

# Forest Trust Land Advisory Committee

Local Government Center  
1201 Court Street NE, Ste 300  
Salem, OR 97301

David Yamamoto – Chair  
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January 8, 2020

Chair Imeson,  
State Forester Daugherty, and  
Members of the Board of Forestry,

For the record, I am Tillamook County Commissioner David Yamamoto and Chair of both the Council of Forest Trust Land Counties and Forest Trust Lands Advisory Committee. Thank you for this opportunity to address you this morning.

As you know, leading up to, and during, the Linn County Class Action Lawsuit trial, on advice of counsel, we were unable to address the Board or ODF because your lawyers were unwilling to agree to protect those discussions from being introduced into evidence at the trial. However, we no longer have those considerations to deal with and are again able to fully engage on all fronts.

After a month-long trial, after hearing more than 100 hours of testimony and reviewing hundreds of exhibits, some going back to the early 1900's, the Linn County jury deliberated for only a few hours before returning with a verdict. The jury determined that the State had indeed breached a long-standing contract with the 13 plaintiff forest trust counties and awarded full damages of \$1.065B.

The 1941 Forest Acquisition Act created the idea of Greatest Permanent Value (GPV) to mean managing these forest trust lands to return timber revenue to the Counties, schools, taxing districts, and the Oregon Dept. of Forestry (ODF). It was in 1998 that this Board changed the definition of GPV, and for the last 20 years, timber revenue suffered while the State instead prioritized going far above the mandates of the Federal Endangered Species Act and directing funds to increasing recreational opportunities.

While these are admirable goals, the shortfalls over the last 20 years were being born entirely by the trust counties. What the jury found is that the trust counties have been shorted \$1.065B to provide these additional services to all residents of Oregon and it is only fair that we be fairly compensated for the loss of these services. Over the last 20 years, trust counties have had to cut public safety, education, emergency services, road maintenance, healthcare, libraries, and other essential services.

Some think that increasing timber harvest will harm the environment. As a Tillamook County Commissioner, I am proud to be able to say that when it comes to clean water, habitat restoration, and fish recovery...no Oregon County does these things better than Tillamook County.

Our victory in Court does not mean we can or should diminish our commitment to our environmental responsibilities. ODF cannot disregard the Endangered Species Act, or Clean Water Act, but I feel this jury verdict clearly specifies that the State should not go above and beyond to the financial detriment of the trust counties and their local districts.

Timber revenue is but one part of the economic and social sustainability of rural Oregon Counties. It must also be understood that jobs in the woods, mills, and truck transportation are some of our rural counties best paying, fully benefited jobs.

In the State of Oregon, there are over 60,000 forest product industry (FPI) jobs paying an average of \$53.5K annually. This total FPI employment in Oregon adds more than \$3.2B to the State economy. Every County in the State has some economic activity generated by the forest sector. Total wood product sales in Oregon exceeded \$10.34B in 2016.

It is important to note that interest at the State mandated rate of 9% will accrue on this damages award which will equate to \$260K per day. It is expected that the State will appeal this verdict to the Oregon Court of Appeals and then possibly to the Oregon Supreme Court, potentially taking years for these court decisions.

No one should blame the trust counties for this situation...had the State performed the contract as originally promised, the Counties would be in a much better financial condition and ODF would also have had the financial means to properly fund the Dept. and manage the State Forests. It is not right to expect the Trust Counties to shoulder the burden to benefit the entire State.

Which now brings me to actions by ODF that run counter to the Linn County verdict. One of these is agenda item #7, 2021 Legislative Concepts. On page 2 under State Forests Division, ODF wishes to explore possible forest land transfers and the ability to sell isolated parcels or conservation easements that would provide high-value recreational or conservation benefits. The paragraph concludes by saying the intent is to optimize the management of these public forests to best achieve greatest permanent value for the people of Oregon.

The concepts presented here by ODF run counter to the Linn County verdict and we are obliged to challenge the position. While we understand the verdict is subject to appeal, it is important to note the potential for additional damage awards should the ODF and Board continue to compound the financial harm to Trust Counties.

Additionally, it is important to note that the Senate Natural Resources Committee has intentions to introduce SB 893, or some version of this bill, as a committee bill in the 2020 short session. This bill authorizes the BOF to identify certain lands managed by the board that have limited revenue-generating potential or that provide high-value recreational or conservation benefits. The bill authorizes board to propose transfer of identified lands to other governmental entities or to change management framework applied to lands.

The 2021 Legislative Concept discussed in your memo as proposed by ODF mirrors the bill being sponsored by the Senate Natural Resources Committee. In the 2019 long session in Salem, when SB 893 died in committee, it was the desire of the committee that a work group be set up in the interim to work on the concept, but the proponents of the bill did not call the meeting. There are several fatal flaws in SB 893, as evidenced by it never being moved out of committee. FTLAC stands ready to participate in the work group that ODF describes in their memo to you, with all parties including ODF, to try to find a workable solution to a land transfer option for the Dept.

Turning now to the draft Forest Management Plan (FMP), our biggest concern is the lack of specificity...even for strategies we thought were already decided. These strategies include a zoned approach, departure, and take avoidance. Given this silence, there is no clear statement about what ODF will do or not do.

This FMP is the back-up in case ODF cannot agree with the Feds about a Habitat Conservation Plan (HCP). The FMP as written does not describe to the Feds, or anyone else, what the alternative to the HCP would mean.

We also understand the FMP is a fallback position should the BOF decide not to pursue the HCP. If BOF does agree with the HCP, then a different FMP would be need be written to support the HCP. This FMP does not show what that revised FMP would look like...the same lack of specificity. Additionally, the HCP must go through a Federal NEPA process, which will require the evaluation of foreseeable environmental and economic consequences. The revised FMP supporting the HCP will need to have more specific outcomes than the current iteration...how will ODF realize this outcome?

The draft FMP also includes references to Ecological Forest Management (EFM), which means an approach to forestry that considers the biological and social aspects of a forest and seeks to find a "balance" through collaboration and thoughtful implementation. EFM is the latest philosophy for management aimed at providing all things to all people. EFM could be thought of as a philosophical basis for Structure Based Management (SBM).

ODF has already experimented with SBM and found it could not be implemented economically. There is a high probability that EFM would prove to have the same problem. With a lack of specificity about which aspects of EFM the Dept. is considering and why, and if EFM becomes the basis for the next round of plans, it seems to us that ODF will be placing less emphasis on revenue production that would be available to the Trust Counties and ODF. Why would ODF suggest implementation of EFM to test a new theory when there is no other large-scale test of EFM anywhere else?

FTLAC believes that the Trust Lands must be managed primarily for the production of timber and revenue for the Counties, schools, special districts, and ODF. The recent Linn County verdict strongly affirmed this position. If this decision holds through appeal, the FMP must reflect the original definition of GPV, additional damages awards notwithstanding.

In good faith, we offer these comments understanding that the Draft FMP was prepared under ODF's current interpretation of GPV. The timing of the verdict, with ongoing work on the FMP and HCP could not be worse. It would seem logical and constructive to find a way to fold in the very real possibility of the Linn County verdict being upheld while minimizing the massive undertaking of unwarranted effort.

I wish to point out here that nothing in FTLAC's comments should be interpreted as contrary to the Trust Counties' opinions expressed in the Linn County lawsuit.

It goes without saying that we appreciate the great working relationship we have with ODF and the Board of Forestry. As we now find ourselves able to, again, fully engage in substantive discussions about issues imperative to the Trust Counties', we will find areas of disagreement. It is my hope that we will always find ways to remain engaged.

Thank you for the opportunity to address you this morning. I would be happy to answer any questions you may have.

Respectfully submitted,

David Yamamoto

Tillamook County Commissioner  
Council of Forest Trust Land Counties, Chair  
Forest Trust Lands Advisory Committee, Chair

# Senate Bill 893

Sponsored by Senator ROBLAN; Representative MITCHELL

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expresses state policy to identify certain lands acquired from counties. Authorizes State Board of Forestry to identify certain lands managed by board that have limited revenue-generation potential or that provide high-value recreational or conservation benefits. Authorizes board to propose transfer of identified lands to other governmental entities or to change management framework applied to lands. Authorizes board to adopt rules.

## A BILL FOR AN ACT

1  
2 Relating to the management of state lands.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. It shall be the policy of the State of Oregon to:**

5 (1) **Identify, as appropriate, lands acquired by the state from counties pursuant to ORS**  
6 **530.030 that have limited performance potential as revenue-generating assets or that provide**  
7 **high-value recreational or conservation benefits; and**

8 (2)(a) **Transfer the identified lands to state agencies, federal agencies, local governments**  
9 **or tribes; or**

10 (b) **Retain the lands for State Board of Forestry management outside of the framework**  
11 **described in ORS 530.050.**

12 **SECTION 2. (1) The State Board of Forestry may identify tracts of lands acquired by the**  
13 **state pursuant to ORS 530.030 that have limited performance potential as revenue-generating**  
14 **assets or that provide high-value recreational or conservation benefits and submit to the**  
15 **Legislative Assembly proposals to:**

16 (a) **Transfer the identified tracts of land to another state agency, a federal agency, a local**  
17 **government or a tribe; or**

18 (b) **Retain the lands for board management outside of the framework described in ORS**  
19 **530.050.**

20 (2) **Prior to submitting a proposal to the Legislative Assembly under subsection (1) of this**  
21 **section, the board must obtain approval of the proposal from the governing body of the**  
22 **county where the lands are located.**

23 (3) **A state agency, federal agency, local government or tribe to which identified tracts**  
24 **of lands are to be transferred may be identified by the board in the proposal authorized under**  
25 **subsection (1) of this section, or may be designated by the Legislative Assembly.**

26 (4) **A proposal submitted to the Legislative Assembly under this section must include an**  
27 **independent, third-party valuation of the property to be transferred.**

28 (5) **If the Legislative Assembly approves a transfer proposal submitted under subsection**  
29 **(1) of this section and appropriates funds for that purpose, or otherwise approves a financing**  
30 **mechanism sufficient to accomplish the transfer, the board, by and through the State**

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in boldfaced type.

LC 1896

1 **Forestry Department, shall transfer lands in a manner consistent with the board's respon-**  
2 **sibilities.**

3 **(6) The provisions of ORS 270.100, 270.110, 270.130 and 273.275 do not apply to the transfer**  
4 **of lands under this section.**

5 **(7) The board may adopt rules to carry out the provisions of this section.**

6 **(8) Nothing in this section shall be construed to affect the ability of the board or the**  
7 **department to dispose of lands described in this section in any manner otherwise provided**  
8 **for by law.**

9



# Siskiyou Streamside Protections Review: Updates & Decisions

Oregon Board of Forestry, 8 January 2020

Kyle Abraham  
Division Chief, Private Forests

Marganne Allen  
Manager, Forest Health & Monitoring, Private Forests

Terry Frueh  
Monitoring Coordinator, Private Forests

Ariel Cowan  
Monitoring Specialist, Private Forests

AGENDA ITEM A

Attachment 2

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# Today's Presentation



- Review September Decisions
- Siskiyou Charter Work Plan & Updates
- Board Decisions
  - Advisory Committee Objectives
  - Climate Change
  - Siskiyou Work Plan
- Public comment, Board discussion & vote
- Next steps



# Oregon Board of Forestry Direction

March 2018 Board direction:

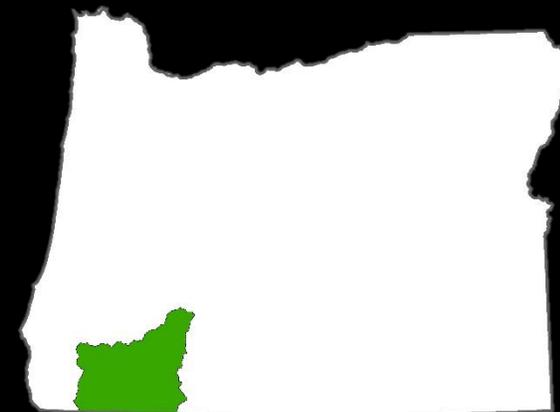
Review effectiveness of Siskiyou streamside protections to achieve **desired future condition (DFC)** and **stream temperature** goals in FPA

June 2019:

**Inadequate evidence** to decide on sufficiency,

Board direction:

- Investigate additional information
- Work with DEQ: rule sufficiency, TMDLs



# September 2019



- DEQ collaboration
- Other monitoring approaches
- Decisions



## Board direction:

1. Expand geography for 2 Lit. Reviews;
2. Create Advisory Committee

No vote on Climate Change

# Siskiyou Work Plan: Purpose, Scope



Purpose: Align staff work with Board direction

## In Scope:

- Siskiyou small, medium Fish streams
- Stream temp., DFC (shade and stand characteristics)
- FPA basal area standard target Rx

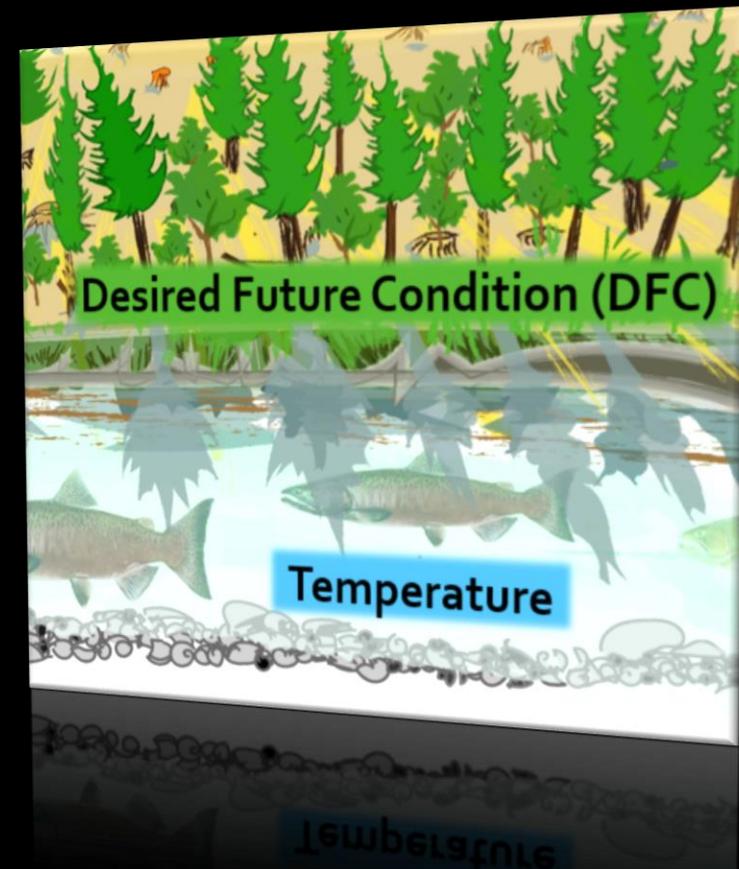
## Out of Scope:

- Other geography, stream sizes & types
- Large wood
- Climate change\*
- All other FPA activities, riparian Rx

# Siskiyou Work Plan: Elements



- 2 Expanded Lit. Reviews
- Training: ODF/DEQ Statutes
- Advisory Committee
- ODF/DEQ Collaboration
- Monitoring Options



# Literature Reviews: Expanded geography

Western Oregon + Siskiyou

1. Executive Summary of existing temp. & shade reviews
  - July 2020
2. Combine W Oregon and Siskiyou DFC reviews
  - Fall/Winter 2020



# Literature Reviews: status

- Temperature/shade review:
  - 13+ new temperature publications since 2013
  - Unsure about # for shade
- DFC review:
  - Searched (5,000+), determining inclusion

Unintended consequences: bi-directional findings

# Training on relevant statutes



Purpose: Clarify existing statutory authority and Board's decision space



## Advisory Committee

- 1) Multi-perspective discussion, feedback
- 2) Assist ODF to develop review approach
- 3) Work guided by objectives to be decided today:
  - A. Discuss, feedback on upcoming Board decisions
  - B. Discuss, feedback on ODF staff work
  - C. Discuss, feedback on monitoring methods
  - D. Receive updates (e.g., DEQ collaboration, field work)

Separate process for working with Tribes

# Siskiyou Work Plan: Elements

## Advisory Committee: Feedback on Objectives



### Representation

- Siskiyou (local)
  - Manufacturing
  - Small landowners (ag/forestry experience)
  - Those directly affected
- Technical
- Interior and East OR
- Board liaison

### Clarify

- Who Committee reports to
- Scope & Timeline
- Agendas for each meeting
- Location of meetings in the Siskiyou

## ODF/DEQ Collaboration

1998 Memorandum of Understanding (MOU)

### Goals

- FPA rule reviews and TMDL analysis
- Develop new MOU (more than just Siskiyou, temp.)

### Current status

- Ongoing meetings
- **Leaders' intent**
- Facilitator



# Siskiyou Work Plan: Elements

## Monitoring Options:

- Remote-sensing
- Field study
- Priority stream assessment
- Combination of above



## Status:

On hold - 1<sup>st</sup> priorities: Lit. reviews, DEQ collaboration, Advisory Committee

# Siskiyou Work Plan: Key Participants



## Advisory Committee composition:

- Conservation community
- CFF
- ODFW
- RFPCs
- Industrial forest landowners
- Family forest landowners
- DEQ
- Operators

## Work Plan Project Team:

- Technical staff
- Public affairs
- Management (lower, upper)

## DEQ collaboration, add:

- Board: chair, EQC liaison
- DEQ technical staff & management



# Board Decisions today:

1. Advisory Committee Objectives
2. Climate Change
3. Siskiyou Work Plan

# Board Decision #1: Advisory Committee Objectives

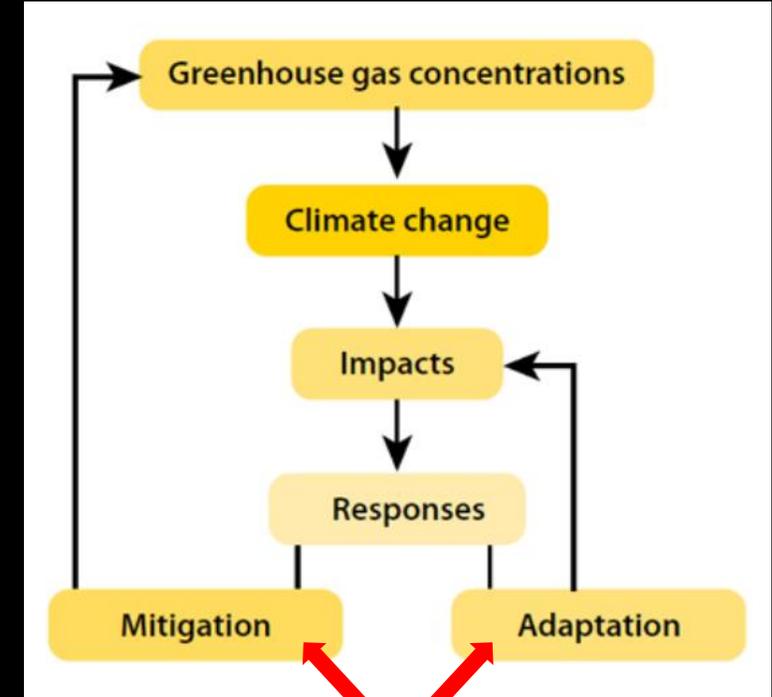


- Discuss upcoming Board decisions, provide feedback to Board on decisions (e.g., selecting monitoring approaches, rule sufficiency);
- Discuss and provide feedback to assist ODF in work (e.g., expanded literature review) for the Siskiyou Project (conceptual and value-informed support);
- Discuss and provide feedback to assist ODF in developing methods for relevant monitoring of the effectiveness of streamside rules for small and medium Fish streams in the Siskiyou region (if the Board decides on one or more monitoring approaches as the next phase of the Project); and,
- Receive updates on ODF work (e.g., DEQ collaboration, field work) to consider in the aforementioned points.

# Board Decision #2: Climate Change



- Climate change not in FPA, DEQ rules (steady state assumption)
  - Direct sufficiency tests of statute impossible
- Examples of climate impacts on temp, DFC:
  - Increasing air temperatures
  - Changes in timing, form, amount of precipitation
  - Shift in species distributions
  - Increasing fire, vulnerability to insects, disease



AGENDA ITEM A

Attachment 2

Page 17 of 29

Adapted from IPCC 2001

# Board Decision #2: Climate Change



## Option 1: Climate change in Siskiyou Review

- Identify effects on temp, DFC:
  - Patterns of change
  - Which changes relate to current project scope
  - Link possible changes with specific priority concerns from Board
- Qualitative risk assessment in rule sufficiency

Project-by-project: not holistic, unintended conflicts, but faster action

Duration: 9-12 months, Resources: 0.5-0.75 FTE

→ Delay in sufficiency decision

# Board Decision #2: Climate Change



## or Option 1B: Climate change in Siskiyou Review

- Identify effects on temp, DFC:
  - Patterns of change (use external resources)
  - Which changes relate to current rule review
  - Link possible changes with specific priority concerns from Board

Project-by-project: not holistic, unintended conflicts, but faster information

Duration: **additional 2-5 months**, Resources: 0.5-0.75 FTE

→ Delay in sufficiency decision

# Board Decision #2: Climate Change



## Option 2: Comprehensive climate change review

- Develop comprehensive, department-wide policy framework
- Analyze FPA within new policy framework
- New FPA rule reviews within Climate Change framework (Siskiyou: no explicit climate change nexus now)
- Incorporate in Board Work Plan (*Item 6* today - **decision in March '20**)

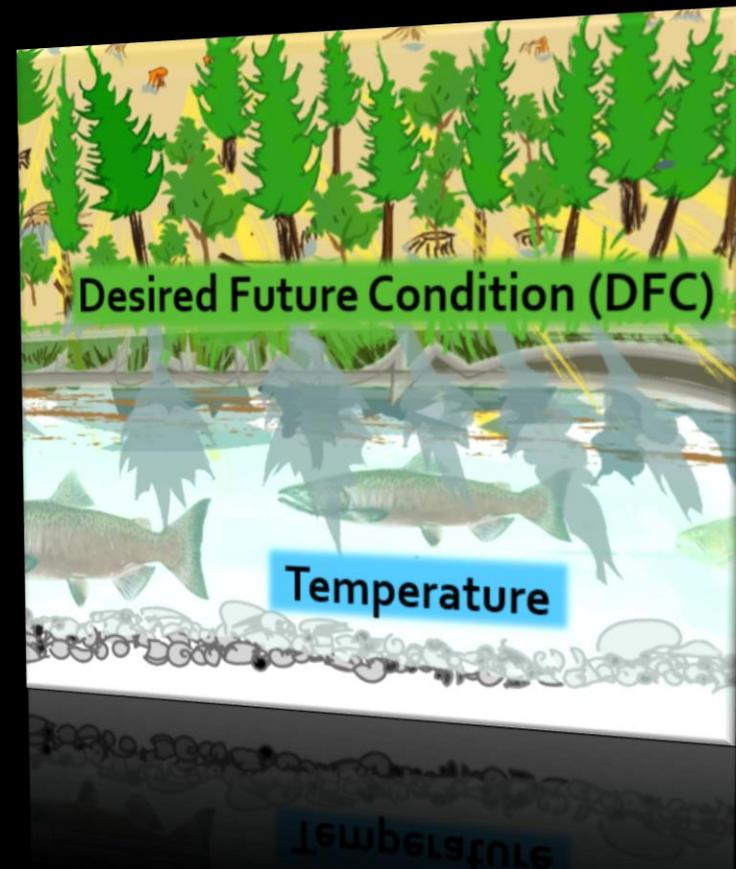
## Additional steps TBD. Examples might include...

- I. List of climate change topics
- II. Areas of conflict, alignment with FPA
- III. Propose changes to address conflicts with FPA

Duration: TBD; Resources: TBD

# Board Decision #3: Siskiyou Work Plan

- 2 Expanded Lit. Reviews
- Training: ODF/DEQ Statutes
- Advisory Committee
- ODF/DEQ Collaboration
- Monitoring Options



# Monitoring staff capacity

4 staff, but Marganne leaving 😞

Current work:

- Siskiyou (lit. reviews, advisory committee, DEQ collaboration, monitoring options)
- W. Oregon (data analysis, modeling, stakeholder outreach)
- Reforestation study
- Tethered logging
- *Specified Resource Sites Rule Analysis: Coho (??)*





# Department Recommendations

1. Advisory Committee Objectives
  - Approve
  
2. Climate Change:
  - Option 2 (Comprehensive Review)
  
3. Siskiyou Work Plan:
  - Approve



# Questions



# Public Comment



# Board discussion and vote

# Department Recommendations



1. Advisory Committee Objectives
  - Approve
  
2. Climate Change:
  - Option 2 (Comprehensive Review)
  
3. Siskiyou Work Plan:
  - Approve

# Next Steps



1. Implement Board direction
2. Continue ongoing work
  - Temp/shade summary in Summer/Fall 2020



End



January 8, 2020

Thomas Imeson, Chair  
Oregon Board of Forestry  
2600 State Street  
Salem, OR 97310

**RE: Agenda Item 3, Siskiyou Streamside Protections Review**

Dear Chair Imeson and Members of the Board:

Thank you for the opportunity to provide public comment on Agenda Item 3: Siskiyou Streamside Protections Review. Rogue Riverkeeper works to protect and restore clean water and fish populations in the waters of the Rogue through advocacy, accountability, and community engagement.

**Siskiyou Streamside Protection Review**

The Board of Forestry Work Plan for ODF Private Forests (Agenda Item 6 Attachment 1) states that the Department will seek approval for the charter workplan at this January 2020 meeting and will plan to bring the results of the expanded literature review on stream temperature to the Board at the July 2020 BOF meeting.

We support getting all of the available relevant information to the Board for a sufficiency decision at the July 2020 BOF meeting. This includes information from the expanded literature review on stream temperature that will incorporate data and analysis from the RipStream study, as stated in the “Update on Siskiyou Streamside Protections Review” document (Agenda Item 3 Attachment 1, p. 1). We suggest that the Department include these timelines in the project charter.

**Charter Work Plan**

We suggest that the Charter Work Plan be updated to clarify that other monitoring options may be identified, such as through the Advisory Committee process. Additionally, the Charter Work Plan should be amended to reflect that the current list of monitoring options is not a decision to move forward on those specific monitoring options at this time. Finally, the Charter Work Plan should incorporate the July 2020 timeline for the Board to make a sufficiency decision.

**ODF-DEQ Collaboration**

We continue to support ongoing collaboration between DEQ and ODF, particularly regarding the incorporation of TMDL data and analysis in informing a sufficiency decision.

## **Climate Change**

Regarding the Department's two options for the consideration of climate change (see "Update on Siskiyou Streamside Protections Review" Agenda Item 3 Attachment 1), we believe that available information on climate change is important contextual information to incorporate into the current rule sufficiency analysis. We respectfully request further clarification regarding the 9-12 month timeline under Option 1. Instead, we suggest that a modified Climate Change Option 1 is adopted that will enable the Board to make a sufficiency decision by July 2020, as outlined in the Private Forests Workplan.

Climate Change Option 2 describes a comprehensive climate change policy review that should be more fully fleshed out with input from and coordination with additional state agencies. This option should not be directly attached to the Siskiyou Streamside Protection Review process.

## **Advisory Committee**

We don't have any specific objections to the stated objectives of the Advisory Committee outlined in Agenda Item 3 Attachment 3 and strongly support the Department's efforts to make these meetings accessible to stakeholders in the Siskiyou region.

Members should be welcomed who represent ODFW, DEQ, small forest landowners, industrial landowners, local government, drinking water managers, tribal, and conservation/fishing interests. We do not think it is necessary or equitable to have "representatives" of the regional advisory committee in addition to landowner representatives, but the landowner representatives may (and likely will be) members of the regional advisory committee.

## **Conclusion**

The 2002 statewide sufficiency analysis and the results of the RipStream study in 2011 demonstrated that current stream buffer rules under the Forest Practices Act are not protective of stream temperature and violate the Protecting Cold Water ("PCW") water quality standard.<sup>1</sup> Under ORS 527.765(1), the Board is required to establish regulations and best management practices to "insure that to the maximum extent practicable" water quality standards are achieved and maintained. The 2012 finding of resource degradation was not restricted geographically to exclude the Siskiyou, which includes much of the Rogue watershed, until 2015. Since 2015, we have submitted extensive comments regarding the impacts of not reliably meeting the PCW in the Rogue watershed, which supports threatened Southern Oregon/Northern California Coast ("SONCC") coho salmon and where many waterways are listed as impaired for temperature with existing TMDLs.

We urge the Board to act based on due consideration for all available information and the history of this issue at the Board to find that the current water protection rules for the Siskiyou do not meet stated objectives and a resource is being degraded under ORS 527.714 and 527.765.

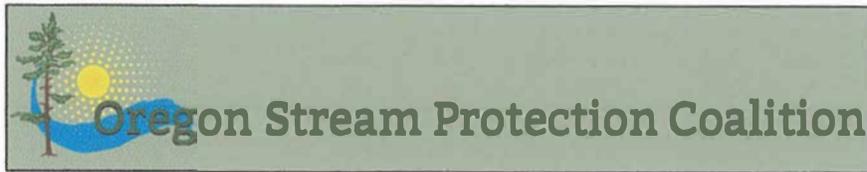
Sincerely,

Stacey Detwiler  
Conservation Director

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<sup>1</sup> Groom et al. 2011. *Response of Western Oregon (USA) stream temperature to contemporary forest management*, *Forest Ecology and Management*, 262: 1618-1629.

Rogue Riverkeeper



## BEFORE THE OREGON BOARD OF FORESTRY

Statement of Mary Scurlock, Oregon Stream Protection Coalition  
Agenda Item 3: Siskiyou Streamside Protections Review  
*8 January 2019*

Timely Degradation Finding Regarding Stream Temperature as Priority. Our priority is for this Board to reach a final decision about the sufficiency of the current water protection rules with respect to stream temperature in the Siskiyou based on all available relevant information, including the expanded literature review. It would be ideal to decide the sufficiency of the rules to meet “desired future condition” at the same time, but not if alignment requires delay of a decision on stream temperature. We urge the Board to establish July 2020 as a firm date to decide whether resource degradation is occurring in the Siskiyou under current rules.

Climate Change Should Be Considered Without Delaying A Degradation Decision. We believe that available information on climate change is important contextual information that should be incorporated into the Siskiyou analysis, but that a 9 to 12 month project is not required to provide this information to the Board. We hope the you can find a way to scale back Option 1 to focus on the three identified information sources (the NorWest model, Spies et. al. 2018 and the Southwest Oregon Adaptation Partnership) in a way that fits within a hard July 2020 decision point. Your direction can clarify that consideration of this information in no way shifts the focus of your decision away from the discrete impacts of current forest practices on stream temperature.

Climate Change Option 2 creates a false tradeoff by for the Board. Option 2 outlines a policy analysis and development project that ODF (and other state agencies) may well find both necessary and valuable, but it does not belong in this Siskiyou Stream Rules review. We do not think that pursuing this or a similar policy development option should have any direct bearing on the conduct of the Siskiyou rules analysis, nor should it burden the Department’s limited effectiveness monitoring budget.

Project Charter (Attachment 2): This is a useful format to convey project scope. We have a few concerns:

- We suggest attaching a timeline, including past milestones.
- The outcome of the ODF-DEQ collaboration is described as a “process for aligning agencies’ sufficiency reviews.” Does this mean the result is simply a process for future alignment, or can we expect to accomplish actual alignment within the context of the Siskiyou rule review? When will the parties get beyond the current stage of “clarifying” their respective legal and policy authorities and mandates and finalizing statements of intent?
- We suggest that the description of monitoring options in the charter be amended to clarify how final decisions about how and whether to proceed will be made;
- The landowner-controlled regional committees are listed as “interested parties” that will be represented on the Siskiyou Advisory Committee but these committees do not actually represent a separate stakeholder group from forest landowners, who are already recognized. We suggest that it may be more appropriate to include county governments, local watershed councils or water providers as interested parties.

Committee Objectives (Attachment 3). We appreciate that the purposes of the committee have been clarified and that the Department recognizes the importance of prioritizing inclusion of Siskiyou region members and the use of in-region locations as budgets allow.



Good morning Chair Imeson, State Forester Daugherty, and members of the board. For the record, my name is Seth Barnes, and I am the Director of Forest Policy at the Oregon Forest & Industries Council.

I am here today to speak about the Siskiyou Riparian issue before you. A quick review of my notes and a scan of past Board meeting agendas confirms that this board has been considering this issue for well over 2 years now. I would like to review that timeline:

- April 26, 2017- The SSBT rules were finalized
- July 25, 2017- The first appearance of the Siskiyou Riparian issue on a Board meeting agenda
- January 2018- Department staff presented results from a stakeholder survey- and The department began the process of a literature review to categorize available information on the subject.
- January 9, 2019- Presentation from ODFW and DEQ regarding contextual information (fish and TMDL's). Board discussion regarding climate change- idea of adding this in some way to the analysis. A motion to amend the scope of the review failed.
- June 5, 2019- A vote from this Board determined that there was insufficient information in the literature to inform the question. Discussion regarding climate change as it relates to this analysis and how to incorporate.
- September 4, 2019- Board requested expanded literature review.

Since the issue was first brought up as a priority for the agency and this board, OFIC has consistently suggested gathering data specific to the region to help inform decisions moving forward- a foundational tenant of historical FPA rule changes- and one that illuminates policy pathways for all stakeholders. One of the primary pushbacks to this request has been the time it takes to gather such data as well as the associated costs. And while I understand that information takes time and money to gather, when I consider the resources that have been spent up to this point in this process, and the lack of information that continues to plague every iterative Board discussion, I have to think it's time to try a more direct approach. If dataloggers had been deployed in streams in 2017 when this question first surfaced we would be 2½ years into a study giving us real data to chew on, rather than being stuck in a continuous cycle of conversation and hand-wringing over studies with limited inference to the actual questions.

With this in mind, I offer the support of OFIC in working together with the Board and Department Staff, and call on all relevant stakeholders to work together in support of legislation that would appropriate funds specifically to study these questions in the Siskiyou georegion. If time is of the essence, let's get something in motion now, and if money is a limiting factor then let's do what's necessary to procure the funds. There are options available, we need only put our heads together and begin to explore the possibilities. Until real information that informs these questions is brought to bear, the policy conversations will remain dark, murky, and fraught with peril. While this information will not solve the debate, it will surely shed much needed light, and allow us to work from the same sheet of music.

2020 – 2022

# Draft Board of Forestry Work Plans

# Overarching Issues Draft Board of Forestry Work Plan

	2020					2021						2022			
WORK IN PROGRESS	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar	
<b>POTENTIAL TOPICS</b>															
Ecosystem Services Valuation			Framework Development												
Forestry Program for Oregon Revision	Mission, Vision, Values					Goals, Objectives (public outreach)									
Climate Change and Forest Carbon		i													

# Private Forests Draft Board of Forestry Work Plan

	2020					2021					2022			
WORK IN PROGRESS	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar
<b>Water Quality Topics</b>														
<b>Milestones</b>														
• Western Oregon Streamside Protection Review				i			D							
• Siskiyou Streamside Protection Review			D											
• ODF-DEQ Sufficiency Review Alignment														
<b>Forest Practices Act (FPA) Rule/Policy Review</b>														
<b>Milestones</b>														
• Specified Resource Sites Rule Analysis: Marbled Murrelet					i									
• Specified Resource Sites Rule Analysis: Coho			i						i					
<b>Implement Legislative Direction</b>														
<b>Milestones</b>														
• HB 3013 Wildlife Food Plots											D			
<b>Board Updates</b>														
<b>Milestones</b>														
Operator of the Year Award						i							i	
Committee for Family Forestlands Report and Appointments			d							d				
Forest Practices Agency Meeting Report							i							i
Forest Health Report				i							i			
Forest Practices Monitoring Report				i							i			
Urban and Community Forestry Report				i							i			
Non-industrial Forest Landowner Report				i							i			
Regional Forest Practices Committee Appointments				d							d			

**Matrix Key:**  
i – Informational item  
d – Preceding Decision item  
D – Final Decision item

# Private Forests Draft Board of Forestry Work Plan

	2020					2021					2022			
	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar
<b>POTENTIAL TOPICS</b>														
Implementation Study review														
Implementation Study (reforestation)														
Specified Resource Sites Policy Review														
Forest Practices Act Review –Climate Change														
Landslides and Public Safety Rulemaking														

**Matrix Key:**  
 i – Informational item  
 d – Preceding Decision item  
 D – Final Decision item

# State Forests Draft Board of Forestry Work Plan

WORK IN PROGRESS	2020							2021							2022			
	Apr	Mar	Jun	July	Sep	Oct	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun
<b>Item 1: HCP for Western Oregon State forestlands</b>																		
<b>Milestones</b>																		
Habitat Conservation Plan	i			i		d					i							D
Companion FMP											i			d				D
<b>Item 2: Draft Revised Western Oregon FMP</b>																		
<b>Milestones</b>																		
Draft Revised Plan & Summary of Input from FTLAC and Public Engagement	i						*											

i = Information

d = Preceding Decision

D = Final Decision

\* = Next step dependent on BOF decision in October 2020:

- If BOF decides to continue pursuit of the HCP, then change FMP focus to companion FMP
- If BOF decides not to continue the pursuit of an HCP, re-initiate the Revised FMP Planning process

# Fire Protection Division Draft Board of Forestry Work Plan

	2020			2021						2022				
WORK IN PROGRESS	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar
<b>Annual and Ongoing Topics</b>														
<b>Milestones</b>														
• Approve Forest Protection District and Rangeland Protection Association Annual Budgets		D							D					
• Review Letters from FPA's to State Forester		i							i					
• Fire Season Reports		i	i	i					i	i	i			
• Appointment for Emergency Fire Cost Committee (As Needed)														
• Approve Forest Protection Association Agreements (As Needed)														
• Rangeland Protection Association Formation (As Needed)														
<b>POTENTIAL TOPICS</b>														
Governor's Council on Wildfire Response														
To Be Determined														
As Needed														

**Matrix Key:**

- i – Informational item
- d – Preceding Decision item
- D – Final Decision item

# Administrative Draft Board of Forestry Work Plan

WORK IN PROGRESS	2020							2021						
	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov
<b>Development of Legislative Concepts</b>														
<b>Milestones</b>														
❖ Review proposed guiding principles, list of potential concepts	i													
❖ Approve the legislative concepts for submission to DAS		D												
<b>Agency Budget Development and Request</b>														
<b>Milestones</b>														
❖ Review proposed guiding principles and provide direction	i													
❖ Review and provide input on draft budget concepts			i											
❖ Review and provide input on final budget concepts				i										
❖ Approve the 2021-23 Agency Request Budget and approve in concept the Board letter of transmittal to the Governor					D									
<b>Board Governance Best Practices Self-Evaluation</b>														
<b>Milestones</b>														
❖ Review the annual Board governance self-evaluation criteria	i	i								i				
❖ Approve final evaluation criteria and initiate process			D							D				
❖ Approve summarized evaluation report and metrics of Board governance best practices criteria					D							D		

**Matrix Key:**  
i – Informational item  
d – Final Decision item  
D – Final Decision item  
Attachment 6  
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# Administrative Draft Board of Forestry Work Plan

WORK IN PROGRESS	2020							2021						
	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov
<b>Key Performance Measures (KPM) Review</b>														
<b>Milestones</b>														
❖ Review the Annual Performance Progress Report summarizing the agency's 14 key performance measures						i							i	
<b>Ongoing Financial Status Check</b>														
<b>Milestones</b>														
❖ Financial Dashboard Projected Design Review		‡	TBD											
❖ Financial Dashboard Presentations			TBD					TBD						
❖ Annual Approval of the State Forester's Financial Transactions		D							D					
<b>Human Resources Dashboard</b>														
<b>Milestones</b>														
❖ Human Resources Dashboard		‡	TBD						i					

Administrative Work Plan	2020							2021						
	Jan	Mar	Apr	Jun	July	Sep	Nov	Jan	Mar	Apr	Jun	July	Sep	Nov
<b>POTENTIAL TOPICS</b>														
<b>Milestones</b>														
❖ Facilities Capital Management Plan				i				TBD						
❖ Public Information Request Report					i			TBD						