

November 6, 2019

Dear Members of the Board of Forestry,

My name is Bob Van Dyk, and I work for Wild Salmon Center. Wild Salmon Center is concerned about the accuracy of the reports you are providing to the legislature on compliance with the Forest Practices Act.

The legislature adopted a key performance measure on compliance rates with the Forest Practices Act, about which the BOF reports annually. The most recent version of the performance measure report to the legislature was in the consent agenda item of the 4 September 2019 Board of Forestry meeting¹.

The most recent compliance audit by ODF was completed in 2017 and was called the *Forest Practices Compliance Audit: 2017*².

Both Wild Salmon Center and the Oregon Stream Protection Coalition have submitted analyses to this board that raise concerns about the validity of the conclusions in the 2017 audit³. These reviews by specialists identified concerns with both the audit's study design and data analysis. Board members have also raised questions about the validity of the 2017 audit.

Wild Salmon Center wrote this board prior to your September meeting to express concern with the performance measure report to the legislature in the consent agenda. That report contained data for 2015, 2017, and 2018 that all appear to be based on the faulty 2017 audit. When a board member asked Mr. Daugherty about this topic, he mentioned some kind of review and the possibility of adding a "caveat" to data after that review was complete.

Since that board meeting, staff have told us they do not plan an assessment of the validity of the 2017 audit, and so the state will continue to report a 96%-97% compliance rate for past years based on the problematic audit.

Wild Salmon Center asks for some clarification on this point. Is there a review of the past audit underway, with the possibility of revising the report to the legislature? We do not think ODF should report inaccurate data to the legislature, and ask that the board work to clarify this matter. Thank you.

¹https://www.oregon.gov/ODF/Board/Documents/BOF/20190904/D1_BOFATTCH_20190904_D_01_Annual%20Performance%20Progress%20Report%202019.pdf

² ODF, *Forest Practices Compliance Audit: 2017 Annual Report*.

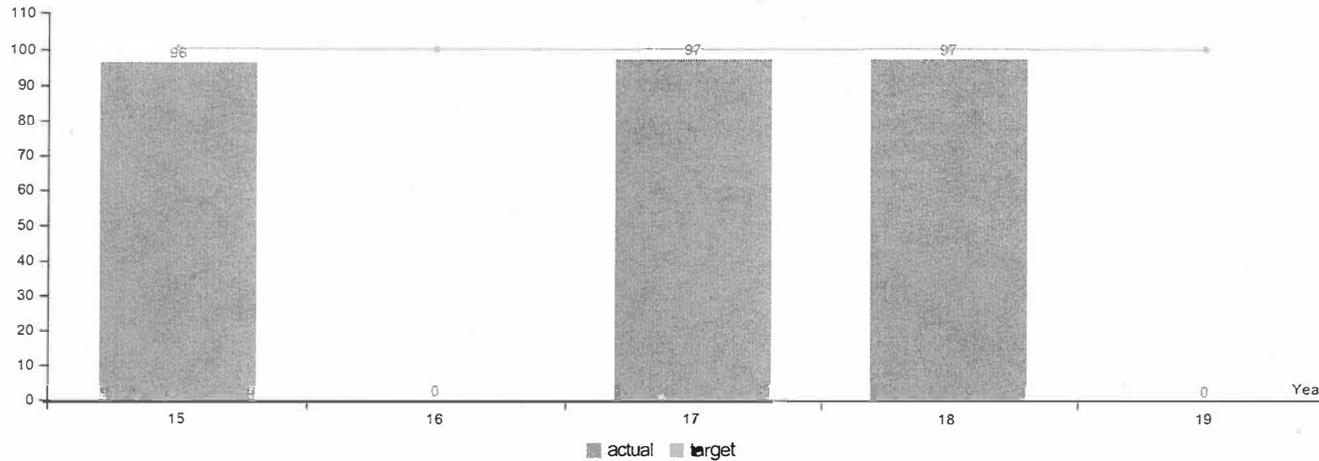
https://www.oregon.gov/ODF/Board/Documents/BOF/20180905/BOFATTCH_20180905_03_02_Forest%20Practices%20Compliance%20Audit%202017%20Annual%20Report.pdf

³ See this review included in the materials for the June 2019 Board of Forestry meeting:

https://www.oregon.gov/ODF/Board/Documents/BOF/20190605/2.1_BOFMIN_20190605_ATTCH02_Written%20Testimony%20by%20Van%20Dyk%20for%20State%20Forester,%20Board%20Member,%20and%20Public%20Comment.pdf

KPM #3 FOREST PRACTICES ACT COMPLIANCE - Percent of forest operations that are in compliance with the Forest Practices Act
 Data Collection Period: Jan 01 - Dec 31

* Upward Trend = positive result



Report Year	2015	2016	2017	2018	2019
Percent of Operations in Compliance with Oregon's Forest Practices Act					
Actual	96%	No Data	97%	97%	No Data
Target	100%	100%	100%	100%	100%

How Are We Doing

Standards of practice for forest management operations on non-federal and non-tribal lands in Oregon are outlined in the Statutes (ORS 527.610 to 527.770, 527.990-(1) and 527.992) and Administrative Rules that comprise the Oregon Forest Practices Act (FPA). In 2011, by way of a Budget Note for the Oregon Department of Forestry's biennial budget, the Legislature requested the Department conduct an audit of Forest Practices Act compliance, and use a private contractor in the process.

During 2012, the Department of Forestry (ODF) developed sampling protocols, identified a sample set of study sites and selected a contractor to gather field data. In 2013, ODF began annual monitoring of compliance rates for a subset of the rules in the FPA. The focus of the study was primarily on rules concerning road construction, road maintenance, timber harvesting, and protection measures for waters of the state. Reports on the results of individual years have been published by ODF. Please note the reported results are one year apart from when the field data was collected (e.g., no field data was collected in 2015 thus there was no reported compliance rate in 2016.)

Data indicated the following overall rates of compliance:

2014 – 97%,

2015 – 96%,

2016 – No Data,