

# Board of Forestry Meeting Minutes

March 4, 2020

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*Items listed in order heard.*

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

- (1) Handout, [Oral and Written Testimony by King for State Forester, Board, and Public Comments](#), Agenda Item 1
- (2) Handout, [Written Testimony by Andrade for State Forester, Board, and Public Comments](#), Agenda Item 1
- (3) Presentation, [2020-2021 Board Work Plans](#), Agenda Item 2
- (4) Presentation, [2019 Operators of the Year](#), Agenda Item 4
- (5) Handout, [Oral and Written Testimony by Tucker for Forest Trust Land Advisory Committee](#), Agenda Item 5
- (6) Presentation, [Smoke Management Rule Implementation](#), Agenda Item 6
- (7) Handout, [Written Testimony by Martin for Smoke Management Rule Implementation](#), Agenda Item 6
- (8) Presentation, [Department of Forestry and Department of Environmental Quality Collaboration](#), Agenda Item 7
- (9) Presentation, [College of Forestry: Oregon Marbled Murrelet Project Update – Part 1](#), Agenda Item 8

- (10) Presentation, [College of Forestry: Oregon Marbled Murrelet Project Update – Part 2](#), Agenda Item 8
- (11) Handout, [Oral and Written Testimony by Cafferata for College of Forestry, Oregon Marbled Murrelet Project Update](#), Agenda Item 8
- (12) Presentation, [Fire Finance Update](#), Agenda Item 9

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on March 4, 2020 at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

Board Member Mike Rose electronically signed into meeting at 8:45 a.m.

Chair Imeson called the public meeting to order at 9:02 a.m.

Board Members Present:

Nils Christoffersen  
 Cindy Deacon Williams  
 Joe Justice  
 Jim Kelly  
 Brenda McComb  
 Mike Rose (by Zoom application)  
 Tom Imeson

Board Members Absent:

None

**CONSENT AGENDA:**

- A. JANUARY 8 MEETING MINUTES  
 Approval of Board Meeting Minutes.

**ACTION: The Board approved minutes from the January 8, 2020 Board meeting.**

- B. ANNUAL APPROVAL OF THE STATE FORESTER’S FINANCIAL TRANSACTIONS  
 Approval of fiscal year 2019 State Forester’s transactions, per statewide policy requirements.

**ACTION: The Board approved travel expense transactions and the leave usage transactions submitted by State Forester, Peter Daugherty, for Fiscal Year 2019, as summarized in the State Forester's Travel Claims Summary, and State Forester’s Leave Usage Summary.**

- C. EMERGENCY FIRE COST COMMITTEE APPOINTMENT  
 Approval to appoint one candidate to a position on the Emergency Fire Cost Committee.

**ACTION: The Board confirmed the reappointment of Ken Cummings to the Emergency Fire Cost Committee for a four-year term, expiring the end of March 2024.**

- D. REVISED WORK PLAN – SISKIYOU STREAMSIDE PROTECTIONS REVIEW  
 The revised charter work plan for the Siskiyou Streamside Protections project presented to the Board.

**Information Only.**

Nils Christoffersen motioned for approval of the consent agenda items. Cindy Deacon Williams seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Tom Imeson, Joe Justice, Jim Kelly, Mike Rose, and Brenda McComb. Against: none. With Board consensus Items A through C were approved, and the motion carried. Noted item D was an informational item. Joe Justice declared conflict of interest for consent agenda item C and abstained from voting on this item.

## **ACTION AND INFORMATION:**

### 1. STATE FORESTER, BOARD MEMBER, AND PUBLIC COMMENTS

[Listen to audio](#) MP3 – (33 minutes and 32 seconds – 7.67 MB)

Chair Imeson commented on:

- Public Meeting will be live streamed.
- Public comment open for each topic and not to exceed 30 minutes.

State Forester Daugherty commented on:

- The fourth annual cultivating change foundation, recognized the contributors to the event and the efforts made in celebrating LGBTQ contributions to the agriculture and forestry industry. Emphasized the importance behind supporting the foundation mission and how it aligns with the Departments values in diversity, equity, and inclusion.
- The 2020 Legislative session, highlighted the bills that would affect the Department if passed on the house and senate floors. He reviewed Senate Bill (SB) 1530 greenhouse gas initiative, SB 1536 Governor’s wildfire council recommendations, House Bill (HB) 4168 Governors facilitation between forest industry and environmental representatives on forestry practices, and HB 5204 general fund appropriations to the Department. Noted the delays in legislation and highlighted the potential Department impacts if specific bills pass and become enrolled. Explained how Department financial requested submissions were addressed in the bill.
- Noted the progress on the Wildfire Insurance Policy, listed the projected cost, and appreciated the work by Doug Grafe and Ken Cummings to solidify this insurance policy’s coverage and premium.
- Reviewed the recent meeting with the United States Forest Service (USFS) on the shared stewardship agreement, noted USFS acknowledgment of Oregon’s leadership to enhance collaboration with federal agencies, and believed the agreement outlines how to do business with each other while building and expanding upon existing efforts to reduce wild fire risk and promote forest health in the State. He listed the agreement’s goals, the set of operating principles, and the next steps in creating sustainable and relevant outcomes. Discussed cross-agency assignments within ODF and USFS to unify the approach on implementation of the shared stewardship agreement. He closed by commenting on Chad Davis departure from ODF and the beginning of his new two-year assignment with the USFS.

Board Members Comments:

- Board member Christoffersen reported on the shared efforts on the Collaborative Forest Landscape Restoration Program (CFLRP) application for the Northern Blues Initiative. He described how the proposal might not be funded, but various groups are moving

forward to begin work on the initiative's vision. Noted there are shelf-stocked NEPA approved wildfire risk and fuel reduction lots ready to be funded and treated.

Public Testimony:

- Jim King provided oral and written testimony ([attachment 1](#)) to the Board on the Booth and Bear Butte (B&B) Fire that occurred in July 2003. He outlined a series of events and mentioned various names of people he has spoken with on this topic. Encouraged Board to review materials provided and to find solutions.
- Thomas Andrade provided written testimony ([attachment 2](#)) in direct response to the oral testimony offered by Jim King. He stated that he did not support Mr. King's theories concerning the origin of the B & B fire that occurred in 2003.

**Information Only.**

2. 2020-2021 BOARD WORK PLANS DECISION  
[Listen to audio](#) MP3 – (41 minutes and 43 seconds – 9.55 MB)  
Presentation ([attachment 3](#))

Chad Davis, Partnership and Planning Program Director, opened by noting how the topic will be presented to the Board. Highlighted the Climate Change and Forest Carbon, Overarching Issues, and Private Forests work plans. Remarked that no significant changes were made to the State Forests, Fire Protection, and Administration work plans to warrant a major review with the Board. Noted the Administrative work plan fire finance topic is scheduled as item nine on the agenda.

Davis reviewed the issue-based climate change and forest carbon work plan, drafted from the January 8, 2020 Board discussion. He emphasized the work plan's projected next steps and objectives, and described the information or decision items that would be presented to the Board.

Davis explained the purpose of the overarching issues work plan, focusing on the Board's strategic plan, dashboard, and revision. He described the continuation of the ecosystem services valuation next steps, consider how the Board can use the scope of services, establish a framework and explore utility of the framework.

Kyle Abraham, Private Forests Division Chief, commented on how the 2020 Legislative Session may impact the work plan, and explained the division will adjust as needed. He reviewed the Division's work plan and highlighted modifications made to the work plan from the January Board discussion.

Davis closed by outlining the staff recommendation to the Board.

Public Testimony: None

Board commented on the 2020-2021 Board work plans presentations.

- Sought clarification on when the issue-based work plan would begin and discussed the mechanism to prioritize statutory analysis next steps. State Forester explained the Board would designate the priorities but the Department can provide a staff report with the scope of administrative rules cross walked with statutory authorities as it pertains to climate

change. Board would like a conceptual framework or matrix for the prioritization discussion that includes policies set to achieve statutory obligation, and how climate change impacts can infringe or coalesce with current policies. Emphasized Department operations, administrative, and planning are not part of the climate change work plan. Board member Christoffersen mentioned the wildfire response council recommendations on infrastructure may be incorporated into the Board's work plan, and Davis noted how agency efforts towards preparing for climate change that do not require Board decision could be highlighted.

- Discussed ecosystem services analysis inclusion of economic impact with variable costs and benefits for future decision-making will be developed for the Board. Appreciated the background and orientation on ecosystem services, looking for how to apply the analysis of ecosystem services valuation. State Forester identified challenge in incorporating valuation, and difficult to track marginal changes qualitatively or quantitatively. Members remarked on the benefits of including data limitations with analysis, stating being transparent with policymakers is key before they use this resource to inform a decision. State Forester stated limitations are included in the decision matrix, and noted that this topic is set for July 2020.
- Inquired about the feasibility of incorporating elements from the Memorandum of Understanding (MOU) with Private Forest Division work and the possible opportunities for future collaborations. Abraham remarked on the importance of having a discussion on intentions for the agreement with those who collaborated on the MOU. Board Chair cautioned that selecting areas of the MOU agreement may go against the efficacy of the full agreement.
- State Forester inquired whether the Board self-evaluation should be distributed again to the Board for revision consideration. Board Chair recommended to distribute to the Board before the April survey is conducted and the milestone for the Administrative work plan is fulfilled.
- Board Chair confirmed that any work plan accepted will be reviewed in a course correction discussion in October, and adjustments will be made as needed, the Department affirmed.

Board member Mike Rose motioned to approve the Board work plans. Board member Joe Justice seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Brenda McComb, Joe Justice, Jim Kelly, Mike Rose, and Tom Imeson. Against: none. Motion carried.

**ACTION: The Board approved the work plans.**

3. 2021 LEGISLATIVE CONCEPTS  
[Listen to audio](#) MP3 - (4 minutes and 48 seconds – 1.10 MB)

Chad Davis, Partnership and Planning Program Director, opened by refreshing the Board of the proposed 2021 Legislative Concepts (LC) presented at the January 8, 2020 Board meeting. He confirmed that the department was seeking approval of one legislative, the forest products harvest tax rate, a recurring biennial concept used to reset the harvest tax rate. He explained how the harvest tax rate is determined and noted how it funds the Department in implementing the forest practices act and the Oregon forestland protection fund.

Davis closed by stating no additional legislative concepts for 2021 will be pursued at this time, and State Forests staff plan to participate in a legislative work group on the forest trust land transfer concept.

Public Testimony: None

Board member Cindy Deacon Williams motioned to approve the legislative concept. Board member Mike Rose seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Brenda McComb, Joe Justice, Jim Kelly, Mike Rose, and Tom Imeson. Against: none. Motion carried.

**ACTION: The Board approved the legislative concepts to be submitted to the Department of Administrative Services.**

4. 2019 FOREST PRACTICES OPERATOR OF THE YEAR AWARDS

[Listen to audio](#) MP3 - (35 minutes and 30 seconds – 8.12 MB)

Presentation ([attachment 4](#))

Board Chair Imeson introduced the Operator of the Year presenters and explained why the Board acknowledges operators excellence each year.

Scott Swearingen, Private Forests Field Support Manager, provided an overview of the Operator of the Year award program process. He then introduced the presenter for the recognition program.

Dave Thompson, Private Forests Stewardship Forester, outlined the Division's [presentation](#) and reviewed the recognition program's goals. He explained the background and intent behind the goals, then moved onto describing the nomination process. Thompson stated that nominations can come from anyone, but the nominees must meet five standard criteria in exceeding natural resource protection requirements. He defined and listed each criteria: consistency, difficulty, results, innovation and extra effort, as well as financial risk to operator.

Thompson reviewed the selection and evaluation process for each nominated operator. He commented on the Department's goal in recognizing quality forest practices while educating the public on the Forest Practices Act (FPA) and how it works within the forest industry. Explained how the Department works with various outlets to disseminate the recognition of operator's meritorious work and regional operator of the year achievements. Thompson listed the operators who received a merit award:

- C & C Logging of Kelso, Washington for the northwest Oregon area ([video](#))

Thompson celebrated each 2019 Operator of the Year winner, by providing a brief description of each winner's achievements, before playing a video of the operator in action. He showed a narrated video of the operator's harvesting approach and shared the reason for the nomination. The video provided each operator the opportunity to explain how they balance efforts in logging, field work, slash clean-up, and stream buffer conservation.

- Gahlsdorf Logging Incorporated for the Northwest Oregon Region ([video](#))
- Pacific Forest Contractors Incorporated for the Southwest Oregon Region ([video](#))
- Steve Jackson Logging for the Eastern Oregon Region ([video](#))

State Forester Daugherty thanked the Operators of the Year for their exemplary work. Board Chair and State Forester presented each operator an award. The operators shared a few words to express their appreciation of the relationships built with the Department, and gratitude for the Board in recognizing their team's work. Chair Imeson commented on the care, attention, and importance of their work to their local communities and dedication operators demonstrate. State Forester stated that the Board supports voluntary measures undertaken by industry professionals, and this is how they applaud a job well done.

Public Testimony:

- Rex Storm from Associated Oregon Loggers provided oral testimony on the Operator of the Year award to the Board. He spoke to the importance of this program for working forests and the forester community. Explained how this program demonstrates to Oregonians the responsible and good work that is done by operators on forestlands.

**Information Only.**

5. FOREST TRUST LAND ADVISORY COMMITTEE TESTIMONY

[Listen to audio](#) MP3 - (4 minutes and 59 seconds – 1.14 MB)

No testimony provided by chair of Forest Trust Land Advisory Committee (FTLAC).

Commissioner Testimony:

- Commissioner Will Tucker from Linn County provided oral and written testimony ([attachment 5](#)) to the Board on FTLAC. He remarked on the diversity of opinions from the County Commissioners, and believed FTLAC Chair Yamamoto speaks on behalf of the counties with a majority of their views represented. Noted how past agreements between Linn County and the Board have outlined performance to manage lands for the benefit of the counties, taxing districts, and the Department. Closed by outlining how Linn County responds to climate change at a local level through sustainable timber harvesting, carbon sequestration, and reforestation in compliance with Federal and State laws.

Public Testimony: None

**Information Only.**

6. SMOKE MANAGEMENT RULE IMPLEMENTATION

[Listen to audio](#) MP3 - (33 minutes and 35 seconds – 7.68 MB)

Presentation ([attachment 6](#))

Doug Grafe, Fire Protection Division Chief, provided an overview of the [presentation](#), reviewed the purpose for the update on smoke management, and introduced the presenters who collaboratively worked with the Department on the rule implementation process. He expressed gratitude to Nick Yonker in transforming how the smoke management program administers services to meet the intent of the rule change. He also recognized Gregory McClarren, Chair of the Smoke Management Advisory Committee (SMAC) for leading discussions around the paradigm shift on smoke and how that effects change among Oregonians.

Grafe highlighted the fundamental changes to the Department's smoke management program and goals of the program's administrative rules. He reviewed the number of acres burned under prescribed fire since rule implementation, and shared comparable data from neighboring western states, explaining that Oregon is leading these efforts in the interest of public health and minimizing wildfire severity across the landscape.

Nick Yonker, Smoke Management Program Manager, commented on the implementation of the updated program, the communication efforts coordinated, and the community response to the rule changes; which primarily kept the program occupied from February to November 2019. He explained how forecasting changed to gauge smoke from incidents to intrusions on - Smoke Sensitive Receptor Areas (SSRAs), and the overhaul of the program that has been following the same rules for over 30 years. He described the completion of the statewide communication framework, which focused on five items outlined in OAR 629-048-0180, and then disseminated to federal partners, district offices, and county health agencies.

Gabriela Goldfarb, Environmental Health Section Manager with Oregon Health Authority (OHA), explained all smoke particles can be harmful to public health and supported the community response plans included in the updated smoke management rules. She described how the plans encourage planning, communication, and outreach efforts to reduce the health impacts to the public and vulnerable populations. She highlighted Deschutes County and Central Oregon Fire as stakeholders leading the response plan efforts, and explained how their community response plan can function as a boilerplate for others. She reviewed how the agency has integrated lessons learned in their communications promoting public safety and education on smoke impacts to health. She described the early development of assessing the health impacts and costs related to wildfire smoke, reviewed the methodology used and the variables considered.

Michael Orman, Air Quality Planning Section Manager with Department of Environmental Quality (DEQ), commented on the agency's efforts with the community response planning and coordinating grants for smoke mitigation project development. He highlighted six communities that were selected to receive grant funds to help inventory any existing needs, develop community response plans and mitigation projects, to establish regular community response task force meetings, to host input sessions, and to test community plan effectiveness with outreach. He described future agency efforts in finding alternatives to pile burning to offset wildfire and prescribed burn smoke.

Board commented on Smoke Management Rule Implementation presentation.

- Inquired about the geographic scope and scale of the community response plans, whether they are based on municipality or air shed basis. Orman explained the grant process, how each community and their focus are different, but most plans are county-organized and broader reach is encouraged. Goldfarb noted county public health agencies are at the table and collaborate with neighboring counties to bring a broader perspective to these plans. Board commented that perhaps smaller communities have an advantage in developing a response plan, since many participants fill many different but overlapping roles.
- Inquired on how the smoke management program monitors smoke to make a determination on whether a landowner can be permitted to burn. Yonker explained how the program monitors the thresholds from smoke incident to intrusion or an intrusion to exceedance of the ambient air quality standard through testing. He noted every bit of smoke that enters

into a community is a learning experience, and it will take years of careful testing to yield better results. Board Chair Imeson appreciated the Department's approach in addressing this issue, recognized the agencies collaborative efforts to work through impasses on the rulemaking, and for working with communities on a local level to help achieve the goals set forth by each agency. He encouraged continued collaboration on this issue and appreciated the report.

Public Comment:

- Christina and Butch Martin submitted written testimony ([attachment 7](#)) on the Smoke Management Rule Implementation to the Board. Agreed with minimizing wildfires on the landscape. Offered observations of a controlled burn in Williams, Oregon from December 2019. Suggested smoke management rules do not align with Federal Clean Air Act. Encouraged Department to plan with the intent of avoiding unhealthy levels of smoke, and consider alternative solutions to burn piles with plastic. Commented on a forthcoming petition to amend the smoke management administrative rules.

**Information Only.**

7. DEPARTMENT OF FORESTRY AND DEPARTMENT OF ENVIRONMENTAL QUALITY COLLABORATION

[Listen to audio](#) MP3 - (37 minutes and 12 seconds – 8.51 MB)  
Presentation ([attachment 8](#))

Kyle Abraham, Private Forests Division Chief, reviewed the nexus of the Department's work on the Siskiyou Streamside Protections Review with the Oregon Department of Environmental Quality's (DEQ) work on total maximum daily load (TMDL) assessments. He explained how the Department and DEQ plan to continue their collaboration to inform each agency's processes and future work in TMDL implementation. Abraham introduced Jennifer Wigal, Deputy Water Quality Administrator from DEQ, and highlighted the key objectives of the [presentation](#).

Wigal shared how DEQ approaches the water quality program, shared a schematic that demonstrated the high-level relationships between different elements of the clean water act, described the various water quality standards, and how monitoring data can determine if standards are attained. She provided an illustration of the temperature water quality standards, and explained how to interpret the graphs presented. She explained how DEQ houses their own set of data, conducts a call for data from over 70 organizations, and evaluates millions of data points to assess attainment of water quality standards.

Wigal described the scope of their data captured, the quality and relevance of data checked, and the metric compatibility the data held in their system. She reviewed how the data contributes to the assessment of water quality and development of TMDLs, and offered a draft assessment of the Rogue basin on temperature findings based on the available data. She listed the types of available data used in TMDL development, including but not limited to field-collected data, remote sensing information, literature reviews, and local knowledge. She also reviewed the subbasin scale of where TMDL's are developed for impaired streams, upstream, perennial and intermittent streams. She described how current conditions are assessed, how pollution sources are identified, and what components are considered for determining load allocations.

Wigal explained how DEQ identifies areas where entities have water quality jurisdiction to ensure the analysis can be understood and TMDLs can be implemented with local, state, or federal land management programs. She offered two examples illustrating current versus desired conditions, topographic, shade, and system potential vegetation components that change depending upon the nature of each system. She viewed TMDL allocations as milestones that are met over time, that plan for adaptive management, and can adjust implementation expectations as new information becomes available.

Wigal emphasized the importance of implementation discussions between DEQ and other agencies, as they evaluate point and non-point source activities as they relate to in-stream temperatures, determine meaning on the ground, and review projected outcomes to ensure no greater amount of temperature impact will occur on streams and rivers. She closed by highlighting how DEQ tracks progress and determines adjustments, by reviewing statewide status and trend information, and remarked how this presentation is part of a greater, ongoing conversation with the Board.

Board commented on the Department and DEQ Collaboration presentation:

- State Forester Daugherty clarified that the TMDL analysis uses heat not temperature. Wigal agreed, then explained how that analysis relates to in-stream temperature, heat input (in kilocalories), and confluence of stream flow, shade presence, as well as seasonal changes. She elaborated on the various conditions and stream attributes that also are considered in DEQ's analysis. She stated the importance behind identifying effects of implementation actions and allocation reduction priorities, to achieve greatest gains in water quality benefits in the watershed. Abraham reinforced the salience of the analysis as the Division continues to gather information on the Siskiyou region.
- Inquired if there was an occurrence where excess loads were exclusively attributed to background natural sources. Wigal could not confirm any occurrence, noting how it seemed unlikely, but remarked on how these sources could play a significant role and would have to confirm with analyst team. She described other contributory sources observed by DEQ. Wigal described the challenges behind temperature as an indicator, and explained the agency's focus is to minimize human caused heat source inputs.
- Inquired how long data is collected before a system is considered impaired by DEQ. Wigal commented that data minimums are tracked for those determinations, framed within a seven day rolling average metric, and two exceedance incidents occurred within a three year duration. She listed data limitations and exceptions.
- Board Chair Imeson appreciated the information presented and asked if the timelines can continue being met for the Board's broad process. Abraham noted a facilitator is hired to ensure the right questions are being vetted and to identify key components important to the larger process. He noted diligent staff work, commissioner and agency director support. DEQ is committed in supporting the schedule of the Board, to partake in essential conversations, and contribute to the relevant information provided to the Board towards informing their decision.

Public Testimony: None

**Information Only.**

8. COLLEGE OF FORESTRY DEAN'S RESEARCH INITIATIVE: OREGON MARBLED MURRELET PROJECT UPDATE

[Listen to audio](#) MP3 - (44 minutes and 20 seconds – 10.1 MB)

Presentation – Part One ([attachment 9](#))

Presentation – Part Two ([attachment 10](#))

Jennifer Weikel, Private Forests Division Wildlife Biologist, introduced the presenters from Oregon State University (OSU) who would provide an update to the Board on the Marbled Murrelet Project.

Dr. Jim Rivers highlighted the main components of the [presentation](#) update for Oregon murrelets, from reviewing critical knowledge gaps and the demographic monitoring project, to recent field work efforts. He offered a high overview of the bird species, scope, and designed purpose of the Oregon marbled murrelet study. He reviewed the critical but limited data available on murrelet nesting sites. Shared three nesting site videos to show feeding, nest predation, and successful fledging.

Rivers reviewed the number of birds tagged in 2019, and the challenges of this process from nighttime capturing and safety, to recovery permit size requirements and bird release. He noted an increase in the confirmation of active nests and listed the number of failed nests. He described the nests fate after they were detected, and commented on how a subset of birds are moving out of OSU's core study areas. Explained how the murrelet project funds are dispersed per zone, and tracking bird movements can reinforce the importance of funding this project across all zones, every year. Rivers concluded by reviewing the timeline of the project moving forward in relation to short, mid and long-term goals.

Dr. Matthew Betts, introduced another aspect of the murrelet study; [presenting](#) modeling on long-term murrelet occupancy in forests relating to changing ocean conditions. He commented on amphibian species that rely on two types of habitats are more likely to be at risk for landscape fragmentation, and noted how murrelets is a seabird species reliant on aquatic habitat to forage for prey and terrestrial areas for nesting. Explained how the existing terrestrial data on murrelets was not designed for long-term monitoring, more to determine whether a murrelet occupied a stand, and limited data is available on prey abundance and conditions. He described how two hypotheses were assessed in this portion of the study with various sets of data.

Betts explained the statistical modeling equation used to analyze the data sets, and shared the series of results. He highlighted two results, explaining how favorable ocean conditions impact murrelet prey correlating with the return of murrelet the following year, and how the prevalence of mature forests correlates with murrelet occupancy. He emphasized correlation does not equal causation, and reviewed the policy implications around murrelet survey protocol related to harvesting. Commented on the suboptimal survey data and shared goal to obtain long-term data if funded. Closed by noting the predictive modeling of ocean conditions will require more time to be validated with murrelet demographics, and the pending peer review of the study's paper.

Board commented on College of Forestry Dean's Research Initiative: Oregon Marbled Murrelet Project Update presentation:

- Inquired about the occupancy associated with smaller diameter trees, and Betts explained there was weaker associations of occupancy. Sought context on the forest space surrounding the larger diameter trees. Dr. Rivers commented additional work is underway on space use, and the Board commented how that information can be useful in the determination of a resource.
- Inquired about connection between favorable ocean conditions and site fidelity. Betts commented that data is limited and site fidelity is unpredictable, but hopeful to learn more through the review of at-sea ocean surveys and terrestrial occupancy surveys. Dr. Rivers explained minimal data is available on foraging fish, described OSU's efforts to connect resources and contribution to a review paper on forage fish.
- Board appreciated the information provided and asked about the next scheduled update. Dr. Rivers recommended for the next update to take place in March 2021.

Public Testimony:

- Fran Cafferata Coe from Cafferata Consulting offered oral and written testimony ([attachment 11](#)) to the Board on the OSU update of the Oregon Marbled Murrelet Project. She acknowledged the researchers work on the project, and emphasized the importance of receiving project updates from OSU. Urged the Board to consider hearing from the Pacific Seabird Group and the NW Forest Plan monitoring group on this topic and project process.

**Information Only.**

9. FIRE FINANCE UPDATE  
[Listen to audio](#) MP3 - (46 minutes and 32 seconds – 10.6 MB)  
 Presentation ([attachment 12](#))

Doug Grafe, Fire Protection Division Chief, reviewed the Department's large fire costs and the rolling debt they incurred, unpacked the challenges to the current funding structure, and discussed the accounts receivable details. He explained how large fire costs are not included within the Department's budget, meaning no cash is on hand at the beginning of a fire season to pay fire costs, and reviewed the average rolling debt the Department carries from season to season. He described the five revenue streams that pay for large fires and the reconciliation efforts coordinated with each funding source. Highlighted the amount currently outstanding, received, and invoiced from fire seasons 2013 to 2019. He summarized the revenue source status, outlined limitations, and described opportunities for efficiencies as the account reconciliation process is progressing. He noted that some amounts are estimations and explained the fire close out process in relation to FEMA, other agency billings, and insurance policy claims. Grafe explained overall the process is targeted for a two to three year cycle, and emphasized the Department goal is to completely close out 2013 and 2014, and to concentrate efforts into modernizing the fire finance system. Closed by offering gratitude to the Department staff working on these accounts.

Bill Herber, Deputy Director of Administration, noted the accumulative effect of the continuous severe fire seasons is one of the main drivers for the Department strain in cash flow, capacity, and resources. He noted the importance of understanding how accounts receivable and invoicing processes work. Reviewed a series of business improvements in short-, mid- and long-term milestones. He commented on the status of each milestone, highlighting the success behind the staffing and partnership adjustments, and progress on a robust cash flow tracking and projection

tool. Described the 2020 Department funding requests to the Legislature, and if approved, would minimize dependency on operational budgets. Discussed the Governor's forestry financial oversight team purpose, preparations, and efforts in formulating long-term solutions. Herber explained how the external contractor, Macias, Gini & O'Connell LLP (MGO) assessment will develop fire funding structure and process recommendations. He summarized the work completed by MGO to date, outlined six areas identified by MGO for improvement, and listed the MGO's next steps with timeline of expected completion. Herber closed by noting the Department's finance discussion with the Board, and review of MGO recommendations are targeted for June 2020.

Board commented on the Fire Finance Update presentation:

- Board Chair Imeson noted how the currently seated members on the Board have not experienced a time where fire gross costs averaged \$10 million, and reflected on how they were focused on payment equitability among the five funding sources. State Forester Daugherty offered a high-level recap of the Department's short-term funding solutions, partnership development for quicker recovery, and the long-term funding issues that occurred within the last seven years. Board commented that beyond the funding structure, the Department's operational organization has become overburdened. State Forester clarified that the number of transactions doubled with finance staffing and resources remaining the same, and Board Chair emphasized how this portion of the system is being reviewed by the external contractor.
- Board inquired about any detrimental impact on commercial insurance policy as a result of the overall fire close out process. Grafe noted the well-orchestrated efforts by Federal Partners and the Department are coordinating to ensure working relationships with the insurance company are not impacted, and the receivables that can be recovered are paid incrementally.
- Board asked about any patterns observed during the account recovery process that were identified as problematic. Grafe commented on how the external contractor will be assisting in the analysis of the returned invoices, identify pinch points in the recovery process, and review accepted invoices. He explained that resourcing fires can be complex with real-time decisions and consequences, and modernization of a complex coordinated system is a challenge faced by local, state, and federal jurisdictions. State Forester emphasized the Department's focus during fire season, and the aftermath impacts it has on operations.
- Board commented on the value of communicating and understanding the fire finance structure as it exists, and as it is modified. Recognized the Department's accounts receivable status is not favored, but noted any modifications to the funding structure should be compared with other state programs, and supported by the Legislature.
- Board Chair commented that Governor's oversight team is a helpful response in addressing the overall system issues, felt the efforts have been constructive in confronting these issues, and will enable the team to find good solutions for the financial crisis.
- State Forester noted a policy option package on a structural fix to the cash flow issue is forthcoming. He remarked on the disparate computer systems in place and disconnect between partner agencies' systems, which is an area of investment to consider for streamlining efficiencies and adopting new systems. Herber reviewed the staff versus systems discussion with the Board, and explained how many improvements in updating

current systems and internal processes has occurred in the recent year. State Forester closed by noting the fire finance team attendance, and appreciated their dedication to this work.

Public Testimony: None

### **Information Only.**

#### 10. GOOD GOVERNANCE DISCUSSION

[Listen to audio](#) MP3 - (54 minutes and 45 seconds – 12.5 MB)

Peter Daugherty, State Forester, introduced the topic's origin and purpose to the Board. He outlined the goals for the governance discussion, explained the work involved in developing governance measures, and described the commitment needed to ensure good governance outcomes for the Board. Referenced the Governor's Membership Handbook for Boards and Commissions, as the starting point for this discussion, describing how a set of written bylaws outlines a set of expectations for members to follow. He noted statutory citations and references have changed that may warrant a revision of the Department's Administrative Rules, Chapter 629, Division one and ten, and highlighted the Board Administration rules as an area for review.

Daugherty shared a set of expectations for the Board to discuss as a group, and outlined four discussion objectives.

- Consider adopting a set of expectations to include with Board bylaws or design next steps for Board work on determining set of expectations.
- Consider adopting a set of key policy procedures for Board process not included under statute or rule, and provided an example of the recent two-year agenda planning process.
- Determine action for Board Administration procedures under 629-010; gauge interest for revising and providing input to inform process.
- Determine next governance topic to discuss as a Board.

Board Chair, Tom Imeson, noted at a minimum all members should meet the Governor's expectations outlined in the handbook. He shared his perspective on achieving Board operational consistency, offered suggestions on how to incorporate expectations, and recommended further Board discussion.

- Board member Kelly reinforced the idea proposed by Board Chair to reference the handbook.
- Board member Justice suggested a one-page reference listing the Board expectations and procedures. He explained how this tool can aid with Board orientation. Recommended an addition, to support a board decision when it is made and move forward with decision whether you personally agree with it or not. He clarified the intention of this language, and emphasized how the Board functions as a team.
- Board member McComb agreed that a one-page reference is useful to learn how to operate within a Board, and is normal to include with orientation. She recommended an amendment to member Justice's suggestion, to accept the decision made and move forward.
- Board member Kelly offered a suggestion within the context of Board orientation. Described a calendar-based document that includes regularly scheduled topics, decisions, and events within an annual or biennial duration, including any outliers that may come up

in the duration and explain board role in the process. State Forester remarked how this information is available in reference, considered the amount of content to include, and noted how some processes are best learned through application. Daugherty mentioned the current work in creating a three-month outlook for upcoming agenda topics as a helpful tool for Board members to use.

- Board member Deacon Williams agreed that a one-page reference would be useful, and stated she was unaware of the handbook's existence.
- Board member McComb confirmed what the Board will need to decide upon. State Forester asked if the Board members accept the expectations as written in the Governor's handbook, and clarified that as next steps the Board can determine what they would like to add to this existing set. Many Board members agreed with this course of action, and were ready to move onto the next steps.
- Board member Deacon Williams suggested as a next step, for Board members to individually have more time to review the additional expectations and the provided administrative rules, and reconvene this discussion at an upcoming governance agenda item. State Forester appreciated the input, and reviewed a summary of Board feedback to ensure there is agreement on next steps.
- State Forester confirmed the acceptance of the Governor's set of expectations, and noted there is time slotted on the agenda for Board discussion on the four additional expectations. He opted to compile the Board's input and bring back revised wording of expectations to the Board.
  - Vetted the comfort and utility of the four additional expectations with the Board.
  - Inquired if significant content is missing from the listed set of expectations.
- Board Chair emphasized the importance to respect the decision made.
- Board member Christoffersen remarked how some expectations listed appear to be repetitious. He recalled his board training, and shared an approach on how to consider Board decisions separate from personal perspective.
- Board member Deacon Williams shared concern on expectation that included not surprising staff, and noted how circumstances may limit time to communicate with Department staff. Board member Kelly emphasized intention of the expectation is to avoid surprises, to engage thoughtfully, and minimize showboating during Board discussions with staff. Board member McComb expressed there may be underlying issue to this expectation, and how the Board members may need to consider how they can work more collaboratively and efficiently with staff. Board member Kelly, McComb, and Justice agreed communication is key element in avoiding surprises and developing relationships to build board to staff alignment. State Forester explained how the Board Chair appoints subcommittees as a tool for Board members to work with staff and each other on issues collaboratively, and noted how this is a process that occurs overtime. Board member Christoffersen observed how some surprises can be avoided if clarity is sought to better understand member's guidance or as the work evolves. He appreciated the State Forester mentioning the subcommittee and offered a few best practices for Board member function. Board Chair reminded all members to be mindful of public meeting law in subcommittee role, in external board conversations, and recommended approaches to ensure clarity between Board and staff.
- Board member Christoffersen emphasized the value of the Chair's role and function. Stated the importance in communicating any expectations associated with that role. State Forester reviewed the statute ORS 526.009 (1) that outlines the Board Chairs duties and

powers. Board member Christoffersen suggested to consider adding expectation on how members bring up issues, concerns, and conflicts through the Board Chair or Agency Director. Board member Deacon Williams commented on other Board Chair processes and expectations that could be explicitly documented to help streamline the transition of Board terms and Chair succession. Discussed the liaison roles and how these are determined by the Board Chair. State Forester and Board Chair provided background information on how these roles are filled. Board member McComb suggested Board members become available to staff as questions arise from the work developed.

- Board members commented on the importance of the State Forester and Department developing staff recommendations to ensure clarity and delivery of work outcomes are feasible. Board members agreed the recommendations act as a starting point. Board Chair discussed the role subcommittees can play in forming a recommendation and how to work through any amendments to recommendations.
- State Forester reviewed an expectation on respecting diverse perspectives on the Board, and Board members observed how this is redundant to an existing expectation listed in the Governor's handbook. State Forester to remove this expectation.
- State Forester reviewed the remaining expectation, and Board members recommended to rework and expand for relevance. Board member Deacon Williams noted the value of understanding the Department business operations. Board member Justice felt the intent behind expectation related to Board role, and Board Chair explained the role, as well as limitations for the Board are outlined in statute. Board member McComb posed whether there are other roles the Board should attain to help the Department fulfill policy standards. State Forester reviewed the characteristics of a policy board and governing board.
- Board member Kelly recommended to add an expectation that all members engage in the field. Board members agreed there is value, but these engagements can derive from Department, partner agencies, or stakeholders.
- State Forester recommended to add an expectation that all members create a safe and inclusive work environment. Board members agreed there is value, but more work should be done.
- Board Chair recommended to add an expectation that will allow staff to evaluate the Board as a whole and on an annual basis. He described how the feedback received could be facilitated by the Board Chair and provide a 360 perspective on overall Board function and effectiveness.

State Forester paraphrased the Board's discussion on good governance. He listed the following:

- Board prefers a bulleted list format, to proceed with development, and include the Governor's list of expectations.
- Board prefers more time to review and work on the additional expectations at the next scheduled governance discussion.
- State Forester to develop a draft bylaws document, compile a list of governance topics discussed, and outline the topics by priority.
- Board members consider preparing and review Chapter 629, Division 10 administrative rules to avoid any duplication with the bylaws proposed.

Public Testimony: None

## **Information Only.**

### 11. BOARD CLOSING COMMENTS AND MEETING WRAP UP [Listen to audio](#) MP3 - (17 minutes and 15 seconds – 3.94 MB)

Board Chair, Tom Imeson, asked the Board members for their closing thoughts or comments as the agenda items were reviewed in the order they were presented. He recommended in the future for Department staff to be present as the Board wraps up the meeting day, in case of any clarifications provided or requests for further work are considered. Board Chair reviewed:

- Item #1 - Public comment submitted on the B & B fire. Chair Imeson gauged Board interest in having staff research and report their findings on the B & B fire. No follow-up work was requested.
- Item #2 – Recalled the Board decision to approve the work plans, and a follow-up mechanism is in place for October 2020. Asked Board whether there were additional thoughts on their discussion and decision. Considered including a legislative session closeout and update on financial status in the State Forester’s opening comments, and whether the work plan will require adjustments. State Forester commented on his intention to brief the Board on the legislative movements, financial status, and Department’s key updates as they occur. He acknowledged the MOU process is outside of the Department’s discretion, but will inform the Board if the legislation involving the MOU passes, and will recommend work plan modifications.
- Item #3 – Recalled the Board decision to approve the 2021 Legislative Concept (LC). Chair Imeson outlined next steps for the LC, recognizing there is process from submission to DAS and support from the Governor’s Office.
- Item #4 – No follow up required on the Operator of the Year Awards, and noted, overall nice event.
- Item #5 - Public comment submitted on FTLAC. Chair Imeson reminded the Board this was not FTLAC testimony, but a perspective from a County Commissioner on issues in front of the Board. No follow up requested on testimony provided.
- Item #6 – Restated the value for the Smoke Management rule implementation update, and confirmed a follow-up presentation is requested. State Forester clarified if this an annual or biennial update for the Board, because it was unclear at time of presentation. Board requested an annual update, to hear how the implementation process continues to evolve with further development of community response plans and local partnerships. Requested to report out on number of incidents and intrusions, and to monitor public health effects as this rule is being implemented as a management tool.
- Item #7 – Restated the value of the ODF and DEQ collaborative reporting on water quality, and Chair Imeson confirmed quarterly updates are expected, but if any adjustments to inform the Board.
- Item #8 – Restated the anticipated return of the OSU College of Forestry: Oregon Marbled Murrelet for March 2021, and reviewed the public comment request for a work session on murrelet survey protocol. Board agreed there was value to having the recommended groups to be invited to provide testimony in front of the Board when this topic is reported on, and saw value in the Department coordinating a work session with the various subject matter experts and stakeholders. State Forests and Private Forests have worked with Cafferata, and will close loop on behalf of Board.

- Item #9 – Noted the fire finance discussion will continue, as the next report will come from MGO on their recommendations to the Board. Relayed the importance of the fire finance update for Board members, and value of report as the fire season approaches.
- Board discussed MOU next steps if legislation passed, and potential Board engagement with process. State Forester reviewed the next steps listed in the MOU. He appreciated Board members supporting the MOU efforts, but unsure if Board acknowledgement or participation is required at this point in the process, and reminded this agreement was made through the Governor’s office. Board members were encouraged by the Governor’s leadership on this collaborative effort, and noted how much of the scope outlined in the MOU is under the purview of the Board’s role in policy and governance. Chair Imeson envisioned Board members could help implement and understanding what this entails. State Forester will inquire with the Governor’s office on how the Board can support this process.
- State Forester verified the addition of a meeting wrap up and closing comments was useful to the Board. Board noted the Chair’s approach in reviewing each agenda item was helpful.

Board Chair Imeson adjourned the public meeting at 5:05 p.m.

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Respectfully submitted,  
/s/ Peter Daugherty



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Peter Daugherty, State Forester and  
Secretary to the Board

HR

*Meeting Minutes Approved at the April 22, 2020 Board Meeting*