lorensen Testimony](#) , Agenda Item 1
- (2) Handout, [Heath Curtiss Testimony](#) , Agenda Item 1
- (3) Presentation, [Rulemaking For Bald Eagles PowerPoint](#) , Agenda Item 2
- (4) Presentation, [2016 Operator of the Year PowerPoint](#) , Agenda Item 4
- (5) Handout, [Tom Josi Testimony](#) , Agenda Item 5
- (6) Presentation, [Rulemaking for Marbled Murrelet PowerPoint](#) , Agenda Item 6

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on March 8, 2017 at the Oregon Department of Forestry Headquarters on 2600 State Street Salem, OR 97310.

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

Board Members Present:

Nils Christoffersen

Tom Imeson

Tom Insko

Mike Rose

Cindy Deacon Williams

Absent

Sybil Ackerman-Munson

Chair Imeson stated that pursuant to ORS 192.660(2)(h), the Board will meet in closed Executive Session at the conclusion of this public meeting. The purpose of the Session will be to confer with legal counsel regarding the Board's rights and duties related to current litigation or litigation likely to be filed. Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the public are not allowed to join. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced.

CONSENT AGENDA:

Mike Rose motioned for approval of the consent agenda minus the duplicate paragraph in January 4 meeting minutes. Tom Insko seconded the motion. Voting in favor of the motion: Nils Christoffersen, Mike Rose Tom Imeson, Tom Insko, and Cindy Deacon Williams. Against: none. With Board consensus, Items A through D were approved.

A. NOVEMBER 29, 2016, MEETING MINUTES

Approval of Board Meeting Minutes

Action: The minutes of the August 24, 2016 Board meeting were approved.

B. JANUARY 4, 2017 MEETING MINUTES

Approval of Board Meeting Minutes

Action: The minutes of the September 7, 2016 Board meeting were approved.

C. APPROVAL OF AGENCY DIRECTOR FINANCIAL TRANSACTIONS FISCAL YEAR 2016

Approval of Financial Transactions for 2016

Action: Agency Director Financial Transactions were approved.

D. FOREST PRACTICE ANNUAL RULE REVIEW MEETING REPORT

Approval of Annual Rule Review Meeting Report

Action: Forest Practice Annual Rule Review Meeting Report were approved.

ACTION AND INFORMATION:

1. STATE FORESTER AND BOARD MEMBER COMMENTS

[Listen to audio](#) MP3 – (51 minutes – 24 MB)

State Forester Daugherty recognized our new auditor Jacqueline Sewart to Oregon Department of Forestry and welcomed her to the agency.

Updates:

-State Forester Daugherty did some traveling and met with the board on state forest topics and working with Tom Imeson on restarting the FMP revision process.

-Eastern Oregon side of Oregon Department of Forestry has finished the first Forest Legacy Conservation easement on a single family non-industrial ownership in Oregon created by the Forest Service Legacy grant.

-The Co-Chairs of the Joint Committee on Ways and Means released a budget framework. It does includes the severity resources and insurance, but not any other policy option package. The framework includes reductions in: support for rangeland protection associations, fire protection rate relief to low productivity forest landowners on the east side, and reductions in the general fund contribution for the recognition of private forest lands in-kind contribution for fire protection.

A detailed budget has not been released yet and the department did not have a position on the co-chair's budgeted framework.

-Western Governors Association held a National Forest and Rangeland Management Initiative Workshop in Bend, OR to discuss policy reforms that can advance the base foundation of Federal Forest work that we helped advance over the last two biennia.

Topics that emerged:

1. Find a solution for fire borrowing in the Forest Service.
2. Road work in the Good Neighbor Authority.
3. Looking at project level planning improvements and efficiency.
4. Need to define performance measures.
5. Need to incentivize collaborative and identify policy changes to create success
6. Focus more on rural economics and development.

Board members Nils Christoffersen and Tom Insko talked about positive benefits and next steps from this workshop.

State Forester Daugherty continued updates on topics of:

-The Elliot State forest and the development of a public ownership option that Division Chief of State Forests, Liz Dent, will now be working for the Governor's office. Mike Totey will be serving as Acting State Forest Division Chief until May 1st. State Forester Daugherty continued

giving updates on the State Forests Division changes and incentives including a request for a grant exploring a Habitat Conservation Plan.

-Addressed Peter Daugherty's review of the DEQ Draft Drinking Water Resource guide prior to his time as a State Forester. This included the recent OPB stories and letters to the Board of Forestry.

Other agencies and landowners were involved in this review of the report. Critical review and collaboration were done. Water quality on forest lands continues to be the highest land use and the departments continue to work together to use the best possible science to ensure that forest management is the most efficient possible.

State Forester Peter Daugherty addressed allegations against him in the matter of possible suppression of the DEQ report. He stated that a scientific review is not an attempt to suppress science, but instead is fundamental to establishing sciences through a consensus of experts. He continues to take part, support, and maintain water quality through workshops, reviews, collaboration, programs, and stakeholders in a way to achieve the best land management possible.

Ed Armstrong, Chair to the Environmental Quality Commission (EQC) addressed the Board about Gary Springer and their role as liaisons between the Department of Environmental Quality (DEQ) and the Oregon Department of Forestry. Positive working relationships and collaboration were discussed.

1A. PUBLIC COMMENTS:

Ted Lornesen, former Forester, provided public comment and written testimony ([Attachment 1](#)). He supports the Oregon Department of Forestry's approach to the DEQ Draft Drinking water resource review and encourages the department to continue to engage with the public and keep a positive open dialogue when working through these reviews and reports.

Mike Wammack, provided public comment about the surcharges on improving lots. He felt that these charges are not necessary and urges the Board to remove the charges that charge for structure from his area in Clatsop County, since as a Structural Fire Chief, his team fought the structural fires.

Kathleen Sullivan, Clatsop County's Forest Representative, indicated their intention to have open lines of communication with the Board of Forestry. Since they decided to opt out of the Linn County law suit, they decided to address some policies including: oppose adopting an industrial emphasis over all other values, support a multi-benefit approach of the greatest permanent value rule, concern about pesticide use in state forests and would like to explore alternatives. They do not support habitat destruction. They have not supported changes to the existing revenue distribution formula or placed additional responsibility on Clatsop County for Oregon Department of Forestry costs. They do support habitat conservation plans to help ensure harvesting is not disrupted by litigation.

Heath Curtiss, Oregon Forest and Industries Council (OFIC), made public comment and written testimony ([Attachment 2](#)) about the DEQ Draft Drinking Water Resource guide. He gave history on the DEQ report and situation for this unfinished Resource guide. He stated that all of the controversy is a product of the failure to communicate by a small team inside of DEQ. He recommends the Board reach out to DEQ and encourage consultation and communication with the public

Mike Barnes, landowner in Yamhill County, gave public testimony, in full support of State Forester Peter Daugherty and has never witnessed any prejudice by Peter when working with him in the past. He requested that the Board give Peter the full support and backing he needs as he leads the department into the future with success.

The Board responds to the Letters:

Tom Imeson makes some key points:

1. This Board remains absolutely committed to an open transparent public process including interactions with sister agencies.
2. The Board does not see any attempt from Oregon Department of Forestry or Peter to suppress the DEQ report of Drinking Water Resource guide.
3. The Board supports rigorous skeptical review to ensure credible science in forming policies.
4. After review of all information the Board is satisfied that Peter acted appropriately and within the scope of authority and responsibilities as Division Chief.

2. SPECIFIED RESOURCE SITES RULEMAKING FOR BALD EAGLES

[Listen to audio](#) MP3 – (20 minutes – 9.5 MB)

Lena Tucker, Private Forest Division Chief, introduced Jennifer Weikel, who went over proposed rule language for Bald Eagles.

Presentation ([Attachment 3](#))

The Board's previous decision was to rescind the existing rules for the Bald Eagle Roosting Sites and Foraging Perch Sites, and to continue protection for Bald Eagle Nesting sites under the section of the rules for birds that use sensitive bird nesting, roosting and watering sites. The Board also directed the department to use the Regional Forest Practices committees in an advisory role for this rule making process.

She touched on the timelines to date of the rule process and decisions, proposed rule language changes, the proposed legal rules, Committee reviews, the next steps and the recommendations.

Questions:

The Board asked about language at 130(b) talking about abandoned nesting sites in conjunction with definition of a site including replacement trees.

Explanation and clarification was provided by Jennifer Weikel.

Moved to approve language with amendment to clarify 629.665.0130 (1) first sentence “for bald eagle nesting site the resource site is the active nest tree and if present all identified key components.” Then lists A,B, & C.

Mike Rose made the motion to the draft rule language and initiate rulemaking process.
Tom Insko seconded the motion.

Tom Insko, Mike Rose, Cindy Deacon Williams, Nils Christoffersen, and Tom Imeson all voted for the motion, none against. Motion passed.

Action: Approved the proposed rule language for Bald Eagles and initiated formal administrative rulemaking process with a slight adjustment in language to clarify 629.665.0130 (1) first sentence “for bald eagle nesting site the resource site is the active nest tree and if present all identified key components.”

3. FIRE PREVENTION RULE MAKING

Fire Protection Work Plan –

[Listen to audio](#) MP3 – (24 minutes – 11.5 MB)

Doug Grafe, Chief of Fire Protection for the Oregon Department of Forestry, introduced Tom Fields, Fire Prevention Coordinator who was there to request the Board to direct the department to initiate rulemaking process for industrial fire rules.

Highlighted recognition of the operators and landowners engaging in the fire suppression end, but the prevention has been a key part of the system and we had full engagement from our stakeholders in the process.

Tom Fields, indicated that there are two types of rules that pertain to fire prevention, public fire prevention rules and industrial rules. The Industrial rules are the ones addressed in this rulemaking.

- These rules have been in place since 1923 and haven’t been reexamined since 1999.
- ODF averages about a 1000 fires every fire season, of which about 70% is human caused.
- About 3% result from forest operations, but often in remote areas under difficult conditions.
- New rules would allow the operators to work safer and perhaps longer during the fire months.
- Technology has changed and these rules need to change with it.
- Water supply on jobs was looked at.
- Some language was adjusted and clarified.
- Updated fire watch rules.
- Addressed utilizing the battery shutoff switch.
- Power saw requirements were condensed.

The Board asked questions about collaboration with Oregon Department of Fish and Wildlife (ODFW) in regards to rule change that affects water take from streams during a fire and effects on the streams.

Doug Grafe responded that in the rules they already have standards for sites that protect the streams, but that they would look into any input that ODFW may have on the rules going forward.

Public Comment:

Rex Storm, Forester with Associated Oregon Loggers (AOL), gave public testimony that they support the department's updates including the administrative rules. He indicated that this is just one of three updates that will be happening in the next coming year. AOL shares the goal with ODF of effective fire prevention, and they support these changes.

He listed reasons for supporting the proposed modernizations of the rules:

Industrial fire prevention contribution by operators and landowners is dramatic, industrial operations are just a minor portion of Oregon's forest fire causes, comprehensive updates that the department is working on are supported, he recommended to proceed with rulemaking and to encourage the department to consider the changes to be implemented by next fire season.

A motion was made by Mike Rose and seconded by Tom Insko to approve the Department to move forward with the public hearing process and return at a later date.

Tom Insko, Mike Rose, Cindy Deacon Williams, Nils Christoffersen, and Tom Imeson all voted for the motion, none against. Motion passed.

Action: Approved the proposed rule language changes to OAR 629-043 and directed the department to move into the public hearing process.

4. 2016 FOREST PRACTICES OPERATOR OF THE YEAR AWARDS

Private Forests Work Plan – Operator of the Year

[Listen to audio](#) MP3 - (27 minutes – 12.8 MB)

Presentation ([Attachment 4](#))

Operators of the Year were presented for going above and beyond the requirements of the Forest Practices Act , presented by Josh Barnard and Jay Morey.

2016 Merit Award recipients.

Eastern Oregon Area:

B & M Timber, LLC of Burns

Northwest Area:

Mike Pihl Logging, Inc. of Vernonia and

Rick Krohn, Western Helicopter of Newberg and

Mark Gourley, Starker Forests, Inc. of Corvallis

Awards were presented to the 2016 Operators of the Year:

B & C Logging, Inc.

B&C Logging earned the Eastern Oregon Area Operator of the Year award for helping landowners after the Stices Gulch wildfire and protecting fish streams. B&C's work also improved public safety, because they removed trees damaged by the wildfire from urban areas. B&C Logging: <https://youtu.be/LSB7z--dUc>)

Wayne Stone Logging, Inc.

Wayne Stone Logging earned the Northwest Oregon Area Operator of the Year award for protecting water quality and taking extra efforts to prevent fires. Stone safely completed a difficult downhill harvest.

Wayne Stone Logging <https://www.youtube.com/watch?v=81WgwqJ8fSA>)

Plikat Logging, Inc.

Plikat Logging earned the Southern Oregon Area Operator of the Year award for protecting a fish-bearing stream and its buffer while using a suspended cable system to move logs and minimize ground impact. Plikat's planning and careful work left the land ready for replanting. Plikat Logging <https://youtu.be/cwwpQzpcPrc>)

Award recipients were presented with plaques and pictures were taken.

Break for Hors D 'Oeuvres and lunch.

Information Only.

5. FOREST TRUST LAND ADVISORY COMMITTEE TESTIMONY

Forest Trust Land Advisory Committee did not testify.

Public Comment:

Tim Josi submitted written testimony ([Attachment 5](#)).

Information Only

6. SPECIFIED RESOURCE SITES RULEMAKING FOR MARBLED MURRELET

[Listen to audio](#) MP3 – (28 minutes – 13.2 MB)

Lena Tucker, Private Forests Division Chief and Jennifer Weikel presented a brief history of statute and rules relating to specified resource sites, a summary of the specific rule analysis process, the departments review of the original petition for rulemaking, murrelet data, and next steps.

Presentation ([Attachment 6](#))

The next steps will be to develop a technical report, return at the April Board meeting with a detailed checklist, and to address prioritization of the Threatened and Endangered species during the Specified Resource Sites Policy Review.

The recommendation was made to the Board to direct the Department to develop a technical report as per OAR 629.680.0100 on marbled murrelets and a checklist for the murrelet process.

No questions.

Cindy Deacon Williams made the motion to vote, Tom Insko seconded the motion. Tom Insko, Cindy Deacon Williams, Nils Christoffersen, and Tom Imeson voted for the motion. Mike Rose voted against. Motion Passed.

Action: The Board directs the Department to develop a technical report as per OAR 629.680.0100 on marbled murrelets and create a checklist for the murrelet process.

The Board asked about the resource site list and the time frame on that as well as stressing the need to have a better plan than a case by case species approach moving forward. Private Forest division indicated that the Specified Resource Site topic is currently scheduled for September, but the timeline may get pushed out dependent on the budget outcome and other work priorities.

7. EXECUTIVE SESSION

Chair Imeson 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 1:31pm.

Respectfully submitted,

/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board

JN