

DRAFT Board of Forestry Meeting Minutes

November 7, 2018

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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) Handout, [Oral and Written Testimony by Scurlock](#), Agenda Item 1
- (2) Handout, [Oral and Written Testimony by Josi for FTLAC](#), Agenda Item 2
- (3) Presentation, [State Forests Forest Management Plan Revision](#), Agenda Item 3
- (4) Handout, [Oral and Written Testimony by Manton for State Forests FMP Revision](#), Agenda Item 3
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- (12) Presentation, [2018 Fire Season Report](#), Agenda Item 4
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- (14) Presentation, [OSU Ecosystem Services Valuing](#), Agenda Item 6
- (15) Handout, [Written Testimony by Eady for Ecosystem Services Valuing](#), Agenda Item 6
- (16) Presentation, [J.E Schroeder Seed Orchard and Oregon Seed Bank Update](#), Agenda Item 7
- (17) Handout, [J.E Schroeder Seed Orchard and Oregon Seed Bank Reference](#), Agenda Item 7

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on November 7th, 2018 at the Oregon Department of Forestry Headquarters on 2600 State Street Salem, OR 97310.

Chair Imeson called the public meeting to order at 9:12 a.m.

Board Members Present:

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

Absent:

None

CONSENT AGENDA:

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

A. SEPTEMBER 5, 2018 MEETING MINUTES

Approval of Board Meeting Minutes.

Action: The Board approved minutes from the September 5, 2018 Board meeting.

B. BAKEOVEN-SHANIKO

Representatives of rangeland owners in South Wasco County requested from the Board to hold a public hearing on the subject of providing protection from fire for rangelands in the vicinity of Bakeoven and Shaniko.

Action: The Board approved the landowners' request to hold a public hearing on the subject of providing protection from fire for rangelands in South Wasco County, Oregon.

C. WILDLIFE FOOD PLOTS

As directed by the legislature, the Department is preparing to develop rules for fully implementing HB 3013 originating from the 2015 legislative session, Oregon Revised

Statute (ORS) 527.678 “wildlife food plots”. The department is requesting the Board direct the department to develop draft rules for wildlife food plots.

Action: The Board directed the Department to move forward with developing draft rules for wildlife food plots as directed in ORS 527.678.

D. PROPOSED FINAL ORDER REVIEW – BRAD REESER

Issuance of a Final Order on a Notice of Civil Penalty issued against Brad Reeser for failing to meet the reforestation obligations of the Forest Practices Act. Administrative Law Judge Samantha A. Fair of the Office of Administrative Hearings conducted a contested hearing on this matter. Based on the evidence introduced at the hearing, ALJ Fair issued a proposed order recommending a Civil Penalty of \$1250. The Department recommends the Board issue a Final Order that adopts and incorporates this proposed order.

Action: The Board adopted the proposed order in Attachment 1 as the Board’s final order (alternative 4).

E. MIAMI FOREST ROAD ACQUISITION

Approval of the acquisition of a 40 foot wide, ¼ mile section of the existing Miami Forest Road currently owned by the estate of Edward J. Frantz, III.

Action: The Board approved the acquisition of the portion of the Miami Forest Road property as shown on the vicinity map (Attachment 1) as an administrative property under the Board’s authority contained in ORS 526.166.

ACTION AND INFORMATION:

1. STATE FORESTER, BOARD MEMBER, AND PUBLIC COMMENTS
[Listen to audio](#) MP3 – (30 minutes and 55 seconds – 14.1 MB)

Chair Imeson commented on:

- Public Meeting will be live streamed.
- Executive Session is scheduled.
- Public Comment open to the public.

State Forester Daugherty commented on:

- Welcomed new Board members to their first Board of Forestry meeting and thanked them for their participation at the October 10, 2018 Board retreat.
- Declared the end of fire season statewide with the last day being October 29, 2018 in the Southwest District. Expressed gratitude of the coordinated efforts of the Department, partners, and landowners in responding to another challenging fire season.

- Outlined the topics to be presented to the Board over the following two days.
 - State Forests Division prepared to discuss the Forest Management Plan (FMP) revision and the Habitat Conservation Plan (HCP) conclusion of phase one. Explained how ongoing county and stakeholder involvement is part of a three-pronged approach to improve financial viability and conservation outcomes, with the other two prongs under internal business practices.
 - Private Forests Division prepared to provide an update on the J.E Schroeder Seed Orchard and Seed bank. As well as report on the Forest Practice Act (FPA) rulemaking analysis for Marbled Murrelet.
- Agency Administration experienced the largest drawdown of Division staff during fire season filling key roles in IT, fire finance, and safety. Recognized the Division's operational fortitude throughout the season, and focused attention in submitting the Agency Request Budget on time.
- Highlighted the 2018 Oregon Tree Farmer of the Year program as a State and national effort to honor family forest landowners who are exceptional at managing their forests. Recognized the great efforts of the nominated tree farmers. Congratulated the 2018 awarded recipient, Marsha Carr and the legacy that she left to her family's tree farm of sustainable forest management goals.
- Closed with noting the positive traction gained by the Federal Forest Restoration Program through the first timber sale utilized through the Good Neighbor Authority (GNA), and projected emergence of more opportunities to address the Department's longer term component of managing wildfire risk.

Public Testimony:

- Mary Scurlock from Oregon Streamside Protection Coalition (OSPC) provided written and oral testimony ([attachment 1](#)) to introduce the coalition and to outline their 2019 priorities to the Board.
- Jason Gonzalez from Oregon Wild provided oral testimony to the Board on climate change, community organizing efforts, recent OSU studies on logging practices, and to echo support for Spray Free Oregon's request to the Department regarding FERNS.

Information Only.

2. FOREST TRUST LANDS ADVISORY COMMITTEE TESTIMONY
[Listen to audio](#) MP3 – (9 minutes and 54 seconds – 4.53 MB)

Tim Josi as a member of Forest Trust Lands Advisory Committee (FTLAC) and on behalf of FTLAC trust counties provided oral and written testimony ([attachment 2](#)) to the Board for the State Forest Management Plan (FMP) and the Habitat Conservation Plan (HCP). Josi acknowledged the Department's efforts in assessing the State Forest Trust Lands (SFTL) conditions under the ESA statute and providing two options to address the gaps in the FMP. Josi stated there are other alternatives to consider beyond the HCP or take avoidance practices, to preserve and protect the economic value of the SFTL. Reminded the Board a similar analysis was conducted in 2005 resulting in opposite conclusions, and urges the Department to explain the deviation. Stated the ECO Northwest report does not provide sufficient detail to support their HCP business case analysis and are unable to determine the credibility of the report's conclusions. Recommended further analysis and discussion on the encumbrances USFWS and NMFS has on

the Department's FMP. Josi stated FTLAC is unable to provide a position on the adoption of an HCP without further information, and will not support an HCP if it violates the State's contractual obligations with the Trust Counties.

Tim Josi commented that he will not be running for re-election as county commissioner. Provided gratitude to the Department Staff, the State Forester, and the Board Chair for their engagement with him over the years as Chair of FTLAC.

Public Testimony: None

Information Only.

3. FOREST MANAGEMENT PLAN REVISION
[Listen to audio](#) MP3 - (2 hours, 24 minutes and 35 seconds – 24.8 MB)
Presentation ([attachment 3](#))

Liz Dent, State Forests Division Chief, opened up the [presentation](#) by providing an overview of the dual planning process of the Forest Management Plan (FMP) revision and Habitat Conservation Plan (HCP), as directed by the Board. Provided background on FMP, underlined the HCP intent, outlined the structure-based management approach, and explained how spatially explicit numeric targets provided structure. Emphasized the shifting mosaic under the take-avoidance strategy, and other issues that challenged the fluency of the FMP planning process.

Ty Williams, Assistant District Forester for Astoria District, presented the proposed draft timber goals and strategies for a revised FMP with emphasis on revenue, sustainable harvest, diversified employment, direct and indirect financial contributions to local governments. Remarked on the five proposed strategies and eight potential measureable outcomes to help address timber in the FMP.

Nick Palazzotto, State Forest Wildlife Biologist, presented on proposed draft wildlife goals and strategies for a revised FMP, spatial and temporal scales, and how these are reflected in the 14 proposed draft strategies, as well as influence 19 possible measureable outcomes. Palazzotto reviewed proposed draft aquatic goals and strategies for a revised FMP as they minimize and mitigate impacts of climate change. Discussed how enhancement of aquatic habitats can promote healthy ecosystems, and how expanded management of recreational use can minimize adverse impacts. Commented on compliance with federal and state regulations to protect and maintain aquatic resources.

Williams presented on proposed draft recreation goals and strategies for a revised FMP. Goals included assessing the range of recreation opportunities, forest education programs and interpretative opportunities, minimize adverse impacts to resources and infrastructure, and to provide meaningful recreation uses.

Dent commented on the measureable outcomes and addressed that needs exist at all levels of the plan's performance. Outlined a number of measureable outcomes, key performance measures, and commented that prioritizing these measures within the Adaptive Management Plan lens, along

with setting quantifiable targets and securing funding are the many moving parts that are to be considered in every step of the revision. Described the geographic scope that comprises the current four plans, and listed the districts who managed them. Stated the revised FMP will be specific to the regions west of the Cascades, excluding the lands in the Klamath-Lake district, and should bring some management efficiencies, but requires flexibility due to the variability of conditions in each region. Reviewed the Division's recommendations, the consideration of public input, and the FMP planning next steps.

Board discussion followed, regarding various aspects of the FMP revision.

- Clarification on the scope and goals of financial viability
- Consideration for how enhancement of financial viability is assessed
- Balance between policy revision and stand inventory updates
- State Forests financial dashboard, breakdown of fixed/variable costs and net income
- Gain support for public funding for public benefits
- Expand public and private partnerships to fund general recreation programs
- Monetization of ecosystem services provided by State forests
- Recognition of the cyclical nature and variability of the logging industry
- Process for Board feedback integration with staff recommendations
- Clarification of Measurable Outcome in relation to age class and restoration
- Strength of the current FMP and ecosystem approach in conceptual framework for FMP
- Integration of ecological forestry and Department to maintain outcomes with revisions that help reach conservation and financial goals
- FMP strategy revision include shifting mosaics, discrete definitions of stand types and numeric targets
- Division long-term business plan include cost structure that considers upfront investment in monitoring and restoration efforts
- Identify barriers to financial viability and conservation outcomes in the current FMP, and propose new strategies to overcome identified barriers in the revised FMP
- Evolution of the parallel process for the FMP and HCP, and Board's role in that process
- HCP presentation includes information that lends to the FMP decision in front of the Board, the integration of the two topics is noted and postponing decision until both topics are presented is considered.

Invited Testimony:

- Steve Pedery from Oregon Wild provided oral testimony to the Board for the Forest Management Plan revision. Encouraged the Board to request an analysis of carbon impacts for potential management alternatives, comparing current practices with proposed plans. Asked the Board and Department to include a high carbon storage option as a primary goal on the FMP. Stated Oregon Wild is prepared to support the Board in finding alternative revenue streams to reduce reliance on clear cutting, increase carbon storage, and meet other statutory goals with the GPV framework.
- Jonathan Manton from Beyond Toxics provided oral and written testimony to the Board ([attachment 4](#)) for the Forest Management Plan revision. Encouraged modernized changes to the FMP that conserve and restore ecosystems. To incorporate health-based standards that enhance overall protection of water quality, soil integrity and human health. Urged a policy

shift away from the State's reliance on aerial herbicide application as a Forest Management tool. Asked the Board to adopt similar chemical buffering protections as the USFS and neighboring states have done for all streams and flowing water. Requested the Board to end aerial spraying by 2020 and increase pesticide buffers to 300 feet for drinking water sources.

- Bob Rees from Association of NW Steelheaders and founder of NW Guides and Anglers Association, provided oral and written testimony ([attachment 5](#)) to the Board for the Forest Management Plan revision. Provided a fishing report for the 2018 season to the Board. Asked the Department to recognize fish as a forest product as the FMP is revised.
- Bob Van Dyk from Wild Salmon Center provided oral and written testimony ([attachment 6](#)) to the Board for the Forest Management Plan revision. Stated the staff proposal was unclear how the proposed plan is different from the existing FMP, how financial viability and conservation would improve. Urged the Department to consider a Forest Land Transfer program and seek additional revenue or share current resources. Van Dyk stated he is unlikely to support further work of the alternative FMP. Commented the current FMP could improve upon conservation aspects, but it has quite a bit of management discretion across districts, time and locations that does not impede financial viability.
- Seth Barnes from Oregon Forests and Industries Council provided oral and written testimony ([attachment 7](#)) to the Board for the Forest Management Plan revision. Asked for the FMP to consider comparing alternatives to better understand the relative costs associated, and recommended utilizing the FPA standards as a benchmark. Requested that the language in the FMP be more specific for understanding of proposal to inform the Board's decisions.
- David Kunert from Hampton Lumber provided oral and written testimony ([attachment 8](#)) to the Board for the Forest Management Plan revision. Stated the importance of State forests timber harvest for the local mills and communities. Provided a historical example to illustrate the social and economic impact when timber harvest declines. Supported finding a balance to increase sustainable harvest levels and conservation enhancement outcomes in the FMP.
- Heath Curtis from Oregon Forests and Industries Council provided oral testimony to the Board for the Forest Management Plan revision. Offered additional information to the Board regarding OSU study on carbon emissions and highlighted current forestland carbon sequestration efforts. Explained economic benefits Oregon timber harvesting has than other materials available, and recommended for the Board to stay tune for the development of climate solutions that include sustainable timber harvesting with conservation outcomes.

Public Comment:

- Jason Gonzalez from Oregon Wild provided oral testimony to the Board for the Forest Management Plan revision. Stated Oregon Wild does not oppose logging efforts. Provided historical context behind current timber harvest regulations. Commented on seeking alternative solutions to address rural job stability, beyond logging. Observed a low rate of salmon in streams and rivers. Cited peer-reviewed publications for the Board to review.
- Hugh Morrison from Oregon Outdoors provided written testimony ([attachment 9](#)) to the Board for the Forest Management Plan revision. Focused on the social and economic benefits that Guiding Principles two, four and five offer. Stated support of all Departmental efforts in developing goals and strategies for recreation, education and interpretation. Expressed concern that the extensive set of proposed goals and strategies may not fund all aspects of the FMP equally, including recreation.

- Rowan Baker provided written testimony ([attachment 10](#)) to the Board for the Forest Management Plan revision. Stated the objectives of increasing conservation and financial viability are conflicting. Stated support of FMP revision and HCP with qualifying conditions, explained in the attachment provided. The attachment also includes suggestions for the Board if the FMP is revised further, and comments for the Board on Chapter 629.
- Walt Mintkeski provided written testimony ([attachment 11](#)) to the Board for the Forest Management Plan revision. Stated support for the Board to increase conservation efforts. Asked the Department to include clear conservation improvements that protect fish, water, wildlife and recreation. Requested clearer content of how the Department plans to increase financial viability, and to include a cost analysis.

Cindy Deacon Williams motioned to reconvene on the Forest Management Plan (FMP) decision to be concurrent with the decision on the Habitat Conservation Plan (HCP) on Thursday November 8, 2018. Brenda McComb seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Tom Imeson, Joe Justice, Jim Kelly, Brenda McComb, and Mike Rose. Against: none. With Board consensus, decision for the Forest Management Plan Revision deferred.

State Forester Daugherty announced to the public audience, the time and location the HCP topic will be presented on November 8, 2018.

Break.

4. FIRE SEASON REPORT
[Listen to audio](#) MP3 - (48 minutes and 33 seconds – 22.2 MB)
 Presentation ([attachment 12](#))

Doug Grafe, Fire Protection Division Chief provided the fire season close out report for 2018. The [presentation](#) began with outlining the 12 districts with ODF protected forest and grazing lands, approximately 16 million acres. Described the complexity of jurisdictional responsibility on the landscape. Highlighted the national significant fire potential from July to October 2018, underlined by drought conditions and kept fire on the landscape through October. Commented on the distribution and amount of fire initiated from the lightning events this season, which overwhelms the protection system and reinforces the need for early detection equipment.

Grafe outlined the year-to-date total number of fires on the landscape and total acres burned as of November 5, 2018. He described the large fire costs, gross and net, totaling \$102 and \$42 million, respectively. Grafe described the recovery process, legislative funding requests, and funding from other sources for operational continuity. Highlighted a new one year agreement with BLM and the Department to share the base level costs of fire suppression, but has the BLM cover large fire costs on BLM lands. ODF secured \$20 million in recovery for the Department. Another \$20 million was given to the USFS for the CalFire from BLM, thus decreasing the Department's financial exposure by approximately \$40 million total. Grafe stated if this agreement was not in place, the Department would have initiated the Lloyds of London insurance coverage and an additional General Fund request.

Grafe moved on to a side-by side illustration of air quality and smoke exposure within the Northwest region. Used the Klondike fire as an example of how smoke is seen from an aerial perspective. Closed with reviewing the increase number of worker's compensation claims as the fire season progressed, and notated beyond the SAIF claims reviewed, there were fatalities in Oregon during fire season.

Ron Graham, Deputy Chief of Fire Protection reviewed the support provided to fellow state partners managing incident command centers during emergency disasters. Florida incident management teams helped with the Department this fire season and he acknowledged the continuing efforts in building partnerships. ODF was able to assist in Florida's time of need. Ron described the process of deployment of the incident command teams for Hurricane Michael that landed in Florida in October 2018. Graham then reviewed the drought monitoring in Oregon and drought conditions are projected in the coming years. He closed by acknowledging the various partners that helped close out this fire season with success and with minimal safety issues.

The Board thanked all partners who contributed in the 2018 fire suppression efforts. Followed by a question on how to prepare for future seasons knowing the drought projections are bleak in the coming years. Grafe acknowledged this is a challenge, modeling is being produced, and addressed the complex elements that contribute to fire. He offered fire statistics for total acres burned across all jurisdictions, number of fires on ODF protected lands, and cost of suppression. The Board discussed the challenges of fire suppression and capacity to respond in the future, as fire severity increases. Part of a long-term discussion as a State to have on what condition our forests should be in 20 years and prioritization of the agencies' limited resources.

Public Testimony: None

Information Only.

Lunch.

5. OFRI 2017-2018 POST ADVERTISING SURVEY RESULTS
[Listen to audio](#) MP3 - (28 minutes and 17 seconds – 12.9 MB)
Presentation ([attachment 13](#))

Erin Isselmann Executive Director of the Oregon Forest Resources Institute (OFRI) introduced Adam Davis from DHM Research to report the results of the Institute's annual public polling, post OFRI's annual education advertising outreach across the State.

Adam Davis outlined the [presentation's](#) objective, survey methodology, measurement of public perception and attitudes on forest issues. Stated phone surveys are difficult to secure a representative sample of the population, and polled online this year. Online data collection allows the individual to freely respond to questions on their own time, removing the interviewer from the equation, and allows for more valid data on scale-based questions.

Davis reviewed the online survey results of 531 Oregonians, conducted over seven days across the State's four media markets.

- Measured public perception on industry importance, the survey asked to identify one of the most important industries in the State, and the highest percentage listed was forest products.
- Measured attitudes about wood products, they used a scale method to rate wood product statements. The sample majority supported the use of wood products, but when linked with carbon storage, the sample grew less supportive.
- Measured public perception of Oregon Forestry Practices, by assessing protection of fish, wildlife and water, as well as reforestation efforts. 2018 returned the lowest level of awareness on regulatory protections, which creates a new polling baseline. Three in ten Oregonians indicate they are uncertain about the existing protections, but six in ten agree the State is doing a good job enforcing forest protection laws.
 - Commented on the importance of monitoring public awareness. The more people perceive the State is doing well in areas of protection, the more supportive they are in forest management in the forest industry.
 - Stated opportunity to engage and educate the public on regulatory practices and protections in Oregon.
- Offered additional polling results in relation to climate, timber harvest, and fire conditions. Results came from a statewide, random sample polling, separate from OFRI's survey.
 - Sixty percent of the sample agreed heat and smoke is normal weather conditions.
 - Provided comments from polled Oregonians on how to address this new norm.
 - Sample majority supported forest thinning and timber harvesting methods to reduce or avoid the risk of wildfire.

Public Testimony: None

Information Only.

6. ECOSYSTEM SERVICES VALUING
[Listen to audio](#) MP3 – (43 minutes and 2 seconds – 19.7 MB)
 Presentation ([attachment 14](#))

Brandon Kaetzel reviewed the origin of the Board's request on researching ecosystem services, to determine how they are defined and valued, as well as list examples of existing services. He introduced the ecosystem services research team David Lewis and Randy Rosenberger from Oregon State University (OSU), and how they will provide a contextual background of ecosystem services and economic valuation.

David Lewis began the [presentation](#) by defining ecosystem services and offered examples to describe the various types of services. He outlined whether the ecosystem services have provisionary, regulatory, cultural or supportive aspects and defined each aspect. Discussed how these aspects do not directly equate to monetary values, and can be difficult to quantify. Explained the economist perspective of market efficiency in providing these services, and compared rivalrous consumption versus excludable goods in private and public markets. Lewis connected how decision making links to ecosystems through human actions, how ecosystems links to services through ecological production function, and how services links to value through

economic valuation methods; which inform or drives the overall decisions. He demonstrates this framework with a land-use example on how human action can alter ecosystem service provision.

Lewis discussed how policy can alter ecosystem service provisions, such as forest incentives, natural habitats and urban containment. He explained the market and non-market methods in valuing ecosystem services. Goods or services are valued by market prices, and non-use goods or services are valued by the economic benefits it provides directly or indirectly to people. Lewis provided the stated and revealed preferences that measure use or non-use values. Commented that economic approaches are generally used to value a change in an ecosystem service. Reviewed advantages and disadvantages of stated and revealed preference methods. Listed choice experiment is the preferred sampling method to assess demand of ecosystem services and can be expensive to implement. Closed by stating that valuation of ecosystem services aids the decision-making process.

Board discussion followed, and feedback provided for OSU Ecosystem Services and Economics presentation.

- Changes from ecosystems to ecosystem services, difficult to separate out the ecological change from human action in terms of marginal value. Challenged when determining marginal change, unless we have a good idea of production function.
- Consideration for the additive benefits to the local communities from ecosystem services. The measurement of economic impact on communities from ecosystem services would require a different methodology like cost-benefit or economic impact analysis. Included with the presentation were individual measurements of demand, to determine how much people pay or value the ecosystem service. This valuing methodology provides a broader lens to evaluate ecosystem services.
- Utilization of the valuation framework for policy decision, by assessing the demand and supply, as well as the alternative's production function. This will lend to better understanding the monetized or non-monetized cost and benefits of services.
- Next presentation, provide guidance on the best economic analysis, methodology, and approach to utilize when determining tradeoffs in the Board's decision-making process.

Public Testimony:

- Clair Klock provided oral testimony to the Board regarding Ecosystem Services Valuing. Asked for the Board to consider identifying the benefit of ecosystem services. Consider the value of clear cut, sheltered, and limited entry methods in relation to water sources and riparian systems in forestland. Supports the advancement of ecosystem services being researched and looks forward to the facts reported.
- Carolyn Eady provided written testimony ([attachment 14](#)) to the Board for the Ecosystem Services Valuing. Eady included published articles regarding the reduction of Greenhouse Gases (GHG) and impact of Climate Change in Oregon. Referenced her testimony provided at September 2018 Board meeting and asks the Board to modify the FPA.

Information Only.

7. J.E SCHROEDER SEED ORCHARD AND OREGON SEED BANK UPDATE
[Listen to audio](#) MP3 – (34 minutes and 46 seconds – 15.9 MB)
Presentation ([attachment 15](#))

Kyle Abraham, Deputy Division Chief for Private Forests, reminded the Board of the many business service lines under the Division. He provided background on the seed orchard and seed bank operation, as mandated by statute. Commented that these programs support the Board's goals and offers tree seed to growers across the state. Abraham then introduced the presenters of the JE Schroeder Seed Orchard and Oregon Seed Bank update.

Mike Kroon, Manager of the J. E. Schroeder Seed Orchard, began the [presentation](#) by reviewing the origin of the 400 acres seed orchard in St. Paul, Oregon. Department personnel is responsible for the maintenance and operation of the seed orchard. He described the unique public-private partnership of the seed orchard that provides seed for a variety of tree species in Oregon and Washington. Kroon listed the seed varieties ranging from Douglas-Fir, Western Hemlock, to Willamette Valley Ponderosa Pine. Reviewed the number of orchards for each variety, in total 26 orchards. The acres of the seed orchards are rotated, based on the seeds needed by the members.

Kroon described the flowering stage to the seed production process, and then discussed the advantages of a seed orchard. He commented that orchards produce seed early and more reliably than wild seed collection. Stated seed orchards are highly productive, and distributed samples to the Board to visually demonstrate the number of seeds per pound. Discussed the impacts of the seed orchard and provided an example for Douglas fir seed.

Don Kaczmarek, reviewed the orchard's traditional seed breeding methods and how they develop specific traits. He outlined other traits the orchard is seeking to improve; growth, wood quality, and insect or disease resistance. Listed the advantages of improved seeds, like increasing resistance to animal browsing on Western Red Cedar seedlings, and seed trait enhancement with each generation grown.

Kaczmarek described the goals in analyzing the population improvement over time. He listed the number of seed zones that the program selects from for the desired seed traits. These improved seeds are available to family forestland owners, and the program purchases seed from open market wild seed collections to fulfill member's orders. Commented on the collaborative efforts with federal partners to secure broadly adaptable, strong performing genotypes to ensure long-term assets are grown on the landscape. Closed by reviewing the various ways the Division reaches out to seed buyers, by publishing a seed catalog and listing seed availability with educational material online.

The presenters distributed a [handout](#) to the Board to provide additional information on the J.E. Schroeder seed bank and orchard program. The Board asked if temperature or drought tolerant traits were being collected, and Kaczmarek responded that the seeds were stressed tested for survivability, but not specifically selected for their tolerance to dry conditions. Kaczmarek commented on the survivability of trees families and reviewed process for inclusion or exclusion of trees from seed collections. The Board inquired about the number of Division personnel on staff to operate this program, Kroon responded with the number of staff and project specific contractors. The Board commented on Canadian territories seed collection and diverse seedling planting. Kaczmarek was confident in the diversity and range of families in each seed zone selected, which lends to the seedlings strength and adaptability to changing conditions.

Public Testimony: None

Information Only.

8. 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 and reconvened meeting.

Information Only.

With no further business before the Board, Chair Imeson adjourned the public meeting at 5:32 pm.

Respectfully submitted,

/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board

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- (2) Presentation, [State Forests Western Oregon Habitat Conservation Plan Update](#), Agenda Item 3
- (3) Handout, [State Forests HCP Business Case Analysis](#), Agenda Item 3
- (4) Handout, [Oral and Written Testimony by Jones for State Forests Western Oregon HCP Update](#), Agenda Item 3
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- (13) Handout, [Written Testimony by Ferrari for State Forests Western Oregon HCP Update](#), Agenda Item 3
- (14) Handout, [Written Testimony by Chione for State Forests Western Oregon HCP Update](#), Agenda Item 3
- (15) Handout, [Written Testimony by Dorband for State Forests Western Oregon HCP Update](#), Agenda Item 3
- (16) Handout, [Written Testimony by Westbrook for State Forests Western Oregon HCP Update](#), Agenda Item 3
- (17) Presentation, [Private Forests FPA Rule Analysis for Marbled Murrelets](#), Agenda Item 4

- (18) Handout, [Oral and Written Testimony by Sweet for Private Forests FPA Rule Analysis for Marbled Murrelets](#), Agenda Item 4
- (19) Handout, [Oral and Written Testimony by Freeman for Private Forests FPA Rule Analysis for Marbled Murrelets](#), Agenda Item 4
- (20) Handout, [Oral and Written Testimony by Magruder for Private Forests FPA Rule Analysis for Marbled Murrelets](#), Agenda Item 4
- (21) Handout, [Oral and Written Testimony by Yamamoto for Private Forests FPA Rule Analysis for Marbled Murrelets](#), Agenda Item 4

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on November 8th, 2018 at the Oregon Department of Forestry Headquarters on 2600 State Street Salem, OR 97310.

Chair Imeson called the public meeting to order at 8:05 a.m.

Board Members Present:

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

Absent:

None

CONSENT AGENDA: No items on consent agenda.

ACTION AND INFORMATION:

1. STATE FORESTER, BOARD MEMBER, AND PUBLIC COMMENTS
[Listen to audio](#) MP3 – (2 minutes and 46 seconds – 651 KB)

Chair Imeson commented on:

- Public Meeting will be live streamed.
- Utilize microphones when speaking.
- Public Comment open to the public.
- Provided information on invited testimony.

State Forester Daugherty commented on:

- Provided brief overview of previous day’s feedback for the Forest Management Plan and next steps on Ecosystem Services analysis.
- Encouraged Board to have a discussion among themselves when reviewing the topics presented on day two versus having discussions solely with Department staff.

Public Testimony: None

Information Only.

2. FOREST TRUST LANDS ADVISORY COMMITTEE TESTIMONY

[Listen to audio](#) MP3 – (4 minutes and 24 seconds – 1 MB)

Kathleen Sullivan as Clatsop County Commissioner and part of the trust counties provided oral and written testimony ([attachment 1](#)) to the Board for State Forests Western Oregon Habitat Conservation Plan (HCP) update. Sullivan stated the GPV for the State forests includes a balanced Forest Management Plan (FMP) with revenue production, habitat protection, recreational opportunities and consideration of other intrinsic values. Sullivan commented that Clatsop County still supports the creation of a HCP for State's forests, and asked the Board to facilitate the process sooner than later. Sullivan encouraged best use of management practices in response to the County citizens' concerns for watershed, water temperature, and waterway protection. Thanked the Department for including Climate Change as a guiding principle in the FMP and asked the Department to incorporate mitigation into the FMP for current and future conditions. Sullivan closed by welcoming the new Board members, and encouraging continued collaboration with the Governor as well as the legislature on funding solutions.

Public Testimony: None

Information Only.

3. HABITAT CONSERVATION PLAN OUTCOMES

[Listen to audio](#) MP3 - (2 hours, 45 minutes and 50 seconds – 37.9 MB)

Presentation ([attachment 2](#))

Handout ([attachment 3](#))

Liz Dent, State Forests Division Chief introduced the panel of presenters and outlined the goal for the Habitat Conservation Plan (HCP) for Western Oregon [presentation](#). She explained how the proposal for the HCP was part of phase one, of a three phase, three year project.

Brian Pew, Deputy for the State Forests Division, provided the background, project timeline and geographic scope of the HCP. He reviewed the Board's original direction and reviewed the request for a programmatic ESA compliance tool. Pew reviewed the project design for phase one. This included Board engagement, collaboration with partners and consultants, stakeholder involvement, refinement of the species list and completion of a business case analysis. He commented on the grant secured to help fund this project, recited the goal of phase one, and outlined the next phases if the Board directs the Division to move forward with an HCP.

Cindy Kolomechuk, State Forests Policy Analyst, reviewed stakeholder engagement process and refinement of the HCP species list. She described the steering committee and scoping team roles within the HCP process. Commented on the importance of the cooperative efforts of their stakeholders as a part of the HCP process, and facilitators will be engaging the governance and public aspects of these collaborations. Suggested to the Board to keep stakeholders informed, ask for their feedback, and to update them as the planning process advances.

Kolomechuk reviewed the process that led to the species selection criteria that evaluated species based on four aspects. She stated this criteria selection process led to a compilation of a draft species list that

includes 16 species, terrestrial and aquatic. Kolomechuk transitioned to the business case by framing the intent of the analysis and who reviewed the analysis before presenting the [handout](#) to the Board. Closed by introducing the consultant team from ECONorthwest and ICF, chosen for their depth of experience in assessing cost and benefits of a HCP for decision-making process, as well as developing HCPs .

Mark Buckley from ECONorthwest, outlined the purpose of the HCP business case analysis, and explained that results are not from a negotiated outcome nor is it a forecast of what the actual HCP will be, but provides a range of potential harvest and revenue outcomes in the presence and absence of an HCP.

David Zippin from ICF, provided background and broad scope of the Federal Endangered Species Act (ESA). As part of the ESA, Zippin explained how an incidental take permit works with a HCP. An approved HCP locks in mitigation and expected costs with a no surprise long-term assurance that includes incidental take. He reviewed the Department's goal to avoid or minimize impacts to listed species, and recognizes the potential for additional species to be listed in the future. Reviewed the Department's current take-avoidance approach challenges and how potential uncertainty creates inefficiencies. Zippin provided an overview of what the HCP is and is not.

Buckley reviewed the business case framework that includes a 50 year projection of financial impacts, acreage constraints, and future conditions with or without a HCP. Then outlined the methods applied and scenarios modeled for the HCP business case analysis.

Zippin provided an overview of the approach to the analysis and the data used to project potential harvest levels under an HCP as compared to take avoidance. He defined the different harvest and land categories. Zippin highlighted key acreage assumptions for each scenario. Reviewed that harvest restrictions are the same in each scenario for inoperable and policy constraints. Documented costs at two time periods, 2021 and 2070, because 50 years is average length of a HCP.

Buckley commented on the Department's operation costs will be increasing and assumed a 0.5% rate of growth, not including inflation, He continued providing context behind the average annual cost increase for compliance staff and timber prices projected with constant real rates. Buckley explained how these rates were applied to calculate the HCP preparation costs and ESA compliance costs. He projected that producing a HCP could cost up to \$4 million, and encouraged utilization of grants to offset overall costs, leaving a \$1.5 million cost to the Department. He commented on the likelihood of increased ESA compliance administrative costs over time, and noted that inflating costs could be curbed with implementation of a HCP, combined with grant funds.

Buckley reviewed how available acres change between the two scenarios over time and with a HCP more acres would be available for harvest in 50 years. He reviewed the low, most likely and high ranges of projected annual harvest volumes under the two scenarios, and potential harvest increase with implementation of a HCP. Buckley discussed the cumulative revenue for each scenario, listing the gross and net revenue from timber harvest. He commented that the revenues listed do not include county payments, solely cost removal. Concluded by reviewing the non-timber effects and long-term conservation and financial benefits, if a HCP was implemented.

Board discussion followed, regarding various aspects of the HCP phase one presentation.

- Consideration for a counter to the key assumption that species do not inhabit mature forestlands, and what the economic impact or available acres for harvest would be under the no HCP scenario. The results would be similar to what was already modeled.
- Comparison of the analysis presented to the Board in 2018 from what was presented in 2006. The conditions 12 years ago are different from now. That the scope of the 2006 analysis was narrowed to consider projection of timber harvest not the acres available as listed or newly listed species expanded. Operational compliance costs were also not considered in 2006.
- Identification of the key elements that lead to a successful HCP process and implementation. Drivers can include: commitment to the planning process through to the end of implementation by the applicant, as well as the regulatory federal agencies and governance structure in place to work through negotiations.
- Gross revenue without costs are initially unknown. The projected model includes a flat line for this reason, to reflect unknown costs and streamlining of operations.
- Clarification on comprehensive nature of the HCP analysis and outlined when the broader analysis would be presented to the Board.
- Long-term viability and certainty of a HCP is presumed for the duration of the permit. However, unforeseen conditions or legal uncertainties can create provisional or interim measures that modifies the original HCP and is initiated by the applicant.
- Phase two of the HCP process reviewed. Initially, stratified sample stakeholder interviews will be conducted to design the public process of phase two. With each interview engagement process, frequency, and level of interest or concern to be discussed.
- Integration of FMP and HCP planning tracks, how this alignment may impact the Division's core business, capacity, and funding priorities. Reviewed the potential outcomes of integration versus keeping the two planning projects separated.
- Broadness of adaptive management allows for experimental design monitoring projects and research co-ops available that can inform the FMP revised strategies.
- Hindrance of capacity within the Division has made information collection and analysis difficult to make available for the adaptive management part of the FMP. As part of the continued planning process, an information need assessment will be forthcoming in 2019.
- Consideration for providing an analysis summary, as a tool to help inform the Board's decisions. The summary could include: context on adaptive management, flexibility of adaptive management, existing impediments of the current FMP, success of the current FMP, circumstances or data that led to the revision of the FMP, and consider how the FMP and HCP processes may be integrated.
- Reviewed how the FMP is adopted as an administrative rule, and if standards are established in the plan, it can be difficult to make changes, hindering the ability to use adaptive management in real-time. Mention of the length of time and process required to make changes to the FMP.
- Suggestion for adding monitoring protocol and inventory to the categories of goals, strategies and outcomes as it relates to adaptive management.
- Annual operating plans and 10-year implementation plans for each district with strategies for greatest yield. The Division tracks and records these plans.
- Recognition that there are non-monetized benefits expected from State Forest lands in terms of providing a source of timber in down markets and there is a trade-off between selling more timber during high markets for financial viability. The GPV rule requires a predictable flow of timber.

Invited Testimony:

- Ray Jones from Stimson Lumber provided oral and written testimony ([attachment 4](#)) to the Board for the Western Oregon HCP update. Jones concerned the HCP analysis is too narrow and alternative analyses are not being considered, such as the Revenue Emphasis model. Urged the Board and the Department to evaluate in equal weight the social-economic benefits to rural communities with other outputs from the forests. Asked that a plan be formulated to maximize the long-term biological growth potential of the State's forests. Recommended the FMP, if coupled with a HCP, to include fundamental forest activities.
- Rex Storm from Associated Oregon Loggers provided oral and written testimony ([attachment 5](#)) to the Board for the Western Oregon HCP update. Storm commented that HCP phase one has not sufficiently addressed the foregone value of timber and revenue production as a State forest asset. Concerned with the key findings regarding relative numbers listed for available acreage and annual harvest revenue. Asked to be included and fully engaged with phase two of the HCP process. Cautioned the harvesting of older-larger trees. Recommended to change the HCP proposed singular species centric focus on individual habitats, this focus does not align with the Board's GPV mandate and excludes other species not listed under ESA statute.
- Seth Barnes from Oregon Forests and Industries Council provided oral and written testimony ([attachment 6](#)) to the Board for the Western Oregon HCP update. Barnes posed four questions to the Board to ponder the why HCP is a metric used for comparison of the FMP, what is the HCP missing, how the parallel planning processes of the FMP/HCP will be aligned, and whether the HCP path should be taken? Overall, Barnes asked if the HCP makes sense to move forward on operationally, cost effectively, and sustainably when other management alternatives are available.
- Greg Jacob provided oral and written testimony ([attachment 7](#)) to the Board for the Western Oregon HCP update. Jacobs outlined the costs and benefits of a HCP, as well as addressed the loss of land to adhere to the ESA statute. Stated the advantages of a HCP far outweigh the current take avoidance method, financially, socially and environmentally.
- Paige Spence from Oregon League of Conservation Voters support the recommendation to proceed with the HCP. Urged the Board to consider increasing conservation outcomes and seek strategies for alternative funding, referred to SB 847 passed in the 2017 legislation. Advocated for stable budgets and willing to garner legislative support to diversify the Department's revenue streams.
- Ian Fergusson from NW Steelheaders provided oral testimony to the Board for the Western Oregon HCP update. Advocated for better stream buffers, headwater protection, steep headwall protection, and minimize large debris flows. Supported the advancement and development of a HCP. Fergusson listed potential answers the HCP could provide for State forests value questions.
- Bob Van Dyk from Wild Salmon Center provided oral testimony to the Board for the Western Oregon HCP update. Van Dyk provided support of the Board to proceed with the HCP. Asked to learn more about engagement of stakeholders in the next phase of HCP, and for the Department to consider including the recreation community. Recognized establishing alternative revenue for the Department is a long-term goal, to consider Washington State's approach of land transfer program is an option. Concerned about the Division's workload between clarifying the FMP revision process and development of the HCP, Van Dyk urged the Board to focus primarily on the HCP. Board Member Kelly stated that a path to alternative revenue requires conservation group's collaborative efforts beyond what the Board can provide.

Public Testimony:

- Ernie Niemi from Natural Resource Economics provided oral and written testimony ([attachment 8](#)) to the Board for the Western Oregon HCP update. Urged the Board to pursue the HCP. Stated the HCP Business Case Analysis was simplistic and fails to include the associated costs of logging. Niemi offered the Board three recommendations: to cease all efforts to increase logging, to proceed in the HCP, to direct the Department to include the social costs of logging and economic benefits of unlogged trees in their analyses.
- Ron Byers provided oral testimony and written testimony ([attachment 9](#)) to the Board for the Western Oregon HCP update. Byers concerned on focus of financial analysis as the primary measurement of State forests value. Encouraged the HCP to focus on sustainability and habitat protection. Asked that the HCP address asset diversification and explore funding alternatives for State Forests.
- Jason Gonzalez from Oregon Wild provided oral and written testimony ([attachment 10](#)) to the Board for the Western Oregon HCP update. Gonzalez provided links to peer-reviewed articles stating logging is the main emitter of carbon in Oregon. Voiced support of the conservationist panel's feedback provided to the Board and the twin pathways the Board is following for the HCP/FMP. Gonzalez encouraged the Board to move forward with the HCP.
- Sristi Kamal from Defenders of Wildlife provided oral testimony to the Board for the Western Oregon HCP update. Expressed support of the HCP. Reviewed the economic and financial viability listed in the analysis, as a cornerstone to the further development of the HCP. Asked for the Department to balance resource use and species protection with ecosystem functions. Recommended the Division to strategically utilize the HCP to plan for healthy forests that can support wildlife ecosystems and livelihoods, as well as bridge conservation with sustainable timber harvest.
- David Eisler provided oral and written testimony ([attachment 11](#)) to the Board for the Western Oregon HCP update. Eisler highlighted some forest values and associated costs missing in the current FMP. Commented on new realities to be considered as the HCP is being formulated, such as loss of species, water quality degradation, carbon sequestration, and climate change. Challenged the Board to devise an accounting system to track the various natural resources and services the State forests provide. Eisler stated support for the advancement of the HCP.
- Bill Evenson from Trout Unlimited provided oral testimony to the Board in support of the Western Oregon HCP update. Stated the HCP may provide greater stability in the protected areas, which benefit the environment and recreational users. Commented that the HCP offers opportunity to view State Forest lands broadly, helping identify valuable areas for production and vulnerable habitats or ecosystems for protection. Evenson stated support for forest protection measures, to increase the recreation value of the State Forests.
- Conrad Gowell from Native Fish Society provided oral testimony to the Board for the Western Oregon HCP update. Commented on the impact that landslides have on riparian ecosystems. Gowell asked for the HCP to address the interconnectivity between unstable slopes, fish population, and waterway debris that exists in the State's Forests. Stated that with appropriate management, social and ecosystem values that are aligned can be achieved.
- Bob Sallinger, Portland Audobon Society, provided oral testimony to the Board in support of the Western Oregon HCP update. Stated the HCP will lead to a more stable, certain and ecologically responsible forest management model. Sallinger commented on the current strategy of take avoidance, and stated it does not support responsible stewardship of the wildlife and forest health.

Compared the current model as responsive and the HCP offers a proactive approach to Forest Management. Asked to include Climate Change in the HCP.

- Jonathan Manton from Mountain Rose Herbs provided oral and written testimony ([attachment 12](#)) to the Board for the Western Oregon HCP update. Manton shared with the Board that the HCP conversation impacts organic businesses as well, who practice sustainable values and have economic interests in the natural food industry. Manton expressed concern in the validity of the Oregon brand of clean water and no chemical pollutants in the products produced in the State. Asked the Board to phase out and end all aerial spraying in State forests by 2020. Urged the Board to increase pesticide buffers at all drinking water sources to 300 feet and establish pesticide buffers on perennial non-fish tributary streams like neighboring States.
- Chandra Ferrari from Trout Unlimited provided written testimony ([attachment 13](#)) to the Board for the Western Oregon HCP update. Ferrari asked for stronger protections to ensure a functioning ecosystem for fish populations and streams. Urged the Department to reduce forest management practices of logging and pesticide use. Ferrari stated support for HCP phase two. Recommended to the Board to develop a strategy to diversify funding sources for the Department to ensure completion of HCP. Urged that the HCP be completed prior to finalizing the FMP revisions.
- Andrew Chione provided written testimony ([attachment 14](#)) to the Board for the Western Oregon HCP update. Urged the Board to adopt the HCP. Asked that the value of ecosystem services are weighed equally with monetary benefits of the State Forests.
- Roger Dorband provided written testimony ([attachment 15](#)) to the Board for the Western Oregon HCP update. Concerned about the future of the forests, water, air, fish and wildlife. Dorband in support of HCP moving forward. Asked the Board to consider a broader forest policy including selective logging with increased restoration, and return to the 1993 harvest tax as another option to fund the Department.
- Helen Westbrook provided written testimony ([attachment 16](#)) to the Board for the Western Oregon HCP update. Urged the Board to support the HCP plan's advancement. Westbrook stated the HCP could provide long term security for the State forests, environmentally and economically. Encouraged the Board to work with the Governor and legislature to advocate for alternative funding mechanisms for the Department. Recommended inclusion of Climate Change and carbon storage to be included in the FMP.

Action: Direct the Division to integrate and continue working on the Goals, Strategies, and Measurable Outcomes. Direct the Division to continue FMP development using an adaptive management framework. Direct the Division to develop the Forest Management Plan for all state forest lands outside of the Klamath-Lake District, with the flexibility needed to account for the range of variability in forest conditions.

Action: Direct staff to continue to pursue an HCP by advancing to Phase two: Strategy Development, including the associated Steering Committee, Scoping Team and public engagement process.

Mike Rose motioned jointly for adoption of the recommendation for the Forest Management Plan (FMP) as stated and motioned to move onto phase two of the Habitat Conservation Plan (HCP). Nils Christoffersen seconded this joint motion.

Board discussion followed this motion.

- Board Member stated support for both motions with the understanding that the Board's input provided during the meeting will be incorporated in the HCP analysis and FMP adaptive management strategies. Offered a friendly amendment to the motion. State Forester Daugherty reminded the Board that the Division thoughtfully integrates the input received from the Board meeting and incorporates the feedback with their work, prior to returning and presenting to the Board again.
- One Board Member reinforced support for both motions as they stand and were presented. Another Board Member recommended to separate the motions.
- Chair Imeson commented on the parliamentary process of motions and how to proceed if an amendment is made.

Jim Kelly proposed an amendment to the joint motion, to separate the FMP and HCP decision. Mike Rose rescinded the joint motion.

Mike Rose motioned for adoption of the recommendation for the Forest Management Plan (FMP) as stated. Nils Christoffersen seconded. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Tom Imeson, Joe Justice, Jim Kelly, and Mike Rose. Against: Brenda McComb. With Board majority, decision for the Forest Management Plan Revision accepted.

Mike Rose motioned to move onto phase two of the Habitat Conservation Plan (HCP). Jim Kelly seconded. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Tom Imeson, Joe Justice, Jim Kelly, Brenda McComb, and Mike Rose. Against: none. With Board consensus, decision for the Habitat Conservation Plan accepted.

Break.

4. [SPECIFIED RESOURCE SITES RULEMAKING FOR MARBLED MURRELET](#)
[Listen to audio](#) MP3 - (1 hour, 35 minutes and 42 seconds – 21.9 MB)
Presentation ([attachment 17](#))

Lena Tucker, Private Forests Division Chief, reviewed the [presentation](#) objectives, the project history, and explained how the Marbled Murrelet resource sites rule analysis is linked to Forest Practices Act (FPA) statutory authority. She described how Division 680 rules falls under the FPA, and defines the process of how rules are developed specific to wildlife. When the rule is approved, they are listed under Division 665.

Jennifer Weikel, Private Forest Division Biologist, described how the Division 680 rule require a technical report to include specific content, and listed the requirements. She commented that the report is structured into two parts, information collected on the species biology and the content required by the Division 680 rules. Weikel reviewed the technical report's content with the Board. She described the species' plumage, habitat range, reproduction, diet, feeding behavior, and population trends. Explained how the species are generally observed not by land, but by sea. Weikel reviewed the listing status under federal and state Endangered Species Acts. Under the State ESA, Oregon Fish and

Wildlife Commission enacted advisory survival guidelines in 2018 for the species on state managed lands and noted these guidelines are voluntary

Weikel commented on the preferred habitat of the species, primarily trees with large limbs that act as a platform for nesting and laying eggs. She noted the challenges in studying the species and nests are difficult to locate, due to the species' adapted cryptic nature. Explained the standard survey protocol is audio visual surveys to record Murrelet presence in forested stands. This method allows researchers to establish probable absence, presence and occupation of the species. Elaborated on how survey areas are established. Weikel addressed the information gaps relating to observed species behavior, and then transitioned to the review of OAR 629-680-0100 required content of the technical report.

Weikel explained the elusive nature of the Murrelet species makes it difficult to identify the resource site (RS). The RS is the foundation for how the remainder of the technical analysis is drafted. Therefore a range of options were considered and more work will be done to craft the Division's recommendation for preferred approach, to be presented to the Board at a later time. Weikel offered the range of options for identification of the resource site. She outlined the potential conflicts with forest practices, and listed the biological consequences of these conflicts. Discussed the link between defining the resource site with determining protection strategies for the species. Offered two categories of protection, prescriptive best management practices (BMP) approach and programmatic type approach. She explained the proposed protection strategies presented are based from the three resource site definition options.

Weikel reviewed the origination of the expert review panel, the desired outcome for the review, and overall goals in the science review of the technical report. She listed who was tasked to perform the review, described the review process, and explained how the Division summarized the expert reviewers' feedback. Weikel recognized themes in the reviewers' feedback, regarding missing publications or topics, clarification requests, scientific merit of the policy options, misinterpretation of the science, and conflicting opinions on the science available for the species. Weikel thanked the expert review panel for their time and dedication to the project.

Tucker closed the presentation by reviewing the next steps of the Marbled Murrelet technical report and opened the floor to invited testimony from the expert review panel.

Invited Testimony:

- Mike Rochelle from the technical review panel provided oral testimony for FPA Rule Analysis of Marbled Murrelets. Reviewed Murrelet trends, current efforts to track Murrelet movements, and the impacts to Murrelet biology. Encouraged a balanced and fair consideration of the data available, recognition of the limited application of some of the data, and cautioned to not allow preliminary assumptions other than facts to inform the decision making process of the Board.
- Bob Sallinger from the technical review panel provided oral testimony for FPA Rule Analysis of Marbled Murrelets. Asked that the Department to collect and analyze the best available information, establish inventories of resource sites of either federal or state listed species, and if the Board determines the FPA would conflict with resource sites in the inventory, urged the Board to adopt rules to protect resource sites. Asked the Department to define resource site as the survey area defined under the Pacific Seabird Group protocol. Stated preference for option three to define the RS as the most viable option and the need for a regulatory protection

strategy, then implement voluntary methods to augment those strategies. Urged the Board to review the best available science, to take steps to protect the species and not to perpetuate the status quo because it is not sufficient.

- Tim Vredenburg from the technical review panel provided oral testimony for FPA Rule Analysis of Marbled Murrelets. Provided an overview of the report, listing the strengths and weaknesses. Concurred that there is a shortage of scientific research on the Murrelets and more work is needed prior to any formal adoption of a resource site definition or protection measures. Recommended for the Department to conduct a subsequent science review. Asked for this review to include: more primary source literature, additional research on defining resource site, assess food availability and ocean condition impacts on nest success, identify the contributing factors for nesting success, assess impacts to population if resource sites are not established, and identify protection measures including predation reduction beyond what is already provided on federal lands.
- John Sweet, Coos County Commissioner provided oral and written testimony ([attachment 18](#)) to the Board for FPA Rule Analysis of Marbled Murrelets. Stated Coos County relies on revenue generated from harvest on land that are managed under the FPA and within range of these birds. Commented on the limited funding solutions available to the county to offset their contracting budget, and asserted long-term funding solutions to address the growing need for county services are proving elusive. Urged the Board to consider the current protections in place on the federal and state levels for the birds. Asked the Board to consider the impact that decreasing timber harvest would have on private and county lands, as well as the overall social and economic stability in Coos County.
- Tim Freeman, Douglas County Commissioner provided oral and written testimony ([attachment 19](#)) to the Board for FPA Rule Analysis of Marbled Murrelets. Acknowledged the current state policies and protection in place for the birds. Recognized that there is little scientific information about the bird population in Oregon and support the long-term research OSU is undertaking. Concurred with Commissioner Sweet's testimony, then asked the Board to provide Douglas County the same considerations since they have lands managed under the FPA, and receive revenues from timber harvests as well. Stated the best outcome for counties is to permit active management activities and increase the vibrancy of their employment base.
- Margaret Magruder, Columbia Commissioner provided oral and written testimony ([attachment 20](#)) to the Board for FPA Rule Analysis of Marbled Murrelets. Concurred with ODFW Commission decision to not up list the birds from threatened to endangered and contended there is insufficient science for establishment of credible survival guidelines that are quantifiable and measurable. Stated support for OSU continuing research on the life cycle of the birds, and urge the Board to request regular updates on this research project. Cautioned the Board in adopting regulation that restrict management of timberland beyond current levels. Urged the Board to consider the significant negative impacts that rule-making may have on the businesses in rural counties and asked the Board to postpone any Marbled Murrelet rulemaking until there is sufficient science available to support the guidelines.
- David Yamamoto, Tillamook County Commissioner provided oral and written testimony ([attachment 21](#)) to the Board for FPA Rule Analysis of Marbled Murrelets. Asked for the Board to take thoughtful consideration of the affects additional FPA regulation may have on rural jobs and the county's budgets. Stated it is counterintuitive to implement advisory guidelines for a species that has not been fully researched in Oregon. Commented on including a detailed assessment on social and economic impacts.

Public Testimony:

- Sristi Kamal from Defenders of Wildlife provided oral testimony to the Board for FPA Rule Analysis of Marbled Murrelets. Discussed the protection of the species on forestlands. Commented the species nest sites can be located on large diameter trees in old growth forests, and their habitats depend on the forestlands managed by the State. Highlighted the technical report's successes and failures. Asked the Board to consider option three for defining the RS, listed as presumed occupied habitat. Urged the Board to take a cautionary approach and uphold the best available science to ensure the species can survive as well as thrive in Oregon.
- Nick Cady from Cascadia Wildlands provided oral testimony to the Board for FPA Rule Analysis of Marbled Murrelets. Reminded the Board of their mandate to designate resource sites and develop protection for this species that is founded on the best and currently available science. Urged the Board and the Department, to collaborate with the USFW service and ODFW, for these agencies generate status reports and literature reviews that can be used by the Board. Asked the Board and Department to consider this option, as they move forward in designating resource sites for other Oregon species.

Board asked if the habitats mapped for the spotted owls overlap with the habitats of the marbled murrelets and offered an economic approach to the Division to consider identifying species overlap as they research and recommend designation of resource sites. Private Forests Division commented that part of the resource site development, they plan to take a holistic approach, reviewing spatial data and estimating potential habitat for marbled murrelets. Division reviewed the Board's charge under ORS 527.710, to develop administrative rules for the maintenance of air, water, soil, fish and wildlife. Stated the 680 rules outlined the specific process to follow in order to address vulnerable wildlife species. As part of that process, the first step is to review the technical report on the species. The Board has to identify the resource site, identify any conflicting Forest Practices, evaluate biological consequences of any conflict, and assign or propose protections on non-federal lands.

Information Only.

With no further business before the Board, Chair Imeson adjourned the public meeting at 12:53 pm.

Respectfully submitted,

/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board