

**Board of Forestry Meeting Minutes**

**June 7, 2017**

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*Items listed in order heard.*

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

- (1) Handout, [Peter Daugherty- Agency Achievement Awards Email](#) , Agenda Item 1
- (2) Handout, [Craig Patterson Testimony](#), Agenda Item 1A
- (3) Presentation, [Fire Season Readiness & Forest Protection Districts 2018 Fiscal Budgets and Rates](#), Agenda Item 2 & 3
- (4) Handout, [Amy Patrick Testimony](#) , Agenda Item 3
- (5) Handout, [Forest Protection Association Letters](#), Agenda Item 3
- (6) Presentation, [Voluntary Efforts by Forest Landowners](#), Agenda Item 5
- (7) Handout, [Mary Scurlock Testimony](#) , Agenda Item 5
- (8) Presentation, [Hearing Before the Board](#), Agenda Item 6
- (9) Handout, [Letters and Responses for Forest Land Certification](#) , Agenda Item 6
- (10) Handout, [Patrick Duracheck Testimony](#) , Agenda Item 6
- (11) Handout, [Dale Edwards Testimony](#) , Agenda Item 6

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on June 7, 2017 at the Oregon Department of Forestry, State Forester's Headquarters Office, 2600 State Street, Salem, Oregon 97310.

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

*Board Members Present:*

Sybil Ackerman-Munson  
Tom Imeson

Tom Insko  
Mike Rose

*Present in afternoon by phone:*

Cindy Deacon Williams

*Absent:*

Nils Christoffersen

**CONSENT AGENDA:**

[Listen to audio](#) MP3 – (29 minutes –13.7 MB)

With Board consensus, Item A through C was 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. April 26, 2017 Meeting Minutes

**Action: April 26, 2017 meeting minutes approved.**

B. Approval of 2018 Rangeland Protection Budgets

**Action: Approved the 2018 Rangeland Protection Budgets**

C. Annual Letters to the State Forester

**Information Only.**

**ACTION AND INFORMATION:**

1. STATE FORESTER AND BOARD MEMBER COMMENTS

State Forester Peter Daugherty provided a brief update on current issues including; budget, engagement with Oregon tribes, the Elliot State Forest, the pending release of our subscriber portal for the Oregon Department of Forestry e-notification system, and State Forest's policy topic.

*State Forester Daugherty* recognized the Agency Achievement Award recipients with a highlight on award recipient Andy White, Northwest Oregon Area Director. ([Attachment #1](#))

- Budget and Legislative update focused on the Harvest Tax Bill and Federal Forest Restoration.
- Tribal Meetings update focused on communication, training leadership, Tribal engagement and cultural awareness.
- Elliot State Forest update included discussion on the Common School Land portion and proposals for the future of the forest. State Forester Daugherty thanked Coos District employees for their work on the Elliot State Forest.
- Subscriber Portal for the E-Notification System will be released in June 2017 and includes online registration, designated areas of interest, choose activities, e-mail alerts, view notifications, and provides online public comment. Once released the public will have free, online access to notifications of forest operations once they are submitted.
- State Forests Policy is in the process of a workshop with field managers to gain common ground to modify the Forest Management Plan (FMP) and look at challenges that may be faced in the process.

*The Board* asked *State Forester Daugherty* to clarify on the Elliot contract ending and management after Oregon Department of Forestry is done.

*State Forester Daugherty* responded that the Department of State Lands put out a request for proposal for custodial management of the Elliot Forest.

#### 1A. Public Comment

*Rex Storm* with Associated Oregon Loggers, made public testimony about the cooperative program between the public and private sector. Cooperation is important to share cost of fire and minimize fire impact. He commented that low fire cost is a good way to show Oregon is a good place to grow and harvest trees. He gives his support to the program and thanks the Board for showing their commitment to the program, specifically Tom Insko. He called attention to the first week in June and the prep for the fire season.

*Bob Van Dyke* for the Wild Salmon Center and Oregon Forest Conservation Coalition made public testimony on the growth and yield topic. He commented that it seemed to be a good process that included stakeholders and accounted for multiple perspectives. They continue to engage in the process and have found the growth and yield model helpful in understanding expectations of where they are and how to create a useful plan going forward. They will be responding to some of the comments from the county by letter.

*Craig Patterson* Testimony ([Attachment #2](#))

#### 2. FIRE SEASON READINESS AND FORECAST [Listen to audio](#) MP3 – (22 minutes – 10.6 MB)

*Ron Graham*, Deputy Chief of the Fire Division, presented the fire season readiness and forecast PowerPoint ([Attachment #3](#)) along with *Doug Grafe*, Fire Division Chief, and *Nick Yonker*, the Smoke Management Program Director.

The PowerPoint covered drought, precipitation, temperature, wildfire risk, key indicators, fire season readiness, aviation, and the solar eclipse.

*The Board* asked a question about predictions, and if the fire division is tactically contemplating moving resources to grassland areas where fire risk is currently elevated?

*Ron Graham:* The Division has been having this conversation and are looking into it. They will start Monday Fire Briefings as fire risk increases, paying attention to these grassland areas.

*Doug Grafe* made the distinction that much of the range in SE Oregon falls under Rangeland Fire Protection Associations protection and are not under the jurisdiction of the Oregon Department of Forestry (ODF). ODF does work closely with RFPAs to ensure their fire season readiness.

### Public Comment

*Amy Patrick* the Director of Forest Protection for the Oregon Forests and Industries Council (OFIC) ([Attachment #4](#)) made public comment. She stated that there is a need to support this cooperative effort to fight fire between the protection associations, landowners, and the Oregon Department of Forestry. She asked the board to look at the Governor's budget and see that it is not enough to provide an adequate level of protection. OFIC asked the Board to take a stronger leadership role in the future as partners in the conversation of budgets and funding cut backs.

*Milt Moran* from Cascade Timber Consulting, made public comment. Also represent the Oregon Forest Protection Association. He asked the Board for the full funding for the protective associations, not what the Governor of Oregon included in her recommended budget.

### Information only.

#### 3. APPROVAL OF THE FOREST PROTECTION DISTRICT'S 2018 FISCAL BUDGETS AND RATES

[Listen to audio](#) MP3 - (23 minutes – 10.8 MB)

*Ron Graham* continued the PowerPoint ([Attachment #3](#)) on Forest Protection District's Fiscal Budgets for 2018. He covered funding partnership, base level budget development, and spring 2017 Association meetings.

The Oregon Department of Forestry Fire Division recommends that the board approve all Fiscal Year 2018 District and Association Protection Budgets as presented.

*The Board* acknowledged the associations on their work and engagement in the process. Asked about the governor cutbacks in regards to fire and how to capture cost saving activities?

*Doug Grafe:* We have a rolling fiscal budget system that accounts for carry-over and targets a budget for the average fire season. When budget surplus exists, it carries forward to a beginning balance for the next year, this includes District deductibles for large fire cost.

*State Forester Peter Daugherty* asked if the Department can roll funds forward or utilize them for capital expenditures.

*Ron Graham* affirmed that they could.

*The Board* asked where the department is with the transfer of risk in the fire program review and if the program should be modified based on that information.

*Doug Grafe* addressed the topics in the fire program review. The transfer of risk study is on hold until perhaps after fire season. He also noted that the BLM financial study has been completed and the next step will be a conversation with Bureau of Land Management on how they want to engage in the contract for the future.

*The Board* responded that it sounded like in the next 12 months there should be a good amount of activity and if the Division has received money from last year fires from FEMA?

*Doug Grafe* indicated that FEMA reimbursed from 2013-2016 Fire Seasons, and the department has received a significant amount of the recoveries. Anticipating a total of \$60 million of the \$75 million by the end of the month.

*The Board* shared some concerns about the reduced budget for firefighting and discussed how the budget can adjust based on legislative action.

The motion was moved by Tom Insko and seconded by Mike Rose to vote to approve all Fiscal Year 2018 District and Association Protection Budgets as presented.

Voted for: Tom Insko, Sybil Ackerman-Munson, Tom Imeson, Mike Rose. Motion Passed.

#### Public Comment

Forest Protection Association Letters ([Attachment #5](#)).

**Action: approved all Fiscal Year 2018 District and Association Protection Budgets as presented.**

#### 4. FIRE PREVENTION RULE MAKING

[Listen to audio](#) MP3 – (3 minutes 1.5 MB)

*Ron Graham* updated the board about the fire prevention rule making and asked the Board to approve the rules and amendments and direct the department to file the rules with the Secretary of State to be implemented July 1, 2017.

Tom Insko Moved to approve the rules, Mike Rose seconded the motion.

Voted for the motion: Sybil Ackerman-Munson, Tom Imeson, Tom Insko, and Mike Rose. Motion Passed.

**Action: The Board approved the proposed rule amendments and directed the department to file the rules with the Secretary of State.**

#### 5. VOLUNTARY EFFORTS BY FOREST LANDOWNERS TO RESTORE SALMON HABITAT AND WATERSHEDS IN THE OREGON COAST

[Listen to audio](#) MP3 – (48 minutes 22.6 MB)

*Kyle Abraham* Deputy Chief of Private Forests; *Terry Frueh*, Interim Forest Health and Monitoring Unit Manager; *Rene Davis*, Deputy Director of Oregon Watershed and Enhancement Board (OWEB); and *Paul Barnum*, Executive Director of the Oregon Forest Resources Institute (OFRI); presented on Voluntary Efforts by Forest Landowners.

*Kyle Abraham* mentioned that the purpose of the project and assessment is to highlight the importance of voluntary actions in addition to the regulatory overlay of the Forest Practices Act.

*Kyle Abraham* discussed the background and context of the effort, collaborations, and policy framework. He highlighted contributions over last 20 years, work with OWEB and OFRI, and next steps to revitalize voluntary implementation.

*Terry Frueh, Rene Davis, and Paul Barnum* presented the Voluntary Measures Project PowerPoint. ([Attachment #6](#)). They covered Coho Salmon Habitat, Study Objectives, Oregon Watershed Restoration Inventory, the survey, and next steps.

*The Board* asked about the causes for reporting decline and any incentives that might help, especially for private landowners.

*Terry Frueh* responded that education, communication, and simplifying the process helped. Stewardship foresters worked with forest landowners on the importance of reporting. He talked about a solution in regards to landowners reporting on FERNS for ease of reporting, but there is not funding for that at this time.

*State Forester Peter Daugherty* mentioned that regulatory certainty is a benefit and ODF has consistently not gotten recognition for the voluntary measures and benchmarks that are wanted. The lack of reporting makes it harder to sell programs. He thinks ODF can do better at emphasizing voluntary approaches and a more voluntary first approach.

The Board asked about the Division having the data of what they ultimately want to achieve across the landscape in terms of stream restoration.

*Rene Davis* asked the question, are these the right actions in the right places to move the needle? If we have limited resources do we have the ability to look at where the right actions are and where the key places are at? They are making progress, but could use better information to help more.

*The Board and Staff* discussed how to create certainty on these voluntary project measures and where and how these projects are being implemented.

*State Forester Peter Daugherty* asked about the percentage area by ownership and the number of projects.

Staff responded that Federal agencies create separate databases and they track other data. The challenge is that this data does not perfectly crosswalk over into our data. If we were to pull their data it would complicate the categories and the results.

*Tom Imeson* mentioned that in the early days of the Oregon plan it united the coalition that included a group of natural resource agencies and companies. When looking at evidence of improvements who takes on that piece of work?

Staff mentioned that in talking to private landowners in terms of monitoring it is tough to get them to be ok with coming back on their property. A higher level of looking at monitoring of the landscape rather than the individual was discussed.

### Public Comment

Mary Scurlock from the Oregon Stream Protection Coalition, made public comment and submitted written testimony ([Attachment #7](#)). She commented on how the inventorying of voluntary measures is a good way to assess the restoration on the ground and recognizes land managers that go above and beyond minimum requirements. She specifically focused on the follow up step of effectiveness and implementation monitoring. She cautioned that there is an implication that voluntary measures somehow have had an effect on Coho populations. She doesn't think we can really say that at this time we have that information. She highlighted the need to continue working on effectiveness and implementation monitoring probably by Oregon Department of Fish and Wildlife (ODFW) and Department of

Environmental Quality (DEQ). She mentioned the need to look at the baseline impacts and get focus on the metrics we are going to use to evaluate effectiveness.

**Information Only.**

6. **HEARINGS BEFORE THE BOARD OF FORESTRY**

[Listen to audio](#) MP3 – (43 minutes – 20.4 MB)

*Doug Grafe*, Chief of Fire Protection for the Oregon Department of Forestry and *Bob Young*, Workforce Capacity Manager, went over the process and results of the forestland classification in Clatsop and Crook Counties ([Attachment #8](#)). Twelve landowners requested hearings. As required by ORS 477.250(2) written notices were sent by mail to specific landowners in these counties, identifying that they are going to be added to the respective county forest patrol assessment roll. Thirty-two landowners in Clatsop County and two landowners in Crook County objected. Twelve of these landowners have requested a hearing ([Attachment #9](#)). Those are:

1. Mr. James Kordahl (Crook County)
2. Ms. Linntte Hellberg
3. Mr. Dale Edwards
4. Mr. Patrick Duhachek
5. Mr. James Hobby
6. Mr. Michael Gallegos
7. Lynn and Patti Knavel
8. Dale and Sheryl Barrett
9. Mr. Gary Phelan
10. Brian and Tressa Ratty
11. Mr. Michael Wammack
12. Mr. Nicholas Chavera

**Four landowners testified:**

*Patrick Duhachek* gave testimony that he felt minimal notice was given and the only reason for the classification was to increase revenue. He brought in pictures of his property indicating his opinion that his property should not be classified as forestland. He also talked about his close proximity to the fire station, how his property resides on wetlands, and has been officially designated as unsuitable for the production of timber.

He felt that there is a need reduce costs and operate under budget and not go assess residential neighborhoods to fill financial deficits. He stated that the landowners are being inundated with bond measures and that adding an assessment is unsubstantiated and unjustified under their own statute. ([Attachment #10](#))

*Dale Edwards* gave public testimony that as a property owner he has not been allowed to question the actions of the forest land classification. He felt that the staff report left out two important facts; the notice that was sent out was by post card and the meeting that Senator Johnson had in February in seaside. There was a Thirty day appeal period that would have to go through the court and cost them money. The ODF officials let the landowners know that they realize that postcards are usually just thrown away, so why didn't they send letters instead? ODF stated that they met with landowners who filed appeals on forest land assessment but what it failed to state, is that meeting with the ODF reps the landowners only were given three minutes to make a comment at the end, but not ask questions. He contacted Bob Young, but he still has not gotten a response over a month later. ([Attachment #11](#)) There is only one class of Forestland and that is Class one. He said that Clatsop County says the land is not suitable for timber

production yet the forest service people say it is. He doesn't see how his property fits these descriptions as forestland and why he has to pay the local fire department and ODF. The committee that did the forest land classification did not take minutes of the meeting. He asks why the Astoria district couldn't be as open as the central Oregon district in regards to meeting minutes. He asks the *Board* to reject the proposed orders as they are prepared pertaining to those who appealed the ODF opinion so that they can be given a fair and impartial review of those properties with the ability to ask questions.

*Michael Wammack* gave public testimony that he never received a post card or email of the meetings. He said that the representatives told him that he was not allowed to speak up and was told to be quiet. He was told that because he has a house he has a fire hazard which was built to county codes. He discussed water availability and needs. He also expressed concern about ODF response time compared to the local fire district and when they respond. He brought up concerns on paved roads versus gravel roads for classification.

*James Kordahl* gave public testimony that this forest land classification is a 300% increase in tax. His property has never been taxed before for this because it is high desert grazing land that does not need fire protection and causes no threat to others. He believes that the citizen committee that classified the tax thinks this is bearable because they are not being taxed for it themselves. The notification of his right to bring this to the board came too late for him to take action. There are many new taxes and he is of the opinion that it is the heavy weight of taxes that take their toll on the opportunities for our youth and others.

*Doug Grafe* and *Bob Young* returned to the Board.

*The Board* asked Staff to go over the classification and the description of the classification again for forestland.

*Doug Grafe* read the definition of forestland as it applies to the rules and engagement of classification. "Forestland means any woodland, brush land, timberland, grazing land, or clearing that at any time of the year contains enough forest growth, slashing, or vegetation to constitute in the judgement of the forester a fire hazard regardless of how the land is zoned or taxed."

*The Board* asked what their options are.

*Chair Imeson* addressed this by saying that the appeal option for the *Board* is based on the four issues:

1. Has the land been classified as forestland by a county classification committee?
2. Is the owner of the land correctly identified?
3. Are the acres and tax lot numbers correctly identified?
4. Has the owner provided protection through a plan approved by the Board on their own or through membership in a forest protective association?

*The Board* commented that they were not able to take a roll in the process, so it is difficult because they are at the end of the process and it seems that in some aspects the process doesn't seem to work well in some cases. On the other hand they can't make a decision based on a perception of what happened prior to the public testimony. It puts the Board in a difficult situation, but based on the four issues, which are the only things they can vote on, the criteria do not necessarily apply to the Landowner's pleas.

*The Board* also asked about the process of outreach for these classifications.

*Bob Young* discussed what is laid out in statute in regards to notifying landowners of the classification. ODF had to notify in three different places and at the hearing itself. They have to put a notice in the paper about the hearing. ODF has tried to increase the public's awareness and the district did make the decision to send out post cards to the landowners who would be affected. The committee is at the county

level and described in statute in how it is formed and what rules to follow. That is why the Board cannot rule on the county results. The division is going to try harder to engage the public and get out notification to landowners more effectively going forward, especially since there is more classifications in progress.

*The Board* said they understood the process and their narrow scope of the ability to do something. The Board did not like the position they were in but they understand that the bulk of the authority is with the County. They asked what the makeup of the Classification committee is.

Staff answered that there are three members appointed by county commissioners, one Oregon Department of Forestry, one Oregon State University Extension, and one local fire service through a state fire marshal appointment. Prior to 2007 classification was not done at the local level. One goal of forming the classification committees was to seek greater engagement at the local level.

Tom Imeson made the motion to adopt the proposed final orders as written for the twelve listed landowners. Tom Insko seconded the motion.

Sybil Ackerman-Munson, Tom Imeson, Cindy Deacon Williams, and Tom Insko voted for the motion. Mike Rose voted against.

Motion Passed.

**Action: The Board adopted the proposed final orders as written for the 12 landowners; Mr. James Kordahl (Crook County), Ms. Linntte Hellberg, Mr. Dale Edwards, Mr. Patrick Duhachek, Mr. James Hobby, Mr. Michael Gallegos, Lynn and Patti Knavel, Dale and Sheryl Barrett, Mr. Gary Phelan, Brian and Tressa Ratty, Mr. Michael Wammack, and Mr. Nicholas Chavera.**

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 2:04pm.

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Respectfully submitted,

/s/ Peter Daugherty



Peter Daugherty, State Forester and  
Secretary to the Board

JN

*Meeting Minutes Approved at the July 25, 2017 Board Meeting.*