

## Oregon Board of Forestry – Virtual Public Meeting

Oregon Department of Forestry -  
2600 State Street, Salem OR, 97310

Wednesday, June 3, 2020

To adhere to the state's social distancing requirements, as established in Governor Brown's [Executive Orders](#), the Board of Forestry public meeting will be conducted online and streamed live. There will be an opportunity for the public to provide live testimony on decision items during the meeting. Instructions for providing testimony during the meeting are available on the last page of this agenda and on the department's website: <https://www.oregon.gov/ODF/Board/Pages/BOFMeetings.aspx>. Written testimony may also be submitted before or up to two weeks after the meeting day to [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov).

### **Link to view Board of Forestry Meeting available at <https://www.oregon.gov/odf/Board/Pages/BOFMeetings.aspx>**

*Prior meetings' audio and this meeting's written material available on the web [www.oregon.gov/odf/board](https://www.oregon.gov/odf/board).* The matters under the Consent Agenda will be considered in one block. Any board member may request removal of any item from the consent agenda. Items removed for separate discussion will be considered after approval of the consent agenda. Public comment will not be taken on consent agenda items.

#### **Consent Agenda**

9:00 – 9:01	A. <b><u>April 22, 2020 Meeting Minutes</u></b> .....	State Forester Peter Daugherty
9:00 – 9:01	B. <b><u>Annual Letters to the State Forester</u></b> .....	Tim Holschbach
9:00 – 9:01	C. <b><u>Rangeland Association Budgets</u></b> .....	Tim Holschbach

#### **Action and Information**

9:01 – 9:30	1. <b><u>State Forester and Board Member Comments</u></b>	
9:30 – 9:50	2. <b><u>Forest Protective Association Budgets</u></b> .....	Doug Grawe <i>Department to present Forest Protection District's 2020-21 fiscal year budgets and rates for Board approval.</i>
9:50 – 10:20	3. <b><u>Agency Budget Development and Request</u></b> .....	Bill Herber and James Short <i>Department to present the budgetary policy option packages (POP) for the Board approval.</i>
10:20 – 10:30	Morning Break	
10:30 – 11:20	4. <b><u>Evaluate Board's authority and constraints on Climate Change Policy</u></b> ..... Danny Norlander, John Tokarczyk <i>This topic requests the Board to approve particular questions of interest relative to the Board's authority under current Oregon Revised Statutes. The Department will request a legal analysis on those questions from the Department of Justice.</i>	
11:20 – 12:20	5. <b><u>Request for Temporary Rule in the Siskiyou Georegion</u></b> ..... Kyle Abraham <i>Board will consider a formal request to adopt temporary stream protection requirements in the Siskiyou georegion and pause the Siskiyou Streamside Protection Review.</i>	
12:20 – 1:20	Lunch	
1:20 – 1:45	6. <b><u>Fire Season Readiness</u></b> ..... Doug Grawe <i>Department to provide an update to the Board on the 2020 fire season readiness.</i>	
1:45 – 2:00	7. <b><u>Forest Trust Lands Advisory Committee Testimony</u></b> ..... David Yamamoto <i>The FTLAC is a statutorily established committee that advises the BOF on State Forests policy.</i>	
2:00 – 2:40	8. <b><u>State Forests Annual Operations Plan Process Overview</u></b> ..... Liz Dent and Ron Zilli <i>This requested topic by the Board will review the Annual Operating Plan (AOP) process and how it aligns with the goals of the current Forest Management Plan. The Division will provide a summary of the public comment received for the 2021 AOPs.</i>	
2:40 – 2:50	Afternoon Break	
2:50 – 3:30	9. <b><u>Financial Dashboard Projected Design Review and Update</u></b> ..... Bill Herber and James Short <i>Department to present a revised projected financial dashboard design for the Board's review in consideration of regular financial reporting needs. Update provided on Agency finances.</i>	
3:30 – 3:50	10. <b><u>Human Resources Dashboard</u></b> ..... Tricia Kershaw <i>Department to present an update on the agency's human resource trends and safety-related metrics.</i>	

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| 3:50 – 4:10 | <b>11.</b> <u><b>Facilities Condition and Capital Management Plan</b></u> ..... D. Chris Stewart<br><i>Department to present on Agency capital management plan for all owned facilities.</i>                                   |
| 4:10 – 4:30 | <b>12.</b> <u><b>Public Information Request Report</b></u> ..... Joy Krawczyk<br><i>Department to present on Agency public information requests.</i>   |
| 4:30 – 4:45 | <b>13.</b> <u><b>Board Closing Comments and Meeting Wrap Up</b></u> ..... Chair Imeson and Board Members<br><i>Board Chair and members to summarize meeting's action items and provide closing comments.</i>                   |
| 4:45 – 5:00 | End of Meeting Break   |
| 5:00 – 6:00 | <b>14.</b> <u><b>*Executive Session</b></u> ..... Chair Imeson<br><i>The Board will meet in executive session for the purpose of reviewing and evaluating the State Forester's Performance, pursuant to ORS 192.660(2)(i).</i> |

Times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including addition of an afternoon break—may change to maintain meeting flow. The board will hear public testimony [\*excluding marked items] and engage in discussion before proceeding to the next item.\* A single asterisk preceding the item number marks a work session, and public testimony/comment will not be accepted.

**BOARD WORK PLANS:** Board of Forestry (Board) Work Plans result from the board's identification of priority issues. Each item represents commitment of time by the Board of Forestry and Department of Forestry staff that needs to be fully understood and appropriately planned. Board Work Plans form the basis for establishing Board of Forestry meeting agendas. Latest versions of these plans can be found on the Board's website at: <https://www.oregon.gov/odf/Board/Pages/AboutBOF.aspx>

**PUBLIC TESTIMONY:** The Board of Forestry places great value on information received from the public. The Board will only hold public testimony at the meeting for decision items. The Board accepts written comments on all agenda items except consent agenda and Work Session items [see explanation below]. Those wishing to testify or present information to the Board are encouraged to:

- Provide written summaries of lengthy, detailed information.
- Recognize that substance, not length, determines the value of testimony or written information.
- Endorse rather than repeat the testimony of others.
- Sign-up with the Board of Forestry support office.

Written comments for public testimony provide a valuable reference and may be submitted before, during, or up to two weeks after the meeting for consideration by the Board. Please submit a copy to [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov), and written comments received will be distributed to the Board. Oral or written comments may be summarized, audio-recorded, and filed as record. Audio files and video links of the Board's meetings are posted within one week after the meeting at <https://www.oregon.gov/odf/Board/Pages/BOFMeetings.aspx>

The Board cannot accept comments on consent agenda items or a topic for which a public hearing has been held and the comment period has closed. If you wish to provide oral comments to the Board on a decision item, you must email the Board Administrator at [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov); sign up opens at 8 a.m. and closes 5 p.m the day before the meeting and is only available through email.. Instructions for providing public comment virtually will be provided by email.

Three minutes will be allotted for each individual to provide their comments. Those requesting additional time for testimony should contact the Board Support office at 503-945-7210 at least three days prior to the meeting. The maximum amount of time for all public testimony for agenda items with a Board decision will be thirty minutes.

**WORK SESSIONS:** Certain agenda topics may be marked with an asterisk indicating a "Work Session" item. Work Sessions provide the Board opportunity to receive information and/or make decisions after considering previous public comment and staff recommendations. No new public comment will be taken. However, the Board may choose to ask questions of the audience to clarify issues raised.

- During consideration of contested civil penalty cases, the Board will entertain oral argument only if Board members have questions relating to the information presented.
- Relating to the adoption of Oregon Administrative Rules: Under Oregon's Administrative Procedures Act, the Board can only consider those comments received by the established deadline as listed on the Notice of Rulemaking form. Additional input can only be accepted if the comment period is formally extended (ORS 183.335).

**GENERAL INFORMATION:** For regularly scheduled meetings, the Board's agenda is posted on the web at [www.oregonforestry.gov](http://www.oregonforestry.gov) two weeks prior to the meeting date. During that time, circumstances may dictate a revision to the agenda, either in the sequence of items to be addressed, or in the time of day the item is to be presented. The Board will make every attempt to follow its published schedule, and requests your indulgence when that is not possible.

In order to provide the broadest range of services, lead-time is needed to make the necessary arrangements. If special materials, services, or assistance is required, such as a sign language interpreter, assistive listening device, or large print material, please contact our Public Affairs Office at least three working days prior to the meeting via telephone at 503-945-7200 or fax at 503-945-7212.

Use of all tobacco products in state-owned buildings and on adjacent grounds is prohibited.

## **DRAFT** Board of Forestry Meeting Minutes

April 22, 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) Presentation, [Climate Change Contextual Information for Siskiyou Streamside Protections Review](#), Agenda Item 2
- (2) Handout, [Written testimony by Scurlock for Climate Change Contextual Information for Siskiyou Streamside Protections Review](#), Agenda Item 2
- (3) Handout, [Written testimony by Shank for Climate Change Contextual Information for Siskiyou Streamside Protections Review](#), Agenda Item 2
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- (5) Handout, [Narrative by Halofsky for Climate Change Contextual Information for Siskiyou Streamside Protections Review](#), Agenda Item 2
- (6) Handout, [Narrative by Anlauf-Dunn for Siskiyou Streamside Protections Review for Climate Change Contextual Information for Siskiyou Streamside Protections Review](#), Agenda Item 2
- (7) Presentation, [2021-2023 Biennial Budget Development](#), Agenda Item 3

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on April 22, 2020 and hosted at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

All Board members signed online by 8:45 a.m. into Zoom webinar. Chair Imeson called the public meeting to order at 9:01 a.m.

Board Members Virtually Present:

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

Board Members Absent:

None

## **CONSENT AGENDA:**

- A. MARCH 4, 2020 MEETING MINUTES  
Approval of Board Meeting Minutes.

**ACTION: The Board approved minutes from the March 4, 2020 Board meeting.**

- B. BOARD GOVERNANCE PERFORMANCE SELF-EVALUATION  
Approval of final criteria for the Board Governance Performance Self-Evaluation, and initiates the annual survey process.

**ACTION: The Board approved the 2020 Board Governance Performance Measure Best Management Practices Self-Evaluation Criteria as presented in Attachment 1, initiate the annual self-evaluation period, and complete individual evaluations by May 31, 2020.**

- C. ANNUAL REPORT ON TRIBAL WORKING RELATIONSHIPS AND ACTIVITIES  
Department submission of the Government-to-Government report on tribal relations for 2019, Agency summarized annual activities per statutes ORS 182.162, to 182.168 and ORS 182.166(3).

**INFORMATION ONLY.**

- D. DRAFT WESTERN OREGON STATE FOREST MANAGEMENT PLAN SUBMISSION  
Department submission of the 2020 Draft Western Oregon State Forests Management Plan (FMP) and supporting documents into the public record. The material provided is for a Board discussion at a future date, and no Board decision was associated with this consent item.

**INFORMATION ONLY.**

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

## **ACTION AND INFORMATION:**

1. STATE FORESTER AND BOARD MEMBER COMMENTS  
[Listen to audio](#) MP3 – (27 minutes and 4 seconds – 6.19 MB)

Chair Imeson commented on:

- Outlined Board proceedings for Board members, presenters, and the public.
- Announced the presentations for the meeting are posted online for the public to view.
- Noted the public meeting will be recorded, and posted online.
- Confirmed the items on the consent agenda include the draft minutes from March 4, 2020 Board meeting.
- Explained written public testimony that would be entered into record, can be submitted through May 6, 2020.

State Forester Daugherty commented on:

- Acknowledged the National Administrative Professionals across the agency for their service excellence, and for their continued support to the Department amidst the changing work environment.
- Noted the next steps for consent agenda item B for the Board members in responding to their Governance Performance Self-Evaluation.
- Outlined the Department's priorities in response to the COVID-19 outbreak. Described how the Department has engaged in supporting the State through this crisis, from team deployments to operating a multi-agency coordination group. Recognized the efforts and dedication made by Department staff during this time, and noted the Department's plan on transitioning support as fire season approaches. Remarked on the recreation, education, and interpretation (REI) program's efforts in developing solutions to address how the Department can return to full operations while offering the outdoor opportunities safely to the public.
- Provided a Department budget and fire financial update on the State Treasury line of credit, cash reserves, and projected growth. He described the potential revenue impacts for divisions, and increased expenditures as the Department provides support to the State for COVID-19 and prepares for fire season under the current health mandates. Explained the Department's next steps to request appropriation of general funds and other funds from the Emergency Board in May, and how the request was structured.
- Commented on the drivers that are affecting the economic forecast potential, how this impacts State revenue, and how State Agencies are preparing to offset economic impacts projected. Noted when the next revenue forecast will occur, the projected decline in the forecast, and that mid-biennium budget adjustments may be warranted.
- Reviewed the Department's mission critical principles to ensure the agency's priorities are met if the projected economic forecasts come into fruition. He shared the Department's current efforts to slow non-critical spending, and listed the approaches the Department will implement until a clearer scope of the funding impacts are known.
- Briefed the Board on the 2020 fire season outlook, planning, and preparedness. Listed the conditions across the State, from snowpack to drought, and noted how the long-term forecast is trending to warmer than average temperatures, which may lead to an above normal number of fire starts. Stated safety as the Department's top priority, informed the Board on the development and implementation of measures to mitigate health and safety risks. Reviewed the breadth of strategic planning and collaborative coordination associated with measure implementation, noting the various State and Federal agencies, service and industry partners, and forest protection associations involved. He shared examples of the efforts begin made to prepare fire fighters, to organize prevention campaigns, and to assess State resources for the upcoming fire season. He closed by outlining initial and extended attack measures being assessed to ensure the state resources are available and risks on the ground are mitigated.

Board Members commented on:

- Board member Deacon Williams inquired about reimbursement of the incident command teams' resource allocation being utilized in supporting the State's response to COVID-19, and how it may impact the Department's cash flow for the 2020 fire season. State Forester Daugherty remarked how timeframe for reimbursement is

unknown, but that the Department is tracking all expenditures accrued. He delineated between which expenditures were covered by the Emergency Coordination Center (ECC) or by the Department, and listed the additional costs that impact the cash flow.

Public Testimony: No provision made for public testimony.

**Information Only.**

2. **CLIMATE CHANGE CONTEXTUAL INFORMATION FOR SISKIYOU STREAMSIDE PROTECTIONS REVIEW**

[Listen to audio](#) MP3 – (One hour, 8 minutes and 49 seconds – 15.7 MB)

Presentation ([attachment 1](#))

Terry Frueh, Private Forests Monitoring Coordinator, thanked his colleagues who assisted in coordinating this topic for the Board, and noted advisory committee support for the presenters selected. He reviewed the topic's objective, the [presentation](#) format, and expressed gratitude for the presenter's participation.

Frueh presented on behalf of Dr. Jessica Halofsky, a Research Ecologist for University of Washington and U.S. Forest Service, a brief summary of her work around climate change. He reviewed the Southwest Oregon Adaptation Partnership (SWOAP) objectives, series of assessments, and referenced the technical report. He listed highlights of SWOAP project work.

Kara Anlauf-Dunn, Aquatic Ecologist for Oregon Department of Fish & Wildlife (ODFW), commented on the global temperature animation from 1950 to 2013, explained predictability of streamflow temperatures is fleeting and seasonal effects more exaggerated with the presence of climate change. She listed areas of study for natural resource research and monitoring programs, highlighted key components for researching the impacts of climate change, and noted considerations, such as how species respond to climate changes.

Anlauf-Dunn explored the indicators for climate change. She noted ectothermic biology, distribution, and phenology of fish species in relation to stream temperature, but explained limitations exist on fish species predictability for thermal tolerances and adaptive capacities. She listed the many natural variables and existing climate system that can influence stream temperature. She highlighted how an increase in air temperature or decrease in surface and groundwater inputs can influence summer and fall streamflow which modulates stream temperature and drought susceptibility. She noted ODFW's effort in developing a climate and ocean change policy, shared the intent of the policy, and listed the policy goals.

Anlauf-Dunn reviewed the stream temperature modeling for the southwest region, explained how modeling is used as a predictive tool for geographic warming, and referenced where the data originated from. She addressed local drivers that can influence stream temperature, highlighting geomorphology, land cover, and shading. Described how geomorphologic components such as watershed location, channel curvature, and large wood presence affect stream temperature. She discussed how shade from vegetation and forests can mitigate the impact of increased air temperatures on stream temperatures, and shared two studies with results supporting this position. Noted key uncertainties, how to alleviate uncertainty, and the value of monitoring data. She

reviewed the potential for using Environmental Protection Agency's (EPA) visualizing ecosystem for land management assessment (VELMA) model in collaboration with the Board and Department. Outlined statewide coordination primary goals, agency alignment, and projected outcomes. Closed by sharing an example of a core conceptual framework with process steps, using temperature data.

Dr. Gordon Reeves, Emeritus Scientist for U.S. Forest Service, commented on climate change modeling projections on a global to national scale are built to illustrate patterns of change, and even on a regional scale patterns emerge. He noted on a local scale, NorWeST modeling offers the best water temperature projections for the basin. Described the temperature scale, variability, and duration of time for his modeling projection, and how a uniform response is not ideal for an area with inherent diversity. Explained how the patterns observed in the Siskiyou basin are not representative of what is occurring across Oregon.

Reeves reviewed the latest studies on shade in relation to riparian areas. He mentioned the nature of a riparian forest can exert a strong influence on how that forest affects water temperature, and a key influencer for stream temperature is riparian vegetation. Noted how restoring riparian areas can potentially offset climate change and mitigate responses. He highlighted an area of stream networks, stating riparian vegetation exert the most influence on mean water temperatures, and identified portions of the network where strategic placement of vegetation could impact water temperature in a meaningful way. He commented on the small and medium-sized streams benefiting from riparian vegetation, and may take on a coldwater refugium role for a larger river system, allowing native fish to persist.

Reeves explained the importance in identifying a fish bearing stream and whether riparian applications are appropriate. He explained the NorWeST modeling data, riparian projections, and the map identification of key riparian areas are available for data analysis or monitoring efforts. Described additional data available on changes in stream flow for summer and winter seasons and the likelihood to flow or landslides could occur on the landscape. He stated the size and structure of riparian areas were critical to monitor and analyze, while strategic responses are developed to address climate change.

Board commented on the Climate Change Contextual Information for Siskiyou Streamside Protections Review presentations.

- Board Chair inquired about the state of collaboration among Boards, Commissions, and agencies, and what steps are recommended to be taken. Anlauf-Dunn recommended the first step is to form an agreement around a coordinated effort to respond. She commented on understanding what data is available and where, location of thermistors, where data is needed, and how to share the data work load.
- Sought clarification on a model depicting thermal suitability for native salmonids ranging from less to more suitability, and some streams are based in less suitable. Anlauf-Dunn agreed with assessment, and noted conditions could be improved through decreasing levels of emissions on a global scale or through local drivers, like shading, water exchange, and upland management. Board mentioned DEQ utilization of shade curves and inquired whether ODFW has considered this data within their mitigation methods in the basin. Anlauf-Dunn stated this is unknown, and will look into this further.

- Inquired about specific management actions that would be beneficial to mitigating the increases in stream temperatures. Anlauf-Dunn stated VELMA could be beneficial by offering different land management scenarios to maintain stream flow and temperatures.
- Inquired whether a visual representation of what could be in 2080 is available that is a comparable to Oregon's georegion or southwest basin. Anlauf-Dunn referenced central California as the closest comparison to a future georegion example of the basin given the current projections.
- Sought clarification on how climate change effects may depend on forest type. Reeves explained the extent of climate change will vary across the region, and noted that Elliott Forest being in proximity to the coast may not experience a significant increase in water temperature as you would observe in the Siskiyou region. He described challenges of climate change as variable not uniform.
- Inquired about the potentiality of partnerships among various landowners and jurisdictional authorities to collaborate and implement a coordinated response to improve stream conditions. Reeves stated he does not know the regulatory aspect of the scenario presented.
- Remarked on the variability of the Siskiyou region, then asked whether temperature constraints exist for salmonids currently, and if variability is expressed with higher temperatures could worsen the stream conditions. Reeves responded with yes, noting that mitigation approaches like streamside vegetation or riparian buffers will influence stream temperatures. Board inquired about variable width buffers from a regulatory standpoint, how can this be integrated into a policy or rule. Reeves recommended an analysis process, recognized various responses would be in play, and suggested incentivizing implementation.
- Inquired if a change in management is considered to offset climate impacts, what riparian conditions or restoration would be necessary for an observable offset. Reeves suggested increasing the amount of effective shade in riparian zone, but it has to be sufficient for the size and composition. Riparian areas are critical for the Siskiyou region.
- Asked if current rules are adequate to protect stream temperature or is there evidence demonstrating that temperatures and fish are stressed under the Board's current management. Reeves stated he did not know, recommended an assessment and identified a potential consultant. Board Chair considered how an analysis could be framed and moved forward across in an interagency effort.

Dr. Jessica Halofsky from USFS joined the conversation to partake in the panel discussion with the Board. Board Chair extended the participation for the panel discussion to the State Forester and Department staff.

- State Forester shared that the Department participates in a water core team coordinated among natural resource agencies, to prioritize investments in water quality. He described the different regulatory and statutory frameworks that exist across jurisdictions, how local cities and counties may adopt voluntary practices for riparian areas versus a state agency who must follow their own regulatory regime. He asked the panel of researchers to comment on where challenges in stream temperature are the greatest. Reeves referenced the graph he presented, illustrating the riparian zones that could exert the strongest influence on stream temperature. He emphasized the influence of other factors could be considered beyond riparian vegetation, noting how vegetation is key in controlling water temperature and coordinating strategic investments should be assessed by region instead of a blanketed approach. Halofsky concurred with Reeves assessment, referenced the NorWeST map information to help

pinpoint areas on the landscape that are expecting most increases in stream temperatures, and recommended to assess the value of vegetation in riparian area for the most impact. Anlauf-Dunn commented that riparian areas are an element of a greater whole, noted upland management also influences stream flows and lower volumes of water, which impact stream temperatures. She remarked on the coordinated local efforts in monitoring water temperatures in the Rogue basin, and mentioned the value to engaging local municipalities to gain support across the region.

- Board posited whether an analysis is warranted given the contextual information presented. Reeves noted there is a strong base of information to move forward on these issues. Board Chair inquired on the need for analysis on the variable riparian regulations that exists as opposed to a uniform approach. Reeves explained the tools and data sets exist, but the application of this information is what needs to be assessed. Anlauf-Dunn commented that scenario planning tools can be used to assess the variable areas on the landscape, and Halofsky noted the quality of the data sets available.
- Board inquired about the presence of too much shading on small or medium-sized streams in the Siskiyou region, and whether the researchers have observed anything to support this claim. Anlauf-Dunn has not observed this on the landscape. Halofsky noted how this may be referencing the density of vegetation in riparian areas that could present a greater risk for fire severity compared to historic baselines, and has not observed too much shade in riparian areas. Reeves concurred. Board inquired about the policy approach recommended to prescribe riparian buffers that could be effective, but also minimize the risk to buffers from fire. Halofsky explained this situation is a conundrum, discussed the experiments conducted in southern Oregon, and the effectiveness of the approaches like thinning in riparian areas could vary and may have greater affect with upland management.
- Board appreciated the contextual information and data presented by the researchers.

Public Testimony:

- Mary Scurlock, Oregon Stream Protection Coalition (OSPC), provided written testimony ([attachment 2](#)) on the Climate Change Contextual Information for Siskiyou Streamside Protections Review presentations. She listed seven key messages on stream temperatures that directly relate to the Board's decision on degradation in the Siskiyou region. Noted two other areas about fish stream identification and Oregon Forest Practices Act (OFPA) is not tailored to local variations.
- Mary Shank provided written testimony ([attachment 3](#)) on the Climate Change Contextual Information for Siskiyou Streamside Protections Review presentations. Urged protections for Southern Oregon rivers and streams.
- Stacey Detwiler from Rogue Riverkeepers, provided co-authored written testimony ([attachment 4](#)) with OSPC on the Climate Change Contextual Information for Siskiyou Streamside Protections Review presentation. Commented on the draft summary for the Siskiyou Streamside protections literature review, released to the advisory committee. Offered a summary of peer-reviewed gray literature on riparian management, shade, and stream temperature.

Handouts:

- Dr. Jessica Halofsky submitted a narrative ([attachment 5](#)) from the Board and panel discussion. She provided more in-depth response to the Board's comments and questions.

- Kara Anlauf-Dunn submitted a narrative ([attachment 6](#)) from the Board and panel discussion. She provided additional information for the Board regarding impact and local drivers of stream temperature, regional trends and projections, coordination opportunities and prioritization, and tool development to inform management.

## **INFORMATION ONLY.**

### **3. 2021-2023 BIENNIAL BUDGET DEVELOPMENT**

[Listen to audio](#) MP3 - (54 minutes and 50 seconds – 12.5 MB)  
Presentation ([attachment 7](#))

Bill Herber, Deputy Director for Administration, opened by introducing fellow presenter, James Short, and explained the purpose for the budget development topic. He reviewed the overall budget development process, noting the technical elements and highlighting the primary products produced. He described the design and function of a policy option package (POP) for the Department. Explained the framework used to develop the POPs, noting how the framework was formed prior to the global pandemic, and the potential for POP adjustment.

James Short, Assistant Deputy Director for Administration, reviewed key dates for the 2021-2023 biennial budget development process for the Board. State Forester Daugherty commented on how any new instructions by Department of Administrative Services (DAS) or direction from the Governor would be followed by the Department, additionally explained how agencies are required to prepare POPs despite the downward projections, giving the Governor options to prioritize investments in new areas, and to prepare budget reductions to offer options to shift resources. Herber acknowledged adjustments are anticipated if DAS introduces modified instructions for POP framework.

Ron Graham, Deputy Chief for Fire Protection Division, reviewed the three POPs prepared by the Division for fire season, including the severity resource package, organizational sustainability and organization package, and severity modernization package. He explained the intention and the needs addressed with each POP, and identified whether the POP is a Special Purpose Appropriation (SPA) or an extension of the base budget.

Kyle Abraham, Private Forests Division Chief, reviewed the three POPs prepared by the Division. He listed the packages: supporting sustainable family and community forestry, forest practices act effectiveness and implementation monitoring, and expanded capacity for the Sudden Oak Death (SOD) program. He noted the POP's origin and any stakeholder interest, as well as outlined the intention and scope of each package.

Liz Dent, State Forests Division Chief, reviewed the single POP prepared by the Division, to support and fund the recreation, interpretation, and education program. She reviewed the background, intention, and scope of the package. She listed the services this package will address for public use of state forestland.

Peter Daugherty, State Forester, provided an update on the Partnership & Planning program status, outlined the staff framework, and introduced Danny Norlander, Partnership & Planning Operation

Policy Analyst, to review the first Policy Option Package (POP). State Forester introduced Jeff Burns, Federal Initiatives Program Manager to review the second POP.

Danny Norlander, Forest Carbon and Forest Health Policy Analyst for the Partnership & Planning program, explained the development of the POP was in response to the Governor's Executive Order [20-04](#). He reviewed the intention and scope of the forest climate change, mitigation and adaptation POP, outlined key deliverables that will be produced over the biennium, and noted the continuous collaboration between agencies to address the executive order.

Jeff Burns, Acting Partnership & Program Director, explained the dynamics of the working relationship between the Department and US Forest Service partners, outlined the tools utilized to support the shared stewardship concept, and linked the purpose for the POP as a nexus to address the many anticipated projects for the Federal Initiative unit. He offered an example of how the shared stewardship POP would be utilized over the next biennium, and the State Forester noted the two requested POP amounts, totaling four million.

Herber reviewed four POP's prepared by the Administration Division, and explained how the recommendations made by the external contractor MGO may alter the POP's scope and amount requested. He categorized the packages as agency deferred maintenance and capital improvement, firefighter life safety, administration modernization, and multi-faceted leadership for diversity, equity and inclusion, environmental justice, and government to government. He reviewed the background, intent, and scope for each POP. He offered an example for each POP illustrating the services that would be provided if the POP was approved for the next biennium. Herber noted the four requested POP amounts may change, but totaled over \$11 million.

Short presented the fifth POP prepared by the Administration Division, the facilities capital management program. He explained the purpose, intention, and scope of the POP. Outlined the services, capacity, and systems that would be available if the POP was approved for the next biennium. Short noted the single POP amount requested is one and half million dollars.

Herber closed by stating no decision is in front of the Board, but the information presented can lend to a greater Board discussion.

Board commented on the 2021-2023 Biennial Budget Development presentation.

- Inquired about whether the Legislature had continued interest in the SOD program, and Abraham confirmed, stating the SOD task force is considering all options to increase funding and continue working with legislators.
- Sought clarity on whether the State Forest POP is similar to those submitted in the past and if any alternative components were offered in this package. Dent confirmed the POP is similar with the same request to increase staff capacity and maintenance resources, but remarked on if more time, would like to gather support from the Legislature.
- Discussed the solvency of the State Forests division budget if the POP was not approved, and reviewed the financial constraints their budget will encounter if the timber market declines. Dent commented on the Division current efforts in assessing the timber market impacts from Covid-19, how the forest development fund balance provides the Division space to make measured and strategic decisions to contain expenditures, and how staffing

reductions could impact core business. She explained the Division has three levels of implementation, described the three levels, and stated at what level the Division is operating. Noted how the Division has formed workgroups to design, track and assess financial metrics as a way to gauge how projections may impact the Division's operations.

- Inquired about the monetary value for the POPs being proposed. Dent reviewed the State Forests POP amount request of 7.7 million, and highlighted what services it would primarily cover. Abraham provided the Private Forests requested POP amounts, totaling 11.9 million for all three packages. Herber noted the financial amounts and impacts to POP requests are forthcoming in future presentations to the Board.
- Sought further clarity from State Forests Division on what elements of the POP would change if given opportunity to refresh. Dent noted new perspectives on services and approaches in presenting them to the Legislature could be considered with new managers joining the Division. State Forester reminded the Board the Legislature has not viewed the POP, since it has not made it passed the Agency Request Budget (ARB) process and into the Governor's recommended budget. Dent explained county and stakeholder's interest weigh into the Governor's decision. Board mentioned if there is significant impact to State Forest funding critical services as a result of Covid-19, to include this information in the POP and list services that may be unfulfilled if the POP was not accepted. Dent explained the complexity behind determining what services would be listed in a POP under that approach.
- Inquired about agency collaborations for the Partnership and Planning package on climate change. Board mentioned an interagency effort between ODF and ODFW to identify forestland areas sensitive to climate change impacts, and whether this effort could be included with the POP's scope and funding. Norlander explained this interagency coordinated effort would fall within scope of the POP, elaborated on a position that specifically would focus on adaptation and mitigation projects, and highlighted an interagency project the program is currently working on.
- Board reflected on the reasons that contributed to the last round of POPs to not pass the ARB stage, mentioned stakeholders could not agree on Department priorities, and noted the alignment between the Governor's office and the Department. State Forester remarked on the Department's efforts in working with stakeholders jointly to review and offer feedback on the POP's. He noted the POP's reflect the recommendations from the Wildfire Council, which has a broader coalition support, and how the POP's may have been part of the greater agency initiative in the past but this scaled down approach may allow some packages to be included with the Governor's recommended budget. Herber commented that state agencies deploy different strategies and believes this approach may benefit the agency.

## **INFORMATION ONLY.**

### **4. BOARD CLOSING COMMENTS AND MEETING WRAP UP**

[Listen to audio](#) MP3 - (8 minutes and 6 seconds – 1.85 MB)

Board Chair, Tom Imeson, reviewed the purpose for the topic, mentioned how the meeting format for the next meeting is unknown and will depend on the COVID-19 restrictions in place. He expressed appreciation to those who organized and executed the virtual meeting, highlighting the efforts of the Board Administrator, Hilary Olivos-Rood, and Public Affairs Specialist, Jason Cox. Reflected on the benefits for a traditional public meeting, and how they can allow for interactive

public participation with the Board. He asked for the public to provide written comments on the issues discussed by the Board and to submit them by May 6. Desired real-time public attendance and participation at the next Board meeting.

Board Chair Imeson reviewed the items presented and the discussions by the Board. He asked the Board members for their closing comments or any follow-up to the agenda items as presented, and invited State Forester Daugherty to contribute as well. State Forester commented that the Division staff were available online or in the meeting room to respond to any Board member queries.

Board Members and State Forester commented on the following:

- State Forester explained the likelihood of the June Board meeting being conducted online, and how the Board Administrator is working on options to facilitate public testimony in a virtual setting. He asked the Board members to reflect upon how this teleconference meeting was conducted, to consider whether this format can accommodate a full-day agenda, and to offer any comments on meeting preferences.
- Board Member Kelly complimented the State Forester and the Department staff on the actions taken by the agency in adapting to the crisis. He commented on the importance of shade in the riparian areas and how some areas are located in fire-prone forests, and inquired about prioritization of suppression efforts, and whether the riparian areas are protected under current operations. State Forester noted prioritization of special sites and wildlife areas, but deferred to Ron Graham, Deputy Chief for Fire Protection, for further clarification. Graham noted any critical habitats, threatened and endangered (T & E) species habitats, or resource values at risk are assessed during a fire. He noted how riparian areas can be classified as a highly valued resource at risk, and is factored into current priorities. Closed by mentioning what comes out of this topic's discussion could contribute to additional considerations.
- Board Member McComb considered whether areas upland or adjacent to riparian areas treated with fuel reduction techniques (e.g., prescribed burning) could minimize risk of fire and severity. She desired more information on how compatible fuel reduction treatments might be in riparian areas, and if strategically implemented, what the impact could be.

Board Chair Imeson thanked everyone for their participation, and adjourned the public meeting at 11:58 p.m.

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Respectfully submitted,  
/s/ Peter Daugherty



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Peter Daugherty, State Forester and  
Secretary to the Board

## **STAFF REPORT**

Agenda Item No.:	B
Work Plan:	Fire Protection Work Plan
Topic:	Annual Topic: Annual Letters to the State Forester
Presentation Title:	Annual Letters to the State Forester
Date of Presentation:	June 3, 2020
Contact Information:	Tim Holschbach, Fire Prevention & Policy Manager, Fire Protection Division 503-945-7434 <a href="mailto:tim.j.holschbach@oregon.gov">tim.j.holschbach@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to report to the Board concerning the contents of the annual letters received from the nine non-operating forest protective associations and the written responses made to those letters.

### **CONTEXT/BACKGROUND**

By contract, the nine non-operating forest protective associations are required to provide a written communication with the State Forester at least once annually. The purpose of these letters is to enable the associations to communicate directly with the State Forester concerning situations, conditions and problems they believe need to be brought to his attention. Historically, the State Forester returns a response letter that addresses the issues raised by the associations.

### **RECOMMENDATION**

These letters are provided to the Board for their information, there is no action recommended.

### **NEXT STEPS**

The Fire Protection Division will be working through the issues presented and follow-up with the associations.

### **ATTACHMENT**

- 1) 2020 letters from Forest Protective Associations to the State Forester

EASTERN OREGON FOREST PROTECTION ASSOCIATION  
1604 27<sup>TH</sup> STREET  
LA GRANDE, OR 97850

January 21, 2020

Peter Dougherty, State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

State Forester Dougherty,

Eastern Oregon Forest Protection Association (EOFPA) wishes you and your staff a Happy New Year. As this is my first year as President of EOFPA, it is my honor to compose the traditional annual communication letter from the EOPFA Board.

As a recap, the 2019 fire season was fairly benign for the Central and Northeast Oregon Districts. Even though it was an average year for the number of fire starts, the actual acres burned was down significantly. This was a huge effort by the local ODF staff to fight fire aggressively but safely, and keep the acres burned to a minimum. The EOFPA Board commends the hard work of local firefighters in both Districts.

EOFPA is impressed with our local ODF staff. Cross training within the department is commendable and is creating a very versatile staff. The local ODF partnerships with the local, state and federal agencies to build a coordinated fire fighting system is outstanding. The culture of communications with landowners is also appreciated. It takes all stakeholders to work together to really be an effective firefighting organization.

Technological advances continue to aid our fire fighters. Tools such as IR cameras, fire detection cameras in lookouts and drones are rapidly becoming as important for fighting fires as a shovel and pulaski. EOFP will continue to support the prudent use of these technologies to give the fire fighters every advantage they can get.

With the majority of lands in Eastern and Central Oregon Federal, the threat of fire coming off of these lands continues to be a concern of the EOFPA. We appreciate the hard work of our Federal partners fighting fire in the region but the fuel buildup on Federal lands creates hazards that must be addressed. The EOFPA continues to support the work ODF is doing to address this issue through Good Neighbor Authority to increase pace and scale.

EASTERN OREGON FOREST PROTECTION ASSOCIATION  
1604 27<sup>TH</sup> STREET  
LA GRANDE, OR 97850

There must be urgency throughout Oregon to tackle this huge and growing problem. Without aggressive and swift fuels management on Federal lands, the fires and impacts to communities will continue. The EOFPA supports the Governor's Wildfire Council recommendations and it is hoped that these recommendations will bring meaningful changes to wildfire fighting.

We appreciate your work in maintaining all parts of the Wildfire Protection Act including Eastside Rate Relief. How we fund fire protection will continue to be an issue for all Oregonians. In the NE Oregon district, the Bureau of Indian Affairs is backing away from the longstanding protection agreement. This will cause a significant reduction of funding and will force the NE Oregon landowners into a difficult position to continue supporting the current level of fire protection. This just adds to the struggle for Central and Eastern Oregon landowners to keep working forests and ranches working.

Sincerely,



Jared Schwabauer  
President EOFPA

## WEST OREGON FOREST PROTECTIVE ASSOCIATION

c/o Oregon Department of Forestry  
24533 Alsea Highway  
Philomath, OR 97370

Peter Daugherty, Oregon State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

February 14, 2020

Dear Peter,

As we prepare for another fire season at West Oregon, I wanted to take a moment to share with you some 2019 Association highlights and identify what we see ahead as potential concerns or challenges.

Thanks to some timely precipitation, landowner and operator preparedness, and quick initial attack by ODF, we experienced a downturn in the 5-year trend of fires, acres burned and suppression cost in 2019. The largest, most costly fire on the district started from a line rub on an operation in May before fire season.

A committee was formed this past year to assess the District IFPL boundaries. Upon review of weather conditions and associated risk of fire, from the Coast to the Willamette Valley, it was determined that the boundaries should be adjusted. A third zone was added, and boundaries were established which align better with summer fire conditions, neighboring District boundaries, and ease of geographic identification. Installation of an additional weather station within the newly created middle zone, will help to better monitor conditions across the District and support IFPL decisions.

Relocation efforts of the Toledo office continue, as ODF staff navigates through site acquisition challenges and co-location with ODOT. This effort remains a priority, along with closing the sale of the Association Peavy property to OSU.

On the horizon, we are deeply concerned about the ramifications of possible changes to the ODF-BLM operating agreement. The loss of BLM financial contributions to the system, will have an immediate impact on cost, and the landowner per acre assessment. Beyond the additional cost, we are also concerned with the risk to private ownership surrounding the BLM O&C ownership. The fire protection system in Oregon is based on a model of minimizing economic loss of fire, by engaging rapid initial attack and keeping fires small. While, large fire resources are important, a model which deploys resources across a large area is not congruent with keeping fires small, and minimizing economic loss.

In closing, as you are probably aware, ODF District Forester, Mike Totev is planning to retire this year. On behalf of the Association, I would like to say that we have truly valued and appreciated the work Mike has done to make WOFPA an outstanding example of the “complete and coordinated” system we operate under. Hopefully, the next DF at West Oregon will continue that same level of enthusiasm, and landowner engagement.

Sincerely,



Tim Tompkins  
President, West Oregon Forest Protective Association

## STAFF REPORT

Agenda Item No.:	C
Work Plan:	Fire Protection
Topic:	Annual Topic: Approval of Rangeland Fire Protection Association Budgets
Presentation Title:	Approval of 2021 Rangeland Fire Protection Budgets
Date of Presentation:	June 3, 2020
Contact Information:	Tim Holschbach, Fire Prevention & Policy Manager, Fire Protection Division <a href="mailto:tim.j.holschbach@oregon.gov">503-945-7434 tim.j.holschbach@oregon.gov</a>

### SUMMARY

The purpose of this agenda item is to obtain Board approval of the annual budgets of the Rangeland Fire Protection Associations currently operating in eastern Oregon.

### CONTEXT/BACKGROUND

Rangeland fire protection associations (RFPA) are nonprofit, locally governed and operated landowner associations organized to provide fire protection on rangeland areas of Eastern Oregon. These geographic areas are outside both forest protection districts and a rural fire districts. State statutes ORS 477.315-325 provide for the formation of these associations under the authority of the Board and with assistance from the Department. After formation, ORS 477.325 requires that the Board review and approve the rangeland fire protection associations' annual operating budgets.

Every year, RFPAAs suppress dozens of fires across over 16 million acres in Oregon. Many people describe this as “neighbors helping neighbors” model. RFPA funds go toward administrating guidance, fire suppression training, facilitating access to federal grants and surplus firefighting equipment, as well as some administrative cost reimbursement. RFPA fire prevention and suppression help conserve habitat as well as safeguarding local economic resources.

A few of the actions RFPAAs have taken in 2020 include:

- Communication Upgrades: Jordan Valley RFPA in Malheur County, Ashwood-Antelope RFPA in Jefferson County, and Warner Valley RFPA in Lake County are seeking Volunteer Fire Assistance (VFA) grants in the 2020 application period with the intention to install three new RFPA-dedicated radio repeaters if funds are awarded. This will enhance firefighter safety and communications in remote, desert areas that lack cellular service.
- Expansion of the Rangeland Program: In the early spring of 2020, two RFPA's have been working on an expansion of their protection boundaries to include lands in Nevada. The Blue Mountain RFPA has completed the process adding 211,000 acres. The Fields-Andrews RFPA is currently working on finalizing the

process to expand into Nevada, adding 62,188 acres. In 2020, the Burnt River RFPA and Frenchglen RFPA will be petitioning the Board.

- Partnerships and Agreements: All 24 RFPAAs have a Statewide memorandum of understanding (MOU) to work cooperatively with the Bureau of Land Management (BLM) and US Fish and Wildlife (USFW) Service. Additionally, two years ago, a federal bill was passed reviving Rural Fire Readiness (RFR) grants for BLM. This expands RFPA eligibility to receive Federal excess property not only from the US Forest Service and US Military but also from the BLM. Currently, three RFPAAs have signed into the agreement, and two more are awaiting signatures. WC Ranches RFPA signed a mutual aid agreement with Spray Fire Department in Wheeler County. Silver Creek and Lone Pine RFPAAs signed mutual aid agreements with the Burns Fire Department in Harney County.

For your reference, attached are the Rangeland Association Annual Accomplishment Reports (attachment 1), Annual Budgets (attachment 2), and Annual Cumulative Summaries (attachment 3). The Board's approval will assist these associations of landowners in building partnerships, investing in their community, and providing their own local wildfire protection.

## **RECOMMENDATION**

The Department recommends the Board approve the fiscal year 2021 budgets of the Ashwood-Antelope, Bakeoven-Shaniko, Blue Mountain, Brothers Hampton, Burnt River, Crane, Fields-Andrews, Frenchglen, Gateway, Greater Pine Valley, High Desert, Ironside, Jordan Valley, Juntura, Lone Pine, Lookout Glasgow, Post Paulina, Silver Creek, Twickenham, Vale, Wagontire, Warner Valley, WC Ranches, and Wheeler County Fire & Rescue Rangeland Fire Protection Associations.

## **ATTACHMENT**

- 1) 2019 Rangeland Fire Protection Associations Accomplishment Report
- 2) Fiscal Year 2021 Rangeland Fire Protection Associations Budgets
- 3) Rangeland Fire Protection Associations Annual Summaries

# 2019 Rangeland Fire Protection Associations Accomplishment Report

Rangeland Fire Protection Association	Total Acres	Private Acres <sup>1</sup>	State Acres <sup>2</sup>	Federal Acres <sup>3</sup>	Est.	2019 # of Fires	Mutual Assist Fires	Smoke Chases	State & Private Acres Burned	Total Acres Burned	*Large Fires over 500 ac	Fire Suppress. Hours	Admin Hours	POV Mileage	Prescribe Fire Acres	Mem Properties (estimate)	Support Personnel	Trained Firefighters	Fire Eng Type 4	Fire Eng Type 5&6	Slip-ons Pickup	Slip on Trailers	ATV/UTV tanks	Tenders	Graders	Dozers	Tractor w/ Transport	Tractor w/ Disk	Other
Ashwood-Antelope	362,952	320,754	155	42,044	2009	3	0	7	2,282	2,282	5	683	767	4,409	215	36	29	15	8	8	17		2	2	2	2			
Bakeoven-Shaniko	183,102	176,683	81	6,338	2019	2	1	0	40	40		485	705	2,000	0	17	15	26	2	7	10	1	10	1	2	2			
Blue Mountain	1,157,908	75,059	2,896	1,079,953	2013	7	3		0	270		173	644	2,080	0	7	10	29	8	1	4			6		1		5-tender trailers	
Brothers / Hampton	998,928	257,785	34,826	706,318	2006	7	1	11	15	126		76	505	4,885	205	36	32	34	3	5	1	4	1		2	3			
Burnt River	295,124	185,152	3,054	106,918	2000	12	0	0	91	1,071	4	392	329	3,426	0	61	24	21	2		10	7	1	1	1	1			
Crane	1,415,068	601,120	102,748	711,200	1998	10	0	3	5	5		71	968	3,763		258	30	40	28	9	7	3	3	5		10	1		
Fields / Andrews	970,347	159,304	485	810,559	1998	2	1	5	150	165	2	239	664	4,296	0	52	5	44	3	6	2			5	3	4	5	3	
Frenchglen	664,126	275,210	979	387,937	2013	2	2	0	218	428	2	71	736	12,366	0	45	5	26	1	3	4	1		1		1	1		
Gateway	9,306	8,701	0	604	2010	1		2	3	3		10	325	1,847	350	20	8	9	2	2			2		1	3			
Greater Pine Valley	75,503	30,009	0	45,494	2016	2			0	21		54	620	1,839	0	6	2	33	2	2	2			1	1	1	1		
High Desert	1,739,231	384,666	38,158	1,316,407	2018	13	1	5	9	19		25	1,230	600	0	87	5	57	7	13	3	1	2	6		5	4		
Ironside	355,967	330,383	1,648	23,936	1964	1	0	0	1	1		24	800			41	5	30	1	9		3	2	4	2				
Jordan Valley	2,495,409	292,999	178,507	2,023,903	2008	12	0	0	40	3,690	1	1,300	720	3,500	0	50	20	100	6	4	30		25	7	2	2	1	Plane	
Juntura	952,048	181,351	82,137	688,561	2007	8		6	0	19		300	1,013	4,790	100	7	12	11	1	6	1		1	1	2	2	1		
Lone Pine	55,312	25,426	3,673	26,213	2013	2	2	1	0	2		64	642	1,538	5	16	5	15	2	2	4	1		2		5	4	Skidder	
Lookout Glasgow	246,331	153,478	1	92,852	2014	0	2	2	0	0		38	397	656		29	0	30	4		2			1		1	2		
Post / Paulina	639,580	351,749	22,566	265,265	2006	1	1	6	2	2		425	892	2,400			65	25	1	7	12	5		1	3	8	6		
Silver Creek	728,270	231,712	5,461	491,097	2001	6	1	4	2	2,228	2,3	46	1,036	6,512		71	63	43	8	10	2	3		2		2	3	1	Portable pump
Twickenham	124,301	75,499	40	48,762	2001	0	0	0	0	0		0	201	1,181	298	43	8	9	2		2		1					Chainsaw	
Vale	1,023,221	204,570	22,347	796,305	2008	7	2	12	22	93		200	1,228	4,000		26	14	26	1	1	11		14		2	5		7	Airplane
Wagontire	301,268	37,844	68,610	194,814	2015	3	1	1	0	25		45	560	1,050		3	18	8		3			2	3		3	2		
Warner Valley	1,319,875	169,153	69,116	1,081,606	2011	6	4	6	162	23,615	2	80	332	3,031	25	65	15	30		6	5		3	4		2	2		
WC Ranches	49,193	41,489	1,947	5,757	2015	5	1	0	56	56		248	794	9,613	0	12	11	9	1	4	2		2	1	1	6	2		excavator/ 2 Skidder
Wheeler Fire & Res	393,710	285,503	548	107,659	2016	2	9	5	210	314		576	1,694	4,988			5	14	5	8			4	3	3	5	4		
	16,556,081	4,855,598	639,982	11,060,501		114	32	76	3,308	34,475	5	5,624	17,802	84,770	1,198	988	406	684	97	108	140	19	82	55	24	76	48	13	

<sup>1</sup>RFPAs protect all private lands regardless of membership in the Assn as per agreement with the Board of Forestry

1) Basque Camp Malheur Co.

<sup>2</sup>RFPAs protect DSL lands as a membership in the RFPA; OPRD lands are protected under a protection agreement \

2) Poker Fire Lake Co 23,400 ac

<sup>3</sup>RFPAs do not protect Federal acres, this list is just the federal land within the RFPA Bdty.

3) Round Butte Harney Co 1209 ac

4) Pole Crk Baker Co. 675 ac

5) Ward Creek Jefferson Co. 2165 ac

AGENDA ITEM C

Attachment 1

Page 1 of 1

# Fiscal Year 2021 Rangeland Fire Protection Association Budgets

RFPA	Income							Expenses											
	Membership Fees	Donations	Fund Raising	Grants	Reimbursed Expenses	Other	Total Income	Insurance	CPA & Non-profit Filings	Equipment Purchases	Equipment Repair/Maintenance	Fuel	Supplies For Fire Suppression	Communications Equipment & Repair	Office Expenses	Other	Total Expenses	Reserve Account	
Ashwood-Antelope	\$6,800	\$1,500		\$10,000	\$7,300		\$25,600	\$6,500	\$800	\$1,000	\$1,500	\$1,000	\$2,500	\$1,000	\$500	\$1,000	\$15,800	\$17,655	
Bakeoven-Shaniko	\$9,000	\$500		\$10,000	\$3,500		\$23,000	\$3,000	\$500	\$11,250	\$5,000	\$1,000	\$100	\$2,500	\$150		\$23,500	\$5,105	
Blue Mountain	\$1,400	\$2,350		\$5,000	\$4,250		\$13,000	\$3,700	\$550	\$3,000	\$2,000						\$9,250	\$9,000	
Brothers-Hampton	\$1,000	\$500	\$2,150	\$10,000	\$4,100	\$1,000	\$18,750	\$4,050	\$50	\$4,000	\$2,000	\$1,000	\$3,000	\$3,000	\$350	\$2,100	\$19,550	\$11,000	
Burnt River	\$4,500			\$10,000	\$4,700	\$424	\$19,624	\$4,350	\$350	\$10,000	\$2,500	\$1,200	\$500	\$100	\$190	\$424	\$19,614	\$20,000	
Crane	\$25,000	\$1,000	\$500	\$10,000	\$12,300	\$1,000	\$49,800	\$12,000	\$300	\$5,000	\$20,000	\$5,000	\$2,150	\$2,000	\$1,000	\$2,000	\$49,450	\$25,000	
Fields Andrews	\$5,200			\$2,000	\$4,575		\$11,775	\$4,500	\$75		\$2,500	\$1,250	\$2,600	\$350	\$500		\$11,775	\$10,850	
Frenchglen	\$4,650	\$500		\$6,300	\$3,700	\$500	\$15,650	\$3,200	\$500	\$2,500	\$3,000	\$2,000	\$1,000		\$300	\$350	\$12,850	\$18,667	
Gateway	\$1,000	\$700			\$3,900		\$5,600	\$3,900			\$1,800			\$300		\$50		\$6,050	\$22,780
Greater Pine Valley	\$600			\$3,900	\$2,193		\$6,693	\$2,143	\$50		\$570		\$3,687		\$56	\$60	\$6,566	\$1,307	
High Desert	\$10,000	\$20,000		\$10,000	\$6,125		\$46,125	\$6,000	\$125	\$10,800	\$7,800	\$4,000	\$3,500	\$500	\$600		\$33,325	\$12,500	
Ironside	\$4,100				\$3,050		\$7,150	\$3,000	\$50		\$500	\$500	\$1,000		\$300		\$5,350	\$9,700	
Jordan Valley	\$11,000			\$10,000	\$5,850	\$10,670	\$37,520	\$5,300	\$550	\$400	\$8,000		\$1,000	\$20,500	\$200		\$35,950	\$10,000	
Juntura	\$5,000	\$3,000		\$8,000	\$5,800		\$21,800	\$5,500	\$300	\$3,000	\$5,000	\$1,000	\$1,000	\$500	\$300	\$5,000	\$21,600	\$22,000	
Lone Pine	\$4,200	\$1,000		\$10,000	\$2,836		\$18,036	\$2,561	\$275	\$600	\$8,150	\$500	\$1,170		\$260	\$400	\$13,916	\$5,010	
Lookout-Glasgow	\$2,900	\$2,000		\$10,000	\$3,357		\$18,257	\$3,279	\$78	\$10,000	\$1,500	\$500	\$500	\$250	\$250		\$16,357	\$5,000	
Post Paulina	\$1,000	\$250			\$5,371	\$4,500	\$11,121	\$5,321	\$50		\$10,000	\$2,000	\$350		\$350	\$300	\$18,371	\$25,986	
Silver Creek	\$10,500	\$1,000		\$10,000	\$6,200		\$27,700	\$5,000	\$1,200	\$2,500	\$3,500	\$3,500	\$8,000	\$2,000	\$1,500	\$500	\$27,700	\$17,101	
Twickenham	\$3,000	\$600		\$3,000	\$4,050		\$10,650	\$4,000	\$50	\$2,500	\$3,500	\$400			\$200		\$10,650	\$4,500	
Vale	\$2,600	\$1,000		\$9,817	\$2,600		\$16,017	\$2,500	\$100	\$9,817	\$1,500		\$500	\$1,000	\$500		\$15,917	\$2,927	
Wagontire	\$1,500	\$1,500		\$3,500	\$3,000		\$9,500	\$2,500	\$500	\$2,000	\$1,500	\$1,000	\$1,000	\$500			\$9,000	\$11,222	
Warner Valley	\$5,080	\$850	\$1,000	\$10,000	\$4,160		\$21,090	\$4,100	\$60		\$5,600	\$700		\$11,000	\$300		\$21,760	\$8,659	
WC Ranches	\$1,200			\$10,000	\$7,200		\$18,400	\$5,200	\$2,000	\$7,150	\$750		\$2,000	\$1,000	\$300		\$18,400	\$10,531	
Wheeler County	\$0	\$2,000		\$8,000	\$5,000	\$2,000	\$17,000	\$3,500			\$2,000	\$4,000	\$1,000	\$500		\$1,500	\$12,500	\$15,873	
<b>Total</b>	<b>\$121,230</b>	<b>\$40,250</b>	<b>\$3,650</b>	<b>\$169,517</b>	<b>\$115,117</b>	<b>\$20,094</b>	<b>\$469,858</b>	<b>\$105,104</b>	<b>\$8,513</b>	<b>\$85,517</b>	<b>\$100,170</b>	<b>\$30,550</b>	<b>\$36,857</b>	<b>\$46,700</b>	<b>\$8,156</b>	<b>\$13,634</b>	<b>\$435,201</b>	<b>\$302,373</b>	

AGENDA ITEM C

Attachment 2

Page 1 of 1

## Rangeland Fire Protection Associations Annual Summaries

### Annual Totals - Row One

Year	No. of RFPA	Total Acres Protected	Private Acres <sup>3</sup>	State Acres <sup>2</sup>	Federal Acres <sup>1</sup>	No. of Fires	Mutual Assist Fires	Smoke Chases	State & Private Acres Burned	Total Acres Burned	Fires over 500 Acres	Fire Suppression Hours	Admin Hours	POV Mileage
2015	20	13,946,352				164	N/A	N/A	113,150	263,971	11	15,992	9,954	N/A
2016	22	14,226,189	4,169,230	601,743	9,457,196	116	31	N/A	2,732	87,422	7	5,956	20,148	N/A
2017	22	15,967,400	4,553,896	639,901	10,773,603	146	35	147	29,580	103,388	17	9,556	21,148	76,589
2018	23	16,556,081	4,855,598	639,982	11,060,501	168	52	57	25,579	76,380	17	8,692	21,075	82,000
2019	24	16,556,081	4,855,598	639,982	11,060,501	114	32	76	3,308	34,475	5	5,624	17,802	84,770
						708	150	280	174,349	565,635		45,820	90,126	243,359

### Annual Totals - Row Two

Year	Prescribed Fire Acres	Member Properties (estimate)	Support Personnel	Trained Firefighters	Fire Eng Type 4	Fire Eng Type 5 & 6	Slip-on Pickup	Slip-on Trailer	ATV UTV Tank	Tenders	Graders	Dozers	Tractor w/ Transport	Tractor w/ Disk
2015	2,755	N/A	535	283	95	N/A	112	6	57	45	11	43	N/A	
2016	5,632	558	449	340	61	71	116	24	70	50	26	98	41	
2017	4,174	671	516	512	80	76	127	18	72	54	26	86	51	
2018	9,060	1,007	400	648	92	97	146	31	89	62	30	87	45	
2019	1,198	988	406	684	97	108	140	19	82	55	24	76	48	13
	<b>22,819</b>	<b>3,224</b>	<b>2,306</b>	<b>2,467</b>	<b>425</b>	<b>352</b>	<b>641</b>	<b>98</b>	<b>370</b>	<b>266</b>	<b>117</b>	<b>390</b>	<b>185</b>	<b>13</b>

1. RFPAs do not protect federal acres, this is the acres of federal land within the RFPA boundary.

2. RFPAs protect DSL lands as a membership of the RFPA; OPRD lands are protected under a protection agreement with ODF

3. RFPAs protect all private lands regardless of membership in the Association as per agreement with the Board of Forestry

**State Forester and Board Member Comments**

## STAFF REPORT

Agenda Item No.:	2
Work Plan:	Fire Protection
Topic:	Annual Topic: Approval of Forest Protection District Budgets and Rates
Presentation Title:	Approval of the Forest Protection District 2021 Fiscal Budgets and Rates
Date of Presentation:	June 3, 2020
Contact Information:	Doug Gafe, Chief, Fire Protection 503-945-7204, <a href="mailto:doug.grafe@oregon.gov">doug.grafe@oregon.gov</a> Ron Graham, Interim Chief, Fire Protection (503) 945-7271 <a href="mailto:ron.graham@oregon.gov">ron.graham@oregon.gov</a>

### SUMMARY

ORS 477.265 requires the Board of Forestry to annually review the forest protection district budgets and pass final approval on all district budgets including the prorated acreage assessment rates.

### CONTEXT

Oregon's wildfire protection system has historically provided an effective and efficient method of addressing the state's fire protection responsibilities – both in initial attack and large fire management needs. The system uses a “complete and coordinated” methodology and is funded through a complex mix of landowner and state general fund dollars. The system provides policy, prevention and suppression activities at the national, statewide and district levels. The delivery of these services are reviewed annually and predominately funded through the development of fiscal protection budgets in which the costs are proportioned on a legislative determined statutory ratio of landowner and general fund dollars.

#### Development Process:

Consistent with statutory direction<sup>1</sup>, each year in January, the state office and districts begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1<sup>st</sup> – June 30<sup>th</sup>). During the development process, district budget committees analyze and review the draft budget prior to making recommendations to the District Forester. The budget committee then carries the final recommended budget to the Board of Directors of the Forest Protective Association for consideration at the annual spring association meeting. Additionally, each district holds a public budget meeting for any landowners affected by the budget to provide an opportunity for any additional public comments on the budget.

The last step in the district fiscal protection budget process is submittal to the State Forester and then official approval by the Board of Forestry in June. Attachment 1 provides a summary of the fiscal year 2021 recommended budgets.

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<sup>1</sup> ORS 477.235 Forester to prepare tentative budget estimates for districts

ORS 477.240 Advisory and guidance committees

ORS 477.255 Holding of budget meeting; revision and submission for final approval

ORS 477.265 Board to deal with budgets annually

## **BACKGROUND / ANALYSIS**

Throughout the development of the fiscal year 2021 budgets and spring association meetings, landowners have expressed appreciation for the level of protection and service they receive from the Associations and Department. Association meetings have been very collaborative and productive with excellent dialog focusing on important fire protection related topics and all Associations recommended approval of their fiscal year 2021 fire protection budget.

Fiscal Budget development begins with Headquarters developing a budget and drafting instructions to the districts. This process starts in early January to allow adequate time for completion and submittal to the Board of Forestry by June.

## **RECOMMENDATION**

The Department recommends the Board approve all Fiscal Year 2021 district and association protection budgets as presented in Attachment 1.

## **ATTACHMENT**

- 1) Fiscal Year 2021 Protection Budget Summary, by District and Area

## 2021 PROTECTION BUDGET SUMMARY, by DISTRICT and AREA

DISTRICT		FY20 ACRES	FY20 Net Budget	FY21 Net Budget	% Change	FY20 Rate	FY21 Rate	% Change	Private Lands Rate*	Rate w/ WPA**	OFLPF Assessment
<b>NORTHWEST OREGON AREA</b>											
Northwest	Timber	1,761,302	\$4,987,700	\$5,356,181	7.4%	\$2.2057	\$1.9842	-10.0%	\$0.9921		0.05
West Oregon	Timber	1,084,262	\$2,767,736	\$3,009,829	8.7%	\$2.2970	\$2.3279	1.3%	\$1.1640		0.05
North Cascade	Timber	652,128	\$2,146,713	\$2,300,192	7.1%	\$3.2109	\$2.6143	-18.6%	\$1.3072		0.05
<b>AREA TOTAL</b>		<b>3,497,692</b>	<b>\$9,902,149</b>	<b>\$10,666,202</b>	<b>7.7%</b>						
<b>SOUTHERN OREGON AREA</b>											
Southwest	Timber	1,703,223	\$7,286,294	\$8,209,481	12.7%	\$4.4155	\$5.0048	13.3%	\$2.5024		0.05
	Grazing	173,221	\$623,566	\$703,884	12.9%	\$2.0421	\$2.9093	42.5%	\$1.4547		0.075
Coos FPA	Timber	1,493,856	\$5,217,571	\$5,482,750	5.1%	\$3.1206	\$3.2716	4.8%	\$1.6358		0.05
	Grazing	60,826	\$159,000	\$167,191	5.2%	\$2.3668	\$2.4095	1.8%	\$1.2048		0.075
Douglas FPA	Timber	1,400,955	\$5,726,050	\$5,903,787	3.1%	\$3.6863	\$3.9480	7.1%	\$1.9740		0.05
	Grazing	274,381	\$570,880	\$620,725	8.7%	\$1.5462	\$1.2749	-17.5%	\$0.6375		0.075
South Cascade	Timber	1,132,435	\$3,928,792	\$4,020,904	2.3%	\$2.9103	\$3.2169	10.5%	\$1.6085		0.05
Western Lane	Timber	777,186	\$2,365,760	\$2,378,273	0.5%	\$2.3454	\$2.3526	0.3%	\$1.1763		0.05
<b>AREA TOTAL</b>		<b>7,016,083</b>	<b>\$25,877,913</b>	<b>\$27,486,995</b>	<b>6.2%</b>						
<b>EASTERN OREGON AREA</b>											
Central Oregon	Timber	1,038,102	\$5,485,013	\$5,796,326	5.7%	\$4.2409	\$4.2131	-0.7%	\$2.1066	\$1.8701	0.075
	Grazing	1,031,801	\$1,785,228	\$1,889,342	5.8%	\$1.6573	\$1.6748	1.1%	\$0.8374	\$0.6009	0.075
	Z 1	237,268	\$69,861	\$69,757	-0.1%	\$0.3000	\$0.3000	0.0%			
Northeast Oregon	Timber	848,406	\$3,916,341	\$3,996,829	2.1%	\$3.3242	\$3.5646	7.2%	\$1.7823	\$1.5458	0.075
	Grazing	1,091,222	\$1,415,289	\$1,512,751	6.9%	\$1.0660	\$1.2516	17.4%	\$0.6258	\$0.3893	0.075
Klamath-Lake	Timber	1,016,567	\$4,567,945	\$4,479,479	-1.9%	\$3.4070	\$3.6540	7.2%	\$1.8270	\$1.5905	0.075
	Grazing	489,513	\$874,207	\$857,277	-1.9%	\$1.4312	\$1.4483	1.2%	\$0.7242	\$0.4877	0.075
Walker Range	Timber	183,501	\$877,327	\$716,209	-18.4%	\$3.5685	\$3.8947	9.1%	\$1.9474	\$1.7109	0.075
	Grazing	2,544	\$2,300	\$1,904	-17.2%	\$0.4309	\$0.5816	35.0%	\$0.2908	\$0.0543	0.075
<b>AREA TOTAL</b>		<b>5,938,924</b>	<b>\$18,993,511</b>	<b>\$19,319,874</b>	<b>1.7%</b>						
STATEWIDE	Timber	13,091,923	\$49,273,242	\$51,650,240	4.8%	\$3.1021	\$3.3582	8.3%	\$1.679		
STATEWIDE	Grazing	3,123,507	\$5,430,470	\$5,753,074	5.9%	\$1.2867	\$1.5382	19.5%	\$0.769		
STATEWIDE	Z 1	237,268	\$69,861	\$69,757	-0.1%	\$0.3000	\$0.3000	0.0%	\$0.000		
<b>STATEWIDE TOTAL</b>		<b>16,452,698</b>	<b>\$54,773,573</b>	<b>\$57,473,071</b>	<b>4.9%</b>						

**NOTES:**

\* Lands not owned by public bodies may not be assessed in excess of 50% of the pro rata cost per acre, per ORS 477.230.

\*\* Wildfire Protection Act (WPA), passed in 2013, in accordance with 477.777, includes Eastside Rate Relief.

AGENDA ITEM 2

Attachment 1

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## **STAFF REPORT**

Agenda Item No.:	3
Work Plan:	Administrative
Topic:	Agency Budget Development and Request
Presentation Title:	2021-2023 Biennial Budget Development - Policy Option Packages
Date of Presentation:	June 3, 2020
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a> James Short, Assistant Deputy Director for Administration (503) 945-7275 <a href="mailto:james.short@oregon.gov">james.short@oregon.gov</a>

### **SUMMARY**

Development of the next biennial budget continues at the agency level. Based on identification of focus areas and input by the Board and stakeholders, policy option packages are continuing to be refined.

### **BACKGROUND AND ANALYSIS**

As discussed at the April 22, 2020 Board meeting, Department staff have crafted a set of policy option packages for inclusion in the 2021-23 Agency Request Budget. Several of the policy packages are significant and key to accomplishment of the Board's vision and agency goals and objectives.

Attachment 1 summarizes agency leadership vision about the investment strategies for the 2021-23 biennium. These policy package concepts have been refined to include policy package costs and FTE based upon Board and stakeholder review and input.

### **RECOMMENDATION**

The Department recommends the Board approve the policy option packages proposed for inclusion in the 2021 – 2023 Agency Request Budget that will be presented for Board consideration at the July 22, 2020 Board meeting.

### **ATTACHMENT**

- (1) 2021-23 Biennial Budget Policy Option Package Summary by Program  
*(available one week prior to the meeting)*



**Oregon Department of Forestry**  
**2021-23 Policy Option Packages**

Package#	Program	Title	Enhancement Package Description	Agency Request Budget						
				General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
100	Fire Protection	Fire Season Severity Resources	Proposes General Fund dollars for supplemental firefighting resources for use during high fire danger periods. The funds will not reside in ODF's budget, but rather would appear as a Special Purpose Appropriation (SPA) in the Governor's budget. This item will be moved to the Emergency Board budget later in the process.	\$6,000,000	\$0	\$0	\$0	\$6,000,000	0	0.00
101	Fire Protection	Organizational Sustainability & Modernization	This policy option package enhances Oregon's complete and coordinated protection system that relies on a broad range of landowner, contractor, and cooperator engagement making this a highly functional model. Strategic workforce planning and development of a comprehensive training program are key elements for success. Additional capacity is necessary to maintain this complete and coordinated system, ensure that ODF's core business across all divisions are met, and advance ODF's initial and extended attack strategy to remain effective in the context of growing fire complexity.	\$6,669,137	\$0	\$0	\$0	\$6,669,137	27	27.00
102	Fire Protection	Next Generation Severity	This policy option package proposes wildfire protection system investments including additional "severity" resources that can be staged around the state where fire danger is highest, such as contract hand crews, equipment and overhead resources; rapid transport of firefighters by helicopter; two contracted next-generation air tanker; and additional call when needed detection aircraft. These investments are focused on slowing the increasing size and frequency of large fires across Oregon's landscape.	\$21,000,000	\$0	\$0	\$0	\$21,000,000	0	0.00



**Oregon Department of Forestry**  
**2021-23 Policy Option Packages**

<b>Agency Request Budget</b>										
<b>Package#</b>	<b>Program</b>	<b>Title</b>	<b>Enhancement Package Description</b>	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Total</b>	<b>Positions</b>	<b>FTE</b>
130	State Forests	Funding Recreation, Education and Interpretation	Funding Recreation, Education and Interpretation with General Fund. The Oregon Department of Forestry State Forests Division actively manages approximately 730,000 acres of Board of Forestry land for Greatest Permanent Value (social, economic, and financial). The State Forests Division is self-funded through timber sale revenue with 63.75% of revenue being remitted to the county and the remaining 36.25% being used to fund State Forests' operations. A large portion of social benefits are provided through recreation, education, and interpretation. There is a need to increase all recreation, education, and interpretation funding to meet growing demands in recreation management on state forest lands, and for the educational and interpretive programs of the Tillamook Forest Center. Outdoor recreation demand is increasing dramatically and is outpacing the Division's ability to provide this important social benefit. The proposal would provide the necessary funding to cover the costs of providing recreational opportunities to Oregonians.	\$6,841,329	\$0	(\$6,596,872)	\$0	\$244,457	1	1.00
150	Private Forests	Supporting Sustainable Family & Community Forestry	Proposes new capacity to meet forestry challenges across ownerships and land uses in wildland/urban interface areas and communities. ODF field foresters will provide technical assistance to landowners and communities, deliver and administer incentive programs for clean water and sound forestry practices, implement the Oregon Plan for Salmon and Watersheds (Oregon Plan), promote voluntary conservation measures, address current and emerging invasive species problems,	\$1,661,374	\$0	\$1,107,583	\$0	\$2,768,957	12	12.00



**Oregon Department of Forestry**  
**2021-23 Policy Option Packages**

Package#	Program	Title	Enhancement Package Description	Agency Request Budget						
				General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
			provide fire prevention and fuels reduction expertise, and administer the Forest Practices Act. These actions will maintain healthy forests and the values forests provide for all Oregonians.							
151	Private Forests	Forest Practices Act Effectiveness & Implementation	To meet two goals for the Sudden Oak Death (SOD) program, (1) continue to slow the spread of the NA1 strain (2) contain the EU1 strain to a small geographic area, an expanded multi-agency and all-lands forest health program is needed. This workforce provides capacity to achieve the two goals and provides capacity to respond to ongoing and future forest health issues in southern Oregon, and participate in fire response resulting from forest health conditions. The staffing levels proposed are based on an investment of \$5,000,000 for eradication treatment. Staffing is commensurate with SOD program funding levels and would adjust during future biennium based on funding.	\$1,432,625	\$0	\$955,084	\$0	\$2,387,709	7	7.00
152	Private Forests	Expanded Capacity for Sudden Oak Death Program	To meet two goals for the Sudden Oak Death (SOD) program, (1) continue to slow the spread of the NA1 strain (2) contain the EU1 strain to a small geographic area, an expanded multi-agency and all-lands forest health program is needed. This workforce provides capacity to achieve the two goals and provides capacity to respond to ongoing and future forest health issues in southern Oregon, and participate in fire response resulting from forest health conditions. The staffing levels proposed are based on an investment of \$5,000,000 for eradication treatment. Staffing is	\$6,973,137	\$0	\$0	\$0	\$6,973,137	9	9.00



**Oregon Department of Forestry**  
**2021-23 Policy Option Packages**

Package#	Program	Title	Enhancement Package Description	Agency Request Budget						
				General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
			commensurate with SOD program funding levels and would adjust during future biennia based on funding.							
160	Partnership and Planning	Forests Climate Change Mitigation and Adaptation	The policy option package focuses on Governor's Brown's Executive Order 20-04 Directing State Agencies to Take Action to Reduce and Regulate Greenhouse Gas Emissions specifically includes the Oregon Department of Forestry (ODF) and directs ODF to exercise any and all authority and discretion vested in them by law to help facilitate Oregon's greenhouse gas (GHG) emission reduction goals. EO 20-04 also states that to the full extent allowed by law, ODF shall consider and integrate climate change, climate change impacts, and the state's GHG reduction goals into our planning, budgets, investments, and policymaking decisions. While carrying out this directive, ODF should prioritize actions that reduce GHG in a cost-effective manner, prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts; and consult with the Environmental Justice Task Force. The literature on forest climate mitigation identifies key actions that can improve climate benefits from forestry, afforestation, improved forest management, improved utilization of harvest and wood processing residuals, and increased use of wood in long-lived products. This policy option package addresses all four of those key actions.	\$3,230,574	\$0	\$0	(\$305,568)	\$2,925,006	9	9.00
161	Partnership and Planning	Implementing Shared Stewardship	In 2013, the state legislature initiated Oregon's Federal Forest Restoration (FFR) Program. In 2016, Governor Brown signed	\$3,212,185	\$0	\$0	\$0	\$3,212,185	19	19.00



## Oregon Department of Forestry 2021-23 Policy Option Packages

Package#	Program	Title	Enhancement Package Description	Agency Request Budget						
				General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
			Oregon's Master Good Neighbor Authority (GNA) Agreement. To date, ODF has GNA agreements in place to implement \$9 million of projects, including 18 timber sales totaling 30 million board feet. The actualization of GNA has overwhelmed existing ODF staff capacity authorized in the FFR program budget. The agency initiative proposed during the development of ODFs Agency Request Budget for the 2019-2021 biennium recognized the need to increase capacity to implement work through GNA. Southern Oregon Area has already permanently borrowed two positions from Private Forests to staff two GNA Forester positions. With Shared Stewardship and recommendations expected from the Governor's Council on Wildfire Response both the opportunities and expectations for ODF to staff up significantly to implement projects across both public and private lands will grow exponentially over the 2021-2023 biennium							
170	Agency Administration	Deferred Maintenance	Proposes a deferred maintenance package to address on-going deferred maintenance of the Agency's infrastructure. The 2017 Legislature passed Senate Bill 1067 requiring all agency's to include at least 2% of the current replacement value in the Agency Request Budget.	\$516,202	\$0	\$4,885,000	\$0	\$5,401,202	0	0.00
171	Agency Administration	Firefighter Life Safety	This policy option package supports the agency's critical life safety communication and location tracking for firefighters and emergency response efforts through operation and maintenance of wireless communication systems, equipment, resources, and infrastructure. Strategic investments are needed in our life safety	\$0	\$0	\$527,360	\$0	\$527,360	2	2.00



**Oregon Department of Forestry**  
**2021-23 Policy Option Packages**

Agency Request Budget										
Package#	Program	Title	Enhancement Package Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
			communications to ensure business continuity across multiple platforms, align with technological advances in the field, address critical infrastructure deficiencies, and enhance interoperability and standardization across the network.							
172	Agency Administration	Diversity, Equity, & Inclusion	This policy option package is multi-faceted in addressing capacity needs that often overlap in furthering agency strategies on diversity, equity and inclusion, environmental justice, enhanced sustainability and Government to Government Leadership. The Department of Forestry requires additional capacity to address statutory requirements in the issues described above and fully integrate strategies and best practices into agency culture and business management.	\$0	\$0	\$453,315	\$0	\$453,315	2	2.00
173	Agency Administration	Administrative Modernization	This concept continues to align administrative functions across the agency it has become clear that many processes and information systems are operating within disparate silos, lack of standardization, outdated technology, and limited capability to adapt to improving business practices. In addition, the agency's ability to provide contemporary services in a dynamic and fluid environment is hampered by staffing constraints. Investment in modernization of these outdated processes, information systems and agency-wide data management integrity is critical to reduce risk and liability to agency, and support responsible resource use, innovative growth, streamlined business practice improvements, and optimum efficiency in	\$0	\$0	\$1,485,993	\$0	\$1,485,993	7	7.00



**Oregon Department of Forestry  
2021-23 Policy Option Packages**

Agency Request Budget											
Package#	Program	Title	Enhancement Package Description	General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE	
			transparent, state government service delivery.								
174	Agency Administration	Facilities Capital Management Program Capacity	This concept addresses the workload capacity needs within the Facilities Capital Management Program. The components of this strategic initiative are integral to the responsive adaptation, recurring maintenance, and investments required to manage this extensive network of facilities in Salem and the field.	\$0	\$0	\$1,120,091	\$0	\$1,120,091	5	5.00	
175	Agency Administration	Toledo Facility Replacement Extension*	This concept proposes additional funding to replace the aging ODF Unit Office Facilities Compound located in Toledo. This project was initially evaluated to be part of a larger co-locate project with the Oregon Department of Transportation (ODOT). The original policy package was approved in the 2017-19 biennium. Due to budgetary constraints, ODOT has decided to remain at its ONA Beach facility and is currently scoping further improvements of its existing site to meet its current and future programming needs. ODF will not be able to co-locate with ODOT at the Ona Beach facility due to strategic/geographical programming needs. The additional funding request accounts for four years of construction cost(s) escalation since the conceptual cost estimate was completed in 2016.	\$64,310	\$0	\$1,764,358	\$0	\$1,828,668	0	0.00	
				TOTAL	\$57,600,873	\$0	\$5,701,912	\$(305,568)	\$62,997,217	100	100.00

\*New Policy Option Package Added since April 2020 Board of Forestry Meeting

## **STAFF REPORT**

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Agenda Item No:	4
Work Plan:	Climate Change and Forest Carbon
Topic	Analysis of Statutes and Administrative Rules
Presentation Title:	Evaluate Board's Authority and Constraints on Climate Change Policy
Date of Presentation:	June 3, 2020
Contact Information:	Danny Norlander, John Tokarczyk Partnership & Planning Program

### **SUMMARY AND CONTEXT**

Staff will present information and review potential questions on the Board of Forestry (Board) statutory authority and constraints related to climate change. This presentation will include potential questions that staff have developed based on a reading of the statutes and previous input from the Board. The review is the initial step in the climate change work. The authority and constraints review will provide information for a further analysis of administrative rules under the Board's purview. We have allocated time for discussion and guidance to staff who will work with the Department of Justice (DOJ) to conduct the statutory review.

### **BACKGROUND**

Beginning in 2019, the Board reviewed completed work dating back to 2015 on climate policy and reviewed how ODF Divisions have incorporated climate change into operations. Throughout the year, Board members identified several specific topics of interest, including, but not limited to:

- Impact of climate change on forest water quality, including riparian buffer widths
- Sufficiency of the Forest Practices Act under future climate conditions
- Strategic investments in climate mitigation and adaptation on State Forests
- Policy choices and analysis tools to optimize long-term carbon storage, including forest management and wood products utilization
- Development of a forest carbon offset protocol
- Revision of the Forestry Program for Oregon climate goal and objectives

At its January 2020 meeting, the Board discussed work plan topics related to climate change and forest carbon as part of the Overarching Issues work plan. In response, Department staff developed a specific Climate Change and Forest Carbon work plan to house various elements of the Board's work on the topic, rather than to include specific items within division work plans.

This agenda item is the product of initial staff work to identify key statutory authority questions to address the topics in the Climate Change and Forest Carbon work plan.

## **ANALYSIS**

The Oregon Legislature established the Department and Board in Oregon Revised Statutes (ORS) 526.008 and 526.009, respectively. ORS 526.016 states that the Board shall supervise all matters of forest policy and management under the jurisdiction of this state. The Board may appoint advisory committees to make recommendations concerning any function vested by law in the board. The Legislature has vested forests and forest products functions in the Department and Board through ORS Chapters 526, 527, 530, 532 and fire protection of forests functions in ORS Chapter 477.

The vested functions cover a wide range of topics from administrative, e.g., Funds and Finances, Management of Equipment and Property, to establishing programs, e.g., Forest Practices Act (FPA), State Forests, Fire Protection, landowner assistance, and Urban and Community Forestry. Other functions are specific to processes, e.g., Forestland Classification, Community Forest Authorities, Integrated Pest Management, Forestry Carbon Offsets, and Branding of Forest Products.

Some of the function have an explicit statement that define the public policy of the State of Oregon or a statement of findings. Some of these policy statements grant the Department and Board broad authority, while others are more specific. Some programs, e.g., landowner assistance, and Urban and Community Forestry, allow or require action, but do not grant regulatory authority. For example, the Urban and Community Forestry requires the Department to provide technical assistance, but does not allow regulations of communities engaged in urban forestry. The Department's primary regulatory programs are the Forest Practices and Fire Protection programs.

The legislature created a clear nexus with climate change and forest carbon in several functions, e.g., the Forestry Carbon Offsets and Forest Resource Trust. These authorities are clear and do not require DOJ review. ORS 530.500(8) allows State Forests to establish a forestry carbon offset program and therefore considers forest carbon as a benefit produced by the management of State Forests. Other programs, e.g., landowner assistance, and Urban and Community Forestry, do not have an explicit nexus with climate change in their policy statements, but either have a board statement about benefits and/or are included in the statutes on carbon offsets. In these programs, the Department is already supporting climate change policies. The regulatory programs do not have a clear nexus with climate change and have questions regarding how the Board can consider climate change, e.g., in establishing water protection rules in the Siskiyou.

## **RECOMMENDATION**

The Department recommends providing questions outlined in attachment one to the Department of Justice (DOJ) for statutory review and analysis. DOJ will provide their analysis at a later board meeting. Questions should be limited to the Board's ability to conduct rulemaking in relation to climate change, given what is known and what is projected. We will analyze administrative rules specific to our programs later, as outlined in the Climate Change and Forest Carbon work plan.

## **NEXT STEPS**

1. Staff will work with the DOJ to obtain answers to the desired statutory authority questions.
2. Staff and DOJ will present the findings to the Board at a later board meeting.
3. Analysis of current administrative rules and can commence once DOJ review is completed.

## **ATTACHMENTS**

- (1) Potential questions the Department may pose to the Department of Justice in relation to Board of Forestry statutory authority

**Potential questions the Department may pose to the Department of Justice in relation to Board of Forestry statutory authority**

<b>Question:</b>	<b>Statute:</b>	<b>Rationale:</b>
Does the authority to supervise all matters of forest policy and management include establishing climate change and forest carbon goals? Is carbon storage and sequestration included in "management of all forestlands in Oregon should be encouraged to provide continuous production of all forest benefits?"	526.016 526.460	If statute is to maximize benefits, and climate mitigation is included in those benefits, then including carbon considerations could be the policy of the state.
Does the Board have the authority to regulate forest carbon under the Forest Practices Act?	527.710	Need to determine if the duties and powers of Board to make rules to provide for the overall maintenance of resources include forest carbon and or climate change.
Can the Board adopt forest practices rules based on future projections or models, or does there need to be a measurable degradation currently?	527.714	Need to determine the statutory time period and the type of data and information the Board can use in rule making.
The Good Neighbor Authority (GNA) policy, ORS 526.274(3), list specific outcomes for pursuing projects. Does this specificity limit applications to climate change?	526.274 526.272	ORS 526.274(3) grants the Board authority to establish the goals and objectives for federal forest management. Increasing utilization of GNA may require clarification. Need to clarify the types of management goals allowed when working with federal partners under GNA?

## **STAFF REPORT**

Agenda Item No.:	5
Work Plan:	Private Forests
Topic:	Water Quality
Presentation Title:	Request for Temporary Rule in the Siskiyou Georegion
Date of Presentation:	June 3, 2020
Contact Information:	Kyle Abraham, Private Forests Division Chief 503-945-7482 <a href="mailto:Kyle.Abraham@oregon.gov">Kyle.Abraham@oregon.gov</a>

### **SUMMARY**

This agenda item outlines a recent request from external parties to the Board of Forestry asking for a pause in the Siskiyou Streamside Protections Review and to implement a temporary rule. These external parties have committed to collaborating by developing a memorandum of understanding (MOU). They state that their request is in the public interest because it will benefit water quality and support their work towards future legislation. The temporary rule would enact stream protections on small and medium fish bearing streams in the Siskiyou georegion consistent with stream protection rules on salmon, steelhead, and bull trout streams already in effect in the rest of western Oregon.

### **CONTEXT**

The Board's 2011 *Forestry Program for Oregon* states that the Board supports an effective, science-based, and adaptive Oregon Forest Practices Act (FPA) as a cornerstone of forest resource protection on private lands in Oregon (Objective A.2). The discussion of Goal A recognizes that the FPA includes a set of best management practices to ensure forest operations are conducted to meet state water quality standards adopted under the federal Clean Water Act. The Board's guiding principles and philosophies includes a commitment to continuous learning, evaluating and appropriately adjusting forest management policies and programs based upon ongoing monitoring, assessment, and research (Value Statement 11).

The Board's 2011 *Forestry Program for Oregon* also recognizes the dynamic nature of Oregon's forests, which are diverse, dynamic, and resilient ecosystems at a landscape scale (Value Statement 2). The Board supports actively managing these forests to maintain forest health, to conserve native plant and animal species, and to produce the products and benefits people value (Value Statement 4).

### **BACKGROUND**

In February 2020, representatives of the forest industry and representatives of environmental interests announced their collaboration by reaching agreement on a MOU. The MOU outlined several key elements for a collaborative approach to forest management decisions in Oregon. One of these elements was to enact legislation that would extend

current rules for salmon, steelhead, and bull trout streams to the Siskiyou Georegion. Ultimately, there was no passage of this legislation during the 2020 session. The parties remain committed to the MOU and enabling legislation and recently announced that recommitment with the Governor.

## **ANALYSIS**

On May 15, the Board of Forestry received a letter from the signatories of the MOU requesting the Board adopt a temporary rule to extend the current rules for salmon, steelhead, and bull trout streams to the Siskiyou Georegion. The letter also requests a pause to the Siskiyou Streamside Protection review.

The Department has completed preliminary analysis on the process to adopt a temporary rule. The Board would rely on its rulemaking authority under ORS 527.710 and on ORS 183.335(5) for adopting a temporary rule. The process laid out in ORS 527.714 does not apply to temporary rules. There are several steps to prepare for the adoption of a temporary rule and depending upon Board direction the Department will finalize these steps to implement a temporary rule. In general, the Department will need to prepare a statement of findings that the temporary rule is in the public interest and failure to act promptly would result in serious prejudice to the public interest or the interest of the parties concerned, in this case the parties to the MOU. The Department would also need to prepare a citation to the Board's statutory authority (ORS 527.710), a statement of need for the rule, and a list of principal documents relied upon in considering the need for the temporary rule, in this case the letter dated May 15 (attachment 1) is the principal document relied upon.

The Department would also pause the Siskiyou Streamside Protection Review. And would not present information to the Board for a sufficiency decision on the effectiveness of the current riparian rules on small and medium fish bearing streams in the Siskiyou Georegion. However, a limited amount of work would continue in order to complete the Siskiyou Streamside Protection Review: Summary of Literature Review. The Department recently completed a draft of this report and is working to incorporate comments from several members of the Siskiyou Advisory Committee. The Department anticipates completing this work and presenting it to the Board at a future meeting as information only agenda item.

## **RECOMMENDATION**

- (1) The Department recommends the Board direct the Department to finalize the materials needed to adopt a temporary rule following the process outlined in ORS 183.335(5).
- (2) The Department also recommends the Board direct the Department to pause the Siskiyou Streamside Protection Review except for a limited amount of work to finalize the literature review summary report.

## **NEXT STEPS**

Depending upon Board direction the department will work to complete the process to implement a temporary rule and pause the Siskiyou Streamside Protection Review.

## **ATTACHMENTS**

- (1) Letter to Board of Forestry to Consider a Temporary Rule and Pause Siskiyou Streamside Protection Review.

May 15, 2020

Dear Chair Imeson and Board of Forestry members,

We write today as representatives of the signatories to the historic forestry Memorandum of Understanding (“MOU”). We are reaching out to the Oregon Board of Forestry (“Board”) to request that the Board adopt a temporary rule to implement the 2017 Salmon, Steelhead and Bull trout (SSBT) stream rules in the Siskiyou Georegion. We make this request in the spirit of the MOU and believe such a temporary rule will provide benefits to water quality.

In January of this year, we jointly embarked on a series of meetings facilitated by Governor Brown to explore the possibility of setting aside past conflicts to chart a new, collaborative course toward science-based updates to forest management in Oregon. That effort produced the historic MOU, which was reaffirmed by all parties and the Governor in April of this year. The MOU shaped implementing legislation that was widely supported by members of both parties in the 2020 legislative session. MOU signatories remain committed to passing this legislation at the earliest opportunity, which would:

- Drive a process for Oregon to update its timber practices that strives for endorsement by federal wildlife agencies, signifying that the state’s forest practices are protective of threatened and endangered species, including Oregon’s iconic salmon.
- Create a first-of- its -kind public notice system for helicopter pesticide applications to build confidence through transparency with forest neighbors, who will be eligible to receive real-time notification of upcoming helicopter pesticide applications.
- Expand protected helicopter pesticide application buffers around drinking water, homes, and schools.
- Apply the Salmon, Steelhead, and Bull Trout (“SSBT”) stream buffer regulations adopted in 2017 for western Oregon to the Siskiyou Georegion.

We were pleased that the Board of Forestry expressed unilateral support for the MOU at your February meeting and conveyed a willingness to help. In this vein, we come to you with this request in the spirit of the MOU for the Board to adopt a temporary rule to implement the 2017 Salmon, Steelhead and Bull trout (SSBT) stream rules in the Siskiyou Georegion.

The Board adopted SSBT stream rules in 2017 for the majority of western Oregon but excluded the Siskiyou Georegion. While the parties to the MOU continue to work on the proposed legislation, the department also is working through a Siskiyou stream rules analysis process. ODF is performing this work under pressure from administrative and staffing challenges related to the current pandemic and imminent fire season. Given that an immediate Siskiyou rule change is broadly supported as part of the in-progress MOU legislation, and that such a rule could further change as part of the longer-term MOU work, it seems prudent to avoid continued, unnecessary work on this same subject by the Board and department.

In that light, we request that the Board pass a temporary rule to become effective at the earliest date possible consistent with prudent administration of forest practices. The temporary rule would allow speedy adoption of the 2017 SSBT stream rule in the Siskiyou Georegion and forego the sufficiency

decision scheduled for July. This step would provide resource benefits sooner, avoid a process likely to reignite acrimony between parties already working towards a mutual goal, and conserve limited state resources. We respectfully request that the final expanded Siskiyou literature review still be presented to the Board as an information item no later than September because it is the culmination of considerable work by ODF monitoring staff, and may be relevant to the science-based policy change conversations envisioned by the MOU moving forward.

We appreciate your strong consideration of our request and thank you for your interest and support for the MOU effort.

Greg Miller, for Forest Industry Signatories

Campbell Global  
Greenwood Resources  
Hampton Lumber  
Hancock Natural Resource Group  
Lone Rock Resources  
Oregon Small Woodlands Assn.  
Port Blakely  
Pope Resources  
Roseburg Forest Products  
Seneca Sawmill Co.  
Starker Forests  
Stimson Lumber  
Weyerhaeuser Company

Bob Van Dyk, for Fish and Conservation Signatories

Audubon Society of Portland  
Beyond Toxics  
Cascadia Wildlands  
Klamath Siskiyou Wildlands Center  
Northwest Guides and Anglers Assn.  
Oregon League of Conservation Voters  
Oregon Stream Protection Coalition  
Oregon Wild  
Pacific Coast Federation of Fishermen's  
Associations  
Rogue Riverkeeper  
Trout Unlimited  
Umpqua Watersheds  
Wild Salmon Center

Cc: Governor Kate Brown  
Peter Daugherty, State Forester  
Oregon Environmental Quality Commission  
Richard Whitman DEQ Director

## **STAFF REPORT**

Agenda Item No.:	6
Work Plan:	Fire Protection
Topic:	Ongoing Topic; Fire Season Readiness and Forecast
Presentation Title:	2020 Fire Season Outlook and Readiness Report
Date of Presentation:	June 3, 2020
Contact Information:	Doug Gafe, Chief, Fire Protection Division 503-945-7204 <a href="mailto:doug.grafe@oregon.gov">doug.grafe@oregon.gov</a> Ron Graham, Deputy Chief, Fire Protection Division 503-945-7271 <a href="mailto:ron.graham@oregon.gov">ron.graham@oregon.gov</a> Nick Yonker, Meteorology Manager, Fire Protection Division 503-945-7451 <a href="mailto:nick.j.yonker@oregon.gov">nick.j.yonker@oregon.gov</a>

### **SUMMARY**

Oregon revised statutes define the Department's Fire Protection policy, which requires a complete and coordinated system. This system relies on the partnership between the Department and forest landowners with a commitment to ongoing communication and collaboration with many other state and federal agencies. Fire management leaders from the Department will provide a briefing on some of the ongoing coordination and an up to date fire season status report during this agenda item. A weather forecast and fire season outlook will also be included in this agenda item.

## **STAFF REPORT**

Agenda Item No.:	7
Topic:	Forest Trust Land Advisory Committee
Presentation Title:	FTLAC Testimony to the Board of Forestry
Date of Presentation:	June 3, 2020
Contact Information:	David Yamamoto, Tillamook County Commissioner

On behalf of the Forest Trust Land Advisory Committee (FTLAC), comments and additional information provided on State Forest Lands business.

## **STAFF REPORT**

Agenda Item No.:	8
Work Plan:	State Forests
Topic:	Annual Operations Planning
Presentation Title:	State Forests Annual Operations Plan Process Overview
Date of Presentation:	June 3, 2020
Contact Information:	Ron Zilli, State Forests Planning and Coordination Deputy Division Chief <a href="mailto:Ron.F.Zilli@Oregon.gov">503-741-1098, Ron.F.Zilli@Oregon.gov</a>

### **SUMMARY**

This is an information item to provide an overview of the planning process used to align State Forests Annual Operations Plans with Forest Management Plans and Implementation Plans.

### **CONTEXT**

At the request of the Board, staff will explain the Annual Operations Planning process, including how this process fits into and relates to overall planning processes. Staff will describe how annual planning decisions are consistent with the goals and strategies in the current Forest Management Plans and Implementation Plans. Staff will provide a brief synthesis of and preliminary responses to the range of public comments received on the fiscal year 2021 Annual Operations Plans.

### **RECOMMENDATION**

Information only.

### **ATTACHMENTS**

None

## **STAFF REPORT**

Agenda Item No.:	9
Work Plan:	Administrative
Topic:	Financial Dashboard
Presentation Title:	Financial Dashboard Projected Design Review and Update
Date of Presentation:	June 3, 2020
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a> James Short, Assistant Deputy Director for Administration (503) 945-7275 <a href="mailto:james.short@oregon.gov">james.short@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to provide an update on the Department of Forestry's current fiscal status.

### **CONTEXT**

As the agency continues to modernize its financial systems and build an integrated reporting framework, the Board has requested review of the projected dashboard design to ensure it presents the appropriate financial information desired from across the agency, including but not limited to review of large fire cost recoveries, accounts receivables, revenue, cash flow and budgetary streams.

### **BACKGROUND**

The Department of Forestry's 2019-21 Legislatively Approved Budget consists of \$418.2 million total funds and 848.99 full-time equivalent positions. Sixty-eight percent of the budget is funded with Other Fund revenues, including the state's share of timber sale proceeds, a variety of landowner assessments, and forest products harvest tax. Twenty-three percent of the budget is funded with state General Fund dollars, eight percent with federal revenues, and one percent with Lottery Funds.

Department staff continuously monitor the agency's revenues and expenditures for all programs. Staff also generate periodic projections for major revenue sources and cash account balances. Agency expenditures are adjusted, if required, based on the revenue projections.

### **RECOMMENDATION**

This agenda item is for information only. Board discussion and feedback will further inform dashboard elements, staff report content, and direct timing for regular reporting intervals.

### **ATTACHMENT**

(1) 2019-21 Revised Financial Dashboard (*available one week before the Board meeting*).

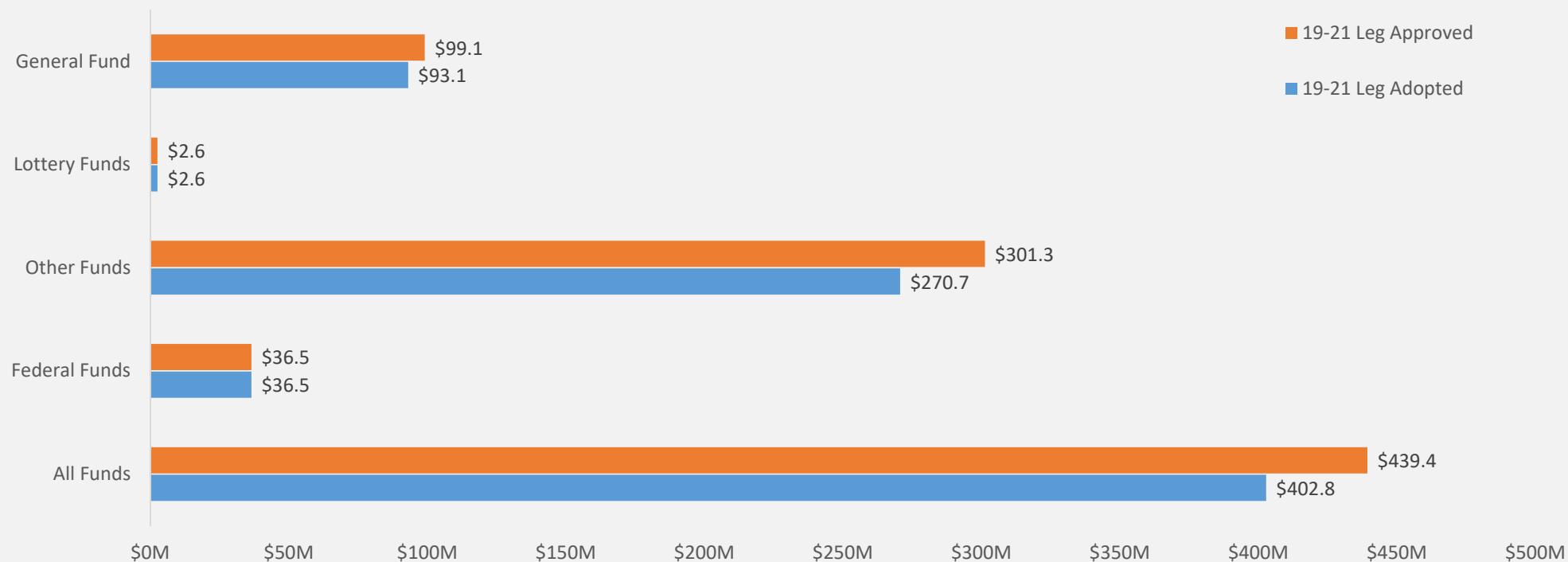
# Financial Dashboard Projected Design Review and Update

Bill Herber & James Short

# Economic Forecast – June 2020

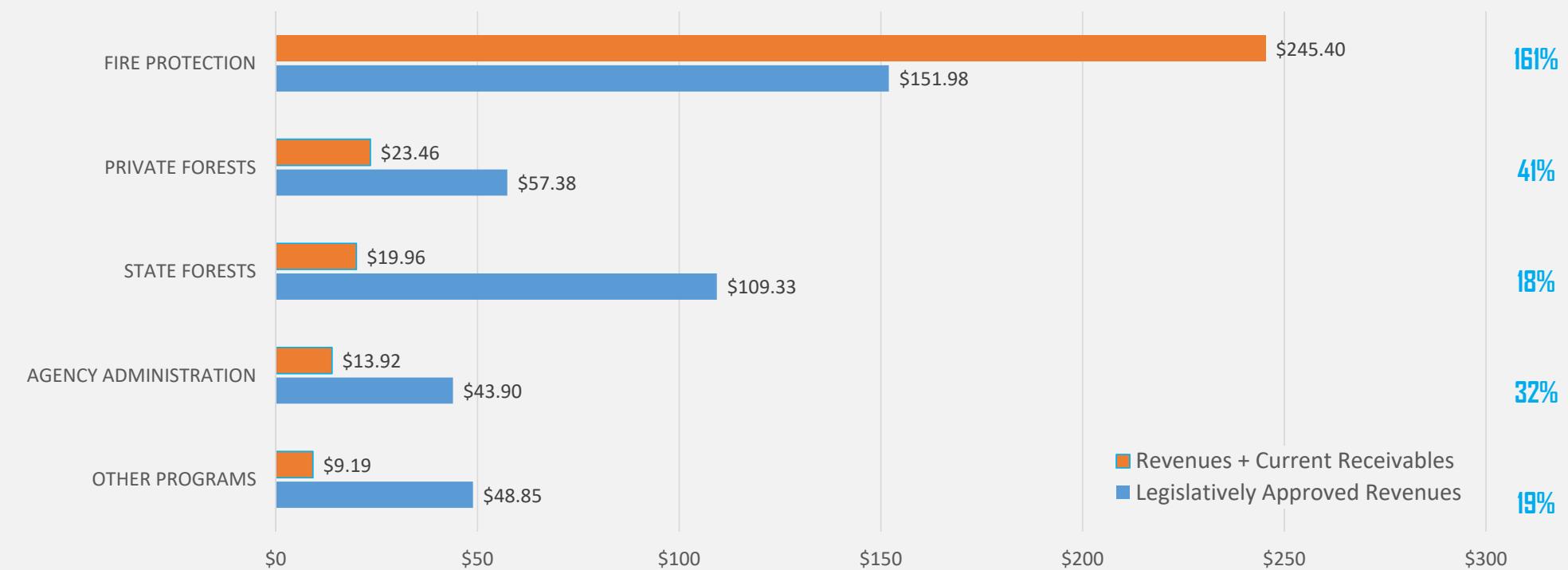
- \$2.7B revenue reduction in 19-21 biennium
- \$4.4B revenue reduction in 21-23 biennium
- For statewide Current Service Level
  - Effectively 6% reduction in 19-21 biennium
  - 18% reduction in 21-23 biennium
- \$1.6B currently in state reserves, Educational Stability Fund and Rainy Day Fund
  - For more information, Office of Economic Analysis at <https://www.oregon.gov/das/oea>

# 2019-21 Legislatively Adopted Budget v. Approved by Fund Type (Total \$439,368,389 up from \$402,780,492)

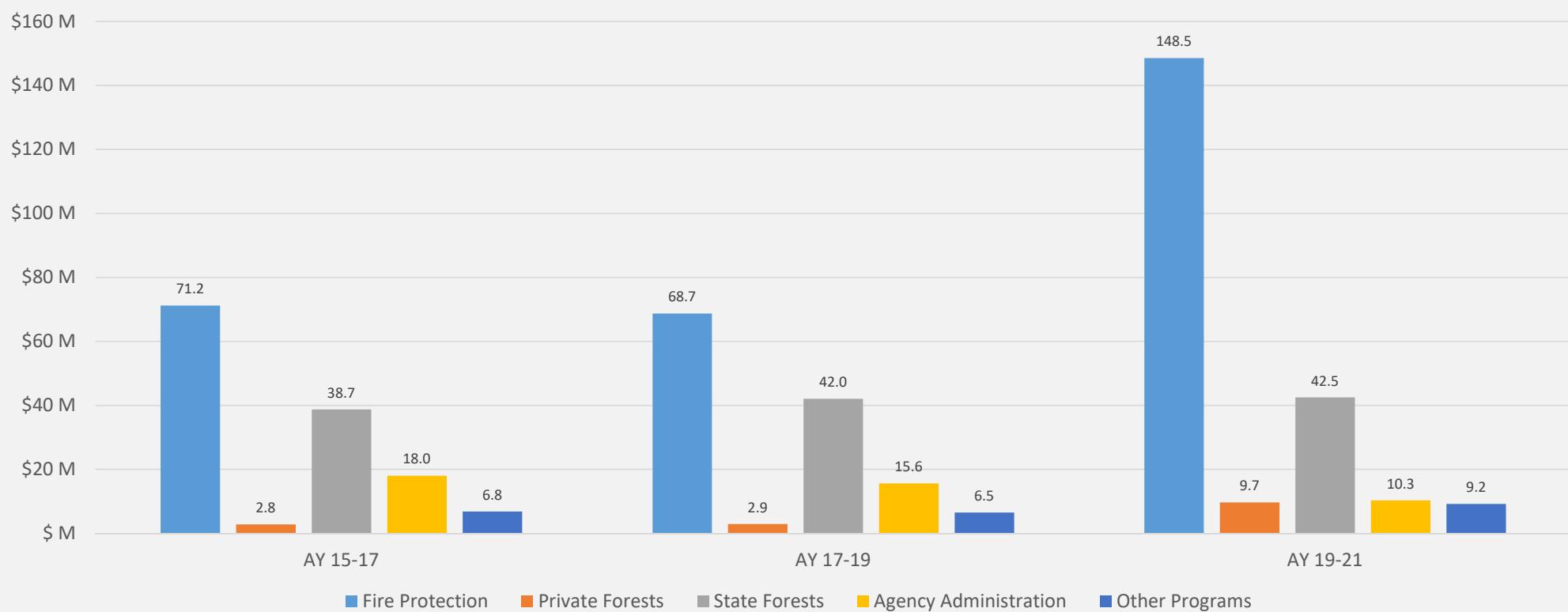


# Revenues to Date v. 2019-21 Biennial Budget

38% Biennium Lapsed (in Millions)

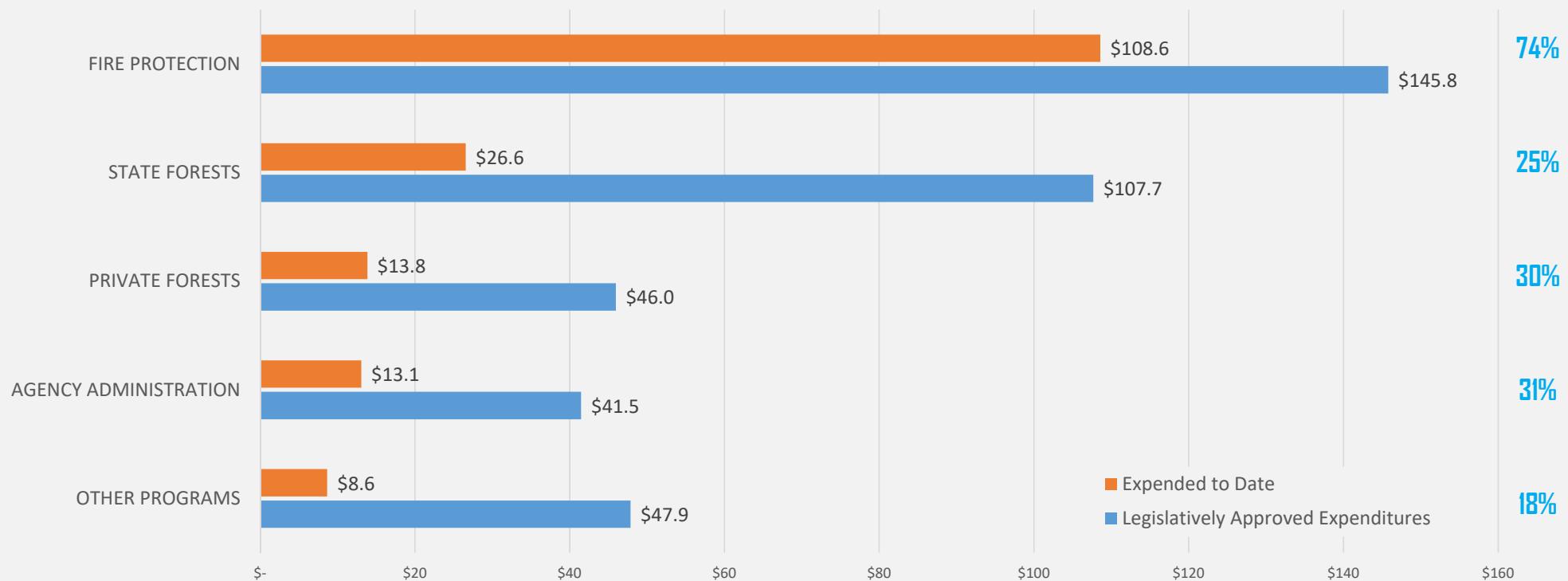


# Gross Revenues Comparison Across Biennia

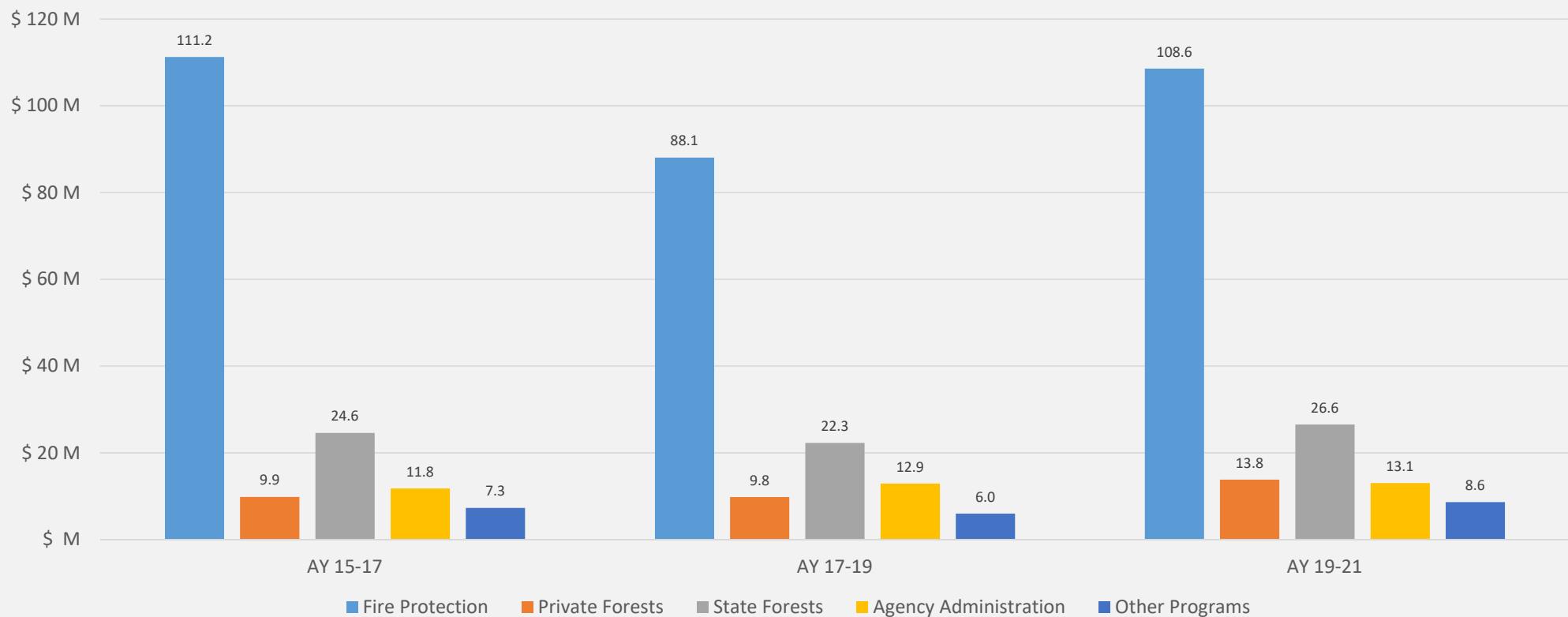


# Expenditures to Date v. 2019-21 Biennial Budget

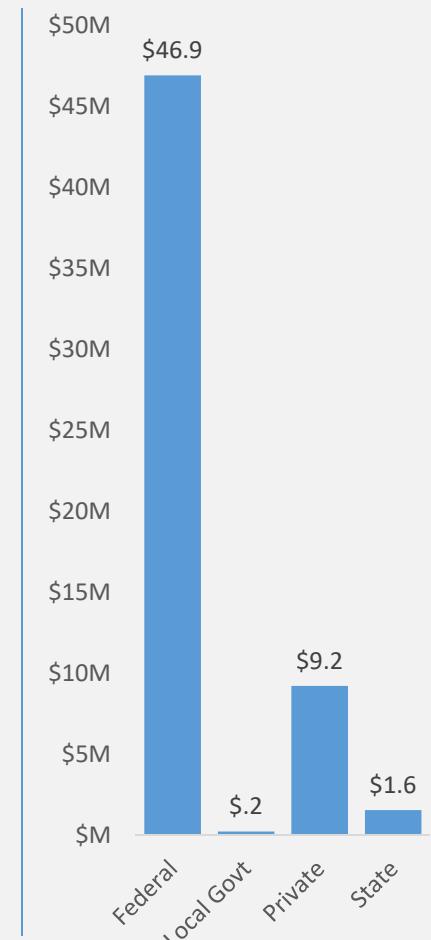
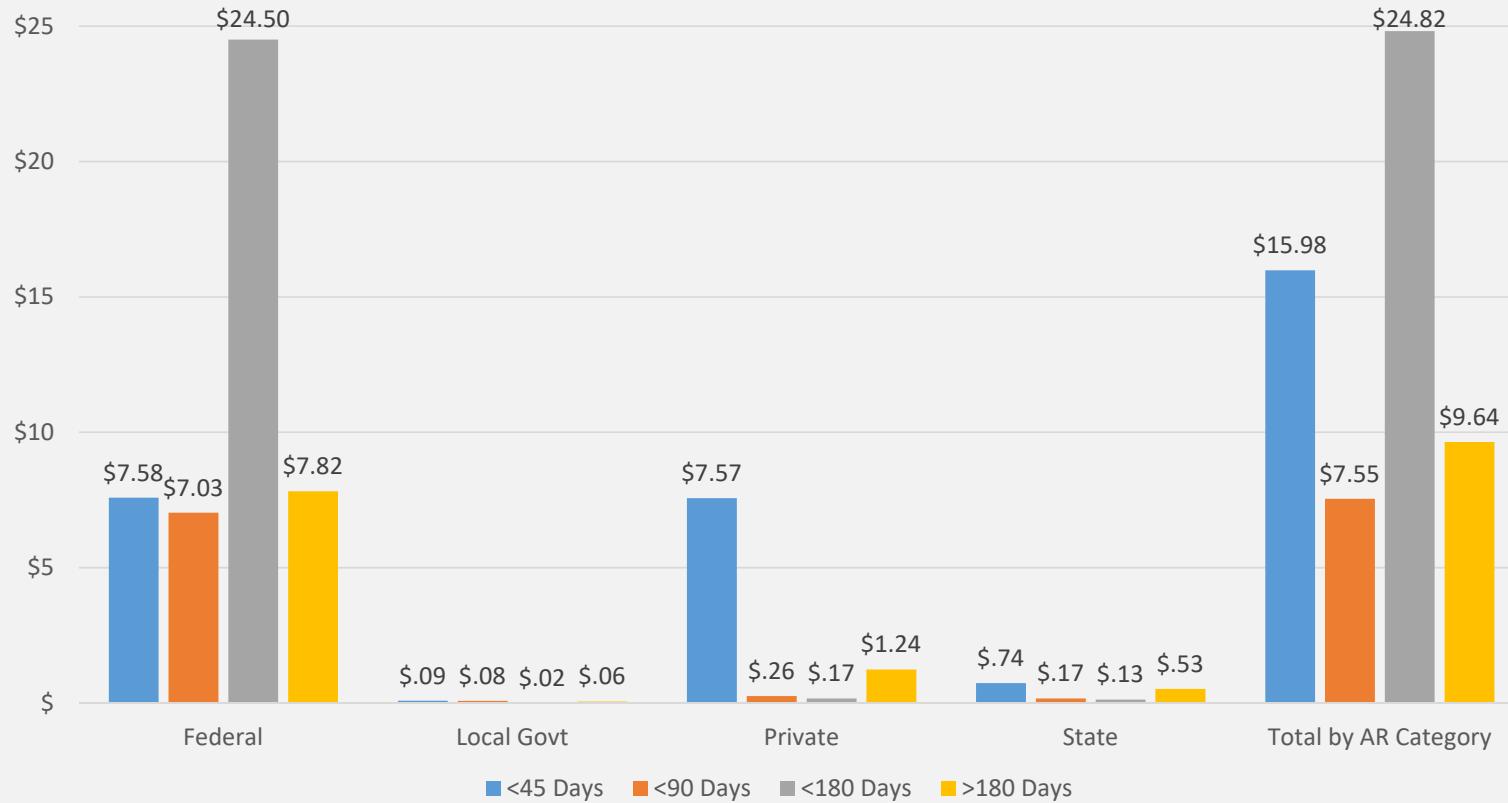
38% Biennium Lapsed (in Millions)



# Expenditures Comparison Across Biennia



# Accounts Receivables - \$57,990,671



# Fire Protection Financial Summary (Large Fire AR)

Fire Seasons	2013	2014	2015	2016	2017	2018	2019	Total
Fire Costs	112.13	77.08	76.64	20.87	61.72	109.18	37.19	494.81
Received To-date	(112.12)	(75.43)	(63.12)	(18.77)	(51.76)	(76.55)	(13.06)	(410.81)
Amount Invoiced	(0.01)	(0.85)	(10.74)	(2.82)	(4.38)	(25.83)	(11.45)	(56.08)
Outstanding to Invoice/Reconcile	-	(0.80)	(2.78)	0.72	(5.58)	(6.80)	(12.68)	(27.92)

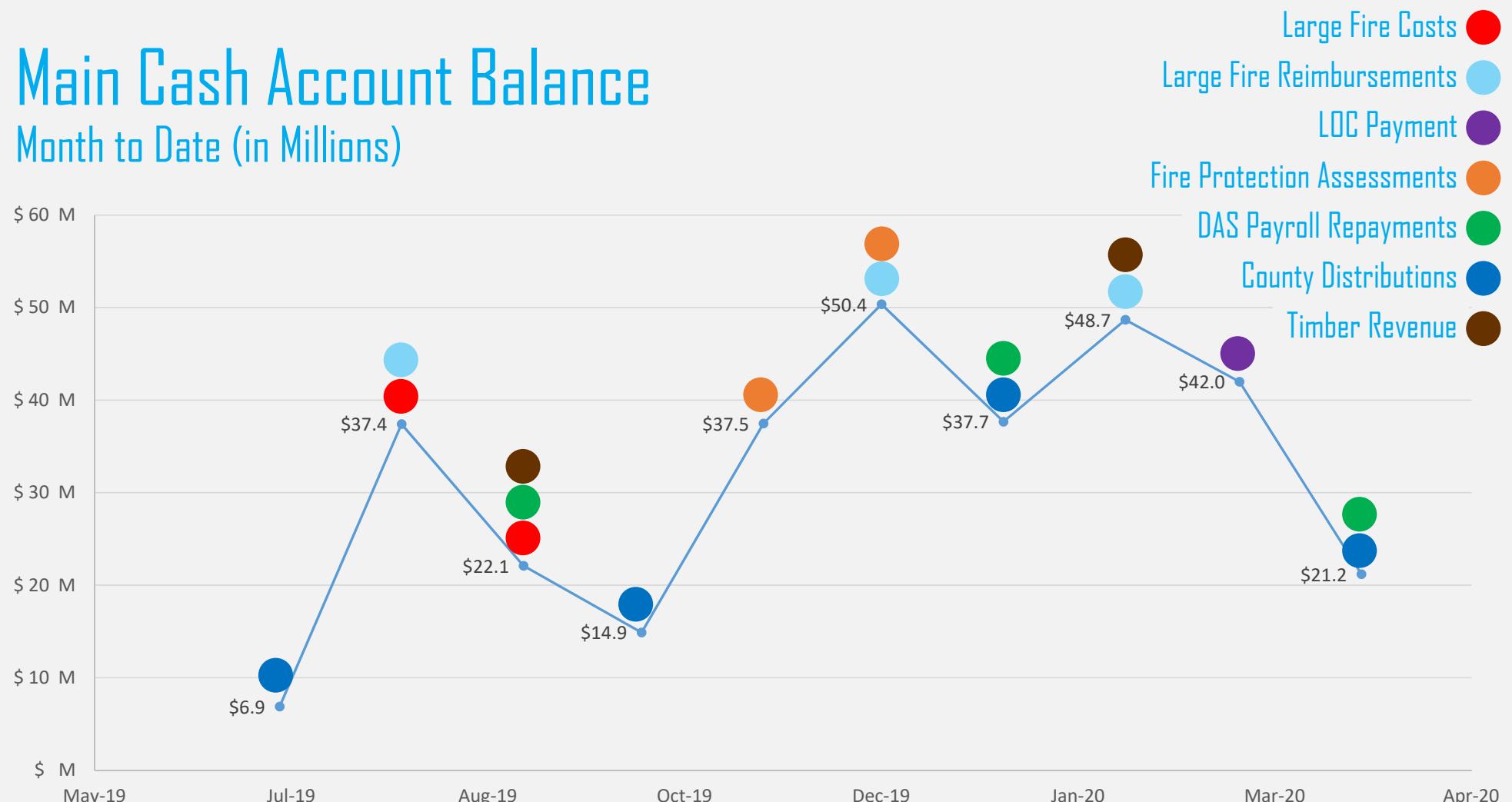
\* Red indicates estimates

# Accounts Payable - \$879,640

	< 45 days	< 180 days
Federal Government	\$42,550	
State Government	\$62,991	
Local Government	\$27,995	
Private	\$745,854	\$250
<b>Totals</b>	<b>\$879,390</b>	<b>\$250</b>

# Main Cash Account Balance

Month to Date (in Millions)



# Cash Projection Runway (Low Fire Season, \$20M)



June 3, 2020

Board of Forestry – Administration Update

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**OREGON DEPARTMENT OF FORESTRY  
AGENCY-WIDE REVENUE BY PROGRAM AND FUND  
BIENNIAL TO DATE THROUGH MARCH 2020 FOR AY 2021**

PROG	Program Title	Cash Revenue to Date	Accrued Revenue to date	Net Transfers to Date	Total Revenue to Date
<b>Program 0 - Agency Administration</b>					
0100	GENERAL FUND REVENUES	8,878	19,407	0	28,285
1190	GENERAL FUND - FEDERAL FOREST HEALTH	0	0	0	0
2500	AGENCY ADMINISTRATION CENTRAL OPERATIONS	273,523	579,494	8,148,367	9,001,384
2600	COOPERATIVE ADMINISTRATION**	76,488	135,835	0	212,323
2604	FEDERAL FOREST HEALTH FED AS OF (GNA)	510,232	0	0	510,232
4900	ADMINISTRATION FEDERAL FUNDS	519,019	44,506	0	563,525
4920	FEDERAL FUNDS:FEDERAL FOREST HEALTH	5,064	0	0	5,064
5900	ELLIOT STATE FOREST				0
		<b>1,393,203</b>	<b>779,242</b>	<b>8,148,367</b>	<b>10,320,812</b>
<b>Program 1 - Protection from Fire *</b>					
1120/22	GENERAL FUND - PUBLIC SHARE FIRE FUND/SEVERITY	16,743	1,617	0	18,359
1400	FOREST PATROL SLASH	10,175	0	0	10,175
4500	FOREST PATROL FEDERAL FUNDS	11,907,162	0	-9,057,406	2,849,756
6500	SMOKE MANAGEMENT	349,740	24,786	0	374,526
7100	FOREST PATROL *	-10,510,134	597,723	19,094,154	9,181,743
7200	COOPERATIVE AGREEMENTS	17,621,491	7,117,198	339,710	25,078,399
7400	FIRE PROG-NON ASSESSMENT NON FY BGT	37,013,332	43,948,977	29,008,844	109,971,153
9501	FOREST LAND PROTECTION FUND OPERATING	0	0	118,494	118,494
9510	OR FOREST LAND PROTECTION FUND	8,975,029	21,195	-8,057,707	938,517
		<b>65,383,537</b>	<b>51,711,495</b>	<b>31,446,089</b>	<b>148,541,121</b>
<b>Program 2 - Equipment Pool</b>					
3101	MOTOR POOL	4,531,318	3,787	-416,416	4,118,690
3201/2100	COMMUNICATIONS POOL	1,856,166	6,969	-206,879	1,656,255
		<b>6,387,484</b>	<b>10,756</b>	<b>-623,295</b>	<b>5,774,944</b>
<b>Program 3 - State Forest Lands</b>					
4600	STATE FOREST FEDERAL FUND	2,500	0	53,071	55,571
5100	FOREST DEVELOPMENT OPERATING FUND	46,499,984	1,782,929	-6,277,626	42,005,287
5200	FOREST REVENUE CSL	2,288,805	40	-1,887,269	401,575
		<b>48,791,288</b>	<b>1,782,969</b>	<b>-8,111,825</b>	<b>42,462,433</b>
<b>Program 5 - Private Forests</b>					
4700	FORESTRY ASSISTANCE - FF	5,211,730	651,255	0	5,862,985
5400	JE SCHROEDER SEED ORCHARD	267,075	14,449	157,746	439,269
5600	URBAN FORESTRY - OF	449	0	0	449
5801	FOREST RESOURCE TRUST	20,548	0	0	20,548
6100	FOREST PRACTICES	5,393	0	3,303,708	3,309,101
6200	FOREST ASSESSMENT - OF	0	0	0	0
6400	P&CF COOPERATIVE FORESTRY	38,511	0	0	38,511
		<b>5,543,707</b>	<b>665,704</b>	<b>3,461,454</b>	<b>9,670,864</b>
<b>Program 8a - Facilities Maintenance &amp; Development</b>					
8001	FAMADA OPERATING FUND	<b>1,770,686</b>	<b>0</b>	<b>-975</b>	<b>1,769,711</b>
<b>Program 8 - Capital Improvement/Capital Construction</b>					
2571	FAC MGMT FUND-CAPITAL IMPROVEMENT	4,424	0	0	4,424
5181	FAC MGMT FUND-FUND 51 CAP IMPROVEMENT	36,708	0	0	36,708
5280	FRA CAPITAL IMPROVEMENT	18		64	82
5481	SEED ORCHARD FAMADA CI	178	0	0	178
7181	FAC MGMT FUND-FUND 71 CAP IMPROVEMENT	168	0	0	168
		<b>41,495</b>	<b>0</b>	<b>64</b>	<b>41,559</b>
<b>Program 8.9 - Capital Construction</b>					
5157	TOLEDO FACILITY REPLACEMENT	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Program 9 - Debt Service</b>					
2651	DEBT SERVICE CIB LOTTERY GILCHRIST LAND ACQ	0	0	1,260,582	1,260,582
2660/2685/	DEBT SERVICE OTHER FUNDS	0	0	336,562	336,562
2703/5901					
2701/2705	2018A TOLEDO COI			10,830	10,830
		<b>0</b>	<b>0</b>	<b>1,607,975</b>	<b>1,607,975</b>
<b>Total All Programs</b>					
		<b>129,311,401</b>	<b>54,950,166</b>	<b>35,927,853</b>	<b>220,189,421</b>
<b>All General Funds</b>					
<b>All Other Funds (Non Limited included)</b>					
		<b>25,620</b>	<b>21,024</b>	<b>0</b>	<b>46,644</b>
<b>All Lottery Funds</b>					
		<b>111,640,306</b>	<b>54,233,382</b>	<b>43,671,606</b>	<b>209,545,294</b>
<b>All Federal Funds</b>					
		<b>0</b>	<b>0</b>	<b>1,260,582</b>	<b>1,260,582</b>
<b>Total All Fund Types / Programs</b>					
		<b>17,645,475</b>	<b>695,761</b>	<b>-9,004,335</b>	<b>9,336,901</b>
		<b>129,311,401</b>	<b>54,950,166</b>	<b>35,927,853</b>	<b>220,189,421</b>

**AGENDA ITEM 9**

**Attachment 1**



**OREGON DEPARTMENT OF FORESTRY**  
**AGENCY-WIDE EXPENDITURES BY PROGRAM AND FUND\***  
**BIENNIALE TO DATE THROUGH MARCH 2020 FOR AY 2021**

Program/ Program Title and Fund/Fund Title	Legislatively Adopted Budget	Budget Adjustments /Unsched. /Revisions*	Legislatively Approved Budget	Percentage of Biennium Elapsed:				37.50%
				Current Month Expended	Expenditure to Date	Budget Balance	Percentage of Budget Spent	Variance: % Spent less % Elapsed Over Budget (UnderBudget)
<b>Program 0 - Agency Administration</b>								
1100 GENERAL FUND - AGENCY ADMINISTRATION	0	0	0	0	0	2,516,264	22.77%	-14.73%
1190 GENERAL FUND - FEDERAL FORESTH HEALTH	3,257,943	3,257,943	14,127	741,679	22,720,307	30.60%	-6.90%	
2500 AGENCY ADMINISTRATION CENTRAL OPERATIONS	32,737,840	32,737,840	-1,152,312	10,017,533	1,216,755	43.53%	6.03%	
2600 COOPERATIVE ADMINISTRATION	2,154,819	2,154,819	215,319	938,064	261,051	50.94%	13.44%	
2604 FEDERAL FOREST HEALTH - FED AS OF	532,057	532,057	36,136	271,006	1,617,546	20.35%	-17.15%	
4900 ADMINISTRATION FEDERAL FUNDS	2,030,930	2,030,930	14,018	413,384	95,649	87.55%	50.05%	
4920 FEDERAL FUNDS:FED FORET HEALTH	768,184	768,184	86,363	672,535				
	<b>41,481,773</b>	<b>0</b>	<b>41,481,773</b>	<b>-786,351</b>	<b>13,054,201</b>	<b>28,427,572</b>	<b>31.47%</b>	<b>-6.03%</b>
<b>Program 1 - Protection from Fire</b>								
1120 GENERAL FUND - PUBLIC SHARE FIRE FUND	51,701,898	51,701,898	380,970	13,183,673	38,518,225	25.50%	-12.00%	
1122 FIRE SEVERITY FUND - GENERAL FUND	0	0	7,417	37,861,857	-37,861,857			
1400 FOREST PATROL SLASH	1,276,131	1,276,131	0	6,942	1,269,189	0.54%	-36.96%	
4500 FOREST PATROL FEDERAL FUNDS	17,711,687	17,711,687	366,457	2,808,831	14,902,856	15.86%	-21.64%	
6500 SMOKE MANAGEMENT	1,412,102	1,412,102	7,813	278,022	1,134,080	19.69%	-17.81%	
7100 FOREST PATROL	64,440,868	64,440,868	464,750	11,192,089	53,248,779	17.37%	-20.13%	
7200 COOPERATIVE AGREEMENTS	8,192,439	8,192,439	368,803	2,965,606	5,226,833	36.20%	-1.30%	
7400 FIRE PROG-NON ASSESSMENT NON FY BGT	437,898	437,898	701,074	40,365,550	-39,927,652	9218.03%	9180.53%	
9501 FOREST LAND PROTECTION FUND OPERATING	609,298	609,298	3,772	68,343	540,955	11.22%	-26.28%	
9510 OR FOREST LAND PROTECTION FUND	0	0	-160,000	160,000				
	<b>145,782,321</b>	<b>0</b>	<b>145,782,321</b>	<b>2,301,056</b>	<b>108,570,913</b>	<b>37,211,408</b>	<b>74.47%</b>	<b>36.97%</b>
<b>Program 2 - Equipment Pool</b>								
3101 MOTOR POOL	12,917,137	12,917,137	361,705	3,153,364	9,763,773	24.41%	-13.09%	
3201 COMMUNICATIONS POOL	4,806,789	4,806,789	53,822	1,264,541	3,542,248	26.31%	-11.19%	
	<b>17,723,926</b>	<b>0</b>	<b>17,723,926</b>	<b>415,527</b>	<b>4,417,905</b>	<b>13,306,021</b>	<b>24.93%</b>	<b>-12.57%</b>
<b>Program 3 - State Forest Lands</b>								
1150 GF-STATE FOREST LAND PURCHASE	0	200,000	200,000	2,368	4,015	195,985	0.020077	-35.49%
4600 STATE FOREST FEDERAL FUND	909,381	909,381	-354	125,905	783,476	13.85%	-23.65%	
5100 FOREST DEVELOPMENT OPERATING FUND	104,003,251	104,003,251	1,769,028	25,788,795	78,214,456	24.80%	-12.70%	
5200 FOREST REVENUE CSL	2,509,749	2,509,749	45,468	634,631	1,875,118	25.29%	-12.21%	
	<b>107,422,381</b>	<b>200,000</b>	<b>107,622,381</b>	<b>1,816,510</b>	<b>26,553,346</b>	<b>80,873,051</b>	<b>24.67%</b>	<b>-12.83%</b>
<b>Program 5 - Private Forests</b>								
1103 OREGON PLAN - GENERAL FUND	574,311	574,311	3,696	88,233	486,078	15.36%	-22.14%	
1104 GENERAL FUND - FORESTRY ASSISTANCE	1,631,308	1,631,308	162,829	469,123	1,162,185	28.76%	-8.74%	
1106 GENERAL FUND - FOREST PRACTICES	15,048,982	15,048,982	122,288	4,396,752	10,652,230	29.22%	-8.28%	
1107 FOREST ASSESSMENT - GF	0	0	0	0	0	0		
1144 SUDDEN OAK DEATH - GF	0	1,700,000	1,700,000	16,386	496,782	1,203,218	29.22%	-8.28%
3301 DL PHIPPS NURSERY	0	0	0	0	1,001	-1,001		
4700 FORESTRY ASSISTANCE - FF	14,063,094	14,063,094	68,953	5,734,276	8,328,818	40.78%	3.28%	
5400 JE SCHROEDER SEED ORCHARD	2,152,610	2,152,610	33,675	477,345	1,675,265	22.18%	-15.32%	
5600 URBAN FORESTRY - OF	307,093	307,093	0	0	307,093	0.00%	-37.50%	
5801 FOREST RESOURCE TRUST	1,655,720	1,655,720	0	29,928	1,625,792	1.81%	-35.69%	
6100 FOREST PRACTICES	8,546,575	8,546,575	81,062	2,026,026	6,520,549	23.71%	-13.79%	
6200 FOREST ASSESSMENT - OF	0	0	0	89,167	-89,167			
6400 P&CF COOPERATIVE FORESTRY	280,781	280,781	0	35,018	245,763	12.47%	-25.03%	
	<b>44,260,474</b>	<b>1,700,000</b>	<b>45,960,474</b>	<b>488,887</b>	<b>13,843,650</b>	<b>32,116,824</b>	<b>30.12%</b>	<b>-7.38%</b>
<b>Program 8a - Facilities Maintenance &amp; Development</b>								
8001 FAMADA OPERATING FUND	<b>5,642,619</b>		<b>5,642,619</b>	<b>62,357</b>	<b>621,302</b>	<b>5,021,317</b>	<b>11.01%</b>	<b>-26.49%</b>
<b>Program 8 - Capital Improvement</b>								
2571 FAC MGMT FUND-CAPITAL IMPROVEMENT	3,492,165	3,492,165	9,639	77,131	3,415,034	2.21%	-35.29%	
5181 FAC MGMT FUND-FUND 51 CAP IMPROVEMENT	908,920	908,920	0	36,699	872,221	4.04%	-33.46%	
5280 FRA CAPITAL IMPROVEMENT	0	0	39	295	-295			
5481 SEED ORCHARD FAMADA CI	191,351	191,351	0	12,303	179,048	6.43%	-31.07%	
7181 FAC MGMT FUND-FUND 71 CAP IMPROVEMENT	191,351	191,351	0	0	191,351	0.00%	-37.50%	
	<b>4,783,787</b>	<b>0</b>	<b>4,783,787</b>	<b>9,678</b>	<b>126,429</b>	<b>4,657,358</b>	<b>2.64%</b>	<b>-34.86%</b>
<b>Program 8 - Capital Construction</b>								
5157 TOLEDO FACILITY REPLACEMENT			<b>0</b>			<b>0</b>		
<b>Program 9 - Debt Service</b>								
1185 DEBT SERVICE GENERAL FUND	16,489,822	16,489,822	0	2,875,115	13,614,707	17.44%	-20.06%	
2651 DEBT SERVICE CIB LOTTERY GILCHRIST LAND ACQ	2,543,451	2,543,451	0	254,823	2,288,628	10.02%	-27.48%	
DEBT SERVICE OTHER FUNDS	668,774	668,774	0	347,393	321,381	51.94%	14.44%	
	<b>19,702,047</b>	<b>0</b>	<b>19,702,047</b>	<b>0</b>	<b>3,477,331</b>	<b>16,224,716</b>	<b>17.65%</b>	<b>-19.85%</b>
<b>Total All Programs</b>	<b>386,799,328</b>	<b>1,900,000</b>	<b>388,699,328</b>	<b>4,307,663</b>	<b>170,665,076</b>	<b>217,838,267</b>	<b>43.91%</b>	<b>6.41%</b>
All General Funds	88,704,264	1,900,000	90,604,264	710,079	60,117,229	30,291,050	66.35%	28.85%
All Other Funds/All Other Funds Non Limited	260,068,337	0	260,068,337	3,062,148	100,538,093	159,531,244	38.66%	1.16%
All Lottery Funds	2,543,451	0	2,543,451	0	254,823	2,288,628	10.02%	-27.48%
All Federal Funds	35,483,276	0	35,483,276	535,436	9,754,930	25,728,346	27.49%	-10.01%
<b>Total All Fund Types / Programs</b>	<b>386,799,328</b>	<b>1,900,000</b>	<b>388,699,328</b>	<b>4,307,663</b>	<b>170,665,076</b>	<b>217,839,268</b>	<b>43.91%</b>	<b>6.41%</b>

**AGENDA ITEM 9**

Attachment 1

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## **STAFF REPORT**

Agenda Item No.:	10
Work Plan:	Administrative
Topic:	Human Resources Dashboard
Presentation Title:	Human Resources Dashboard
Date of Presentation:	June 3, 2020
Contact Information:	Tricia Kershaw, Human Resources Manager (503) 945-7296 or <a href="mailto:patricia.e.kershaw@oregon.gov">patricia.e.kershaw@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to provide an update on the Oregon Department of Forestry Human Resources Program.

### **CONTEXT**

The Board has received periodic updates on human resources and safety-related metrics since 2016 with the last Human Resources Dashboard presented in January 2018. Tricia Kershaw, Human Resources Manager, will provide an overview of the Human Resources Program including topics of: agency positions and classifications; retirement rates; succession planning; workforce diversity, equity, and inclusion; and safety-related metrics.

### **RECOMMENDATION**

This agenda item is for information only.

### **NEXT STEPS**

Updates from our agency's Human Resources Program is anticipated to be on an annual basis with the next presentation occurring in June 2021. Feedback and direction provided by the Board will guide further editions of this report.

## STAFF REPORT

Agenda Item No.:	11
Work Plan:	Administrative
Topic:	Facilities Capital Management Plan
Presentation Title:	Facilities Condition and Capital Management Plan
Date of Presentation:	June 3, 2020
Contact Information:	D. Chris Stewart, Facilities Manager (503) 945-7375 or <a href="mailto:david.c.stewart@oregon.gov">david.c.stewart@oregon.gov</a>

### SUMMARY AND CONTEXT

The purpose of this agenda item is to provide the Board with an overview of the current status and condition of the agency's facilities statewide, the recurring and deferred maintenance needs, and investment strategy to manage the extensive network of facilities in Salem and the field to effectively meet long-range capital planning initiatives.

### BACKGROUND AND ANALYSIS

During the Board's October 2019 planning retreat, interest was expressed in reviewing the Department's facilities capital management plan and alignment with district budgets and committees. The Department manages over 400 structures in a network of Salem and field office buildings, storage warehouses, housing facilities, communication sites, and miscellaneous infrastructure. The update to the Board will include:

FACILITIES PORTFOLIO	Portfolio statistics
	Portfolio replacement value
	Metric to measure condition and investment progress
	Portfolio condition and functionality
	Strategic planning: projected needs, sustainability, space use efficiency, asset protection, programming effectiveness, site master planning, and infrastructure modernization.
	Administrative infrastructure planning and investment strategy to recover facilities operations, maintenance, deferred maintenance, capital improvement, and capital construction costs.
	Policy, governance, and program capacity

AUTH: ORS [276.227](#) | ORS [276.280](#) | ORS [276.285](#) | SB [1067](#) | SB [1044](#) | EO [10-11](#) | EO [12-17](#) | EO [17-21](#) | Dir. 0-4-3-002

### RECOMMENDATION

This agenda item is for information only.

### NEXT STEPS

Facilities management information is anticipated to be reported to the Board on an annual basis with the next presentation occurring in June 2021. Feedback and direction provided during this preliminary discussion will guide further updates.

## **STAFF REPORT**

Agenda Item No.:	12
Work Plan:	Administrative
Topic:	Public Information Request Report
Presentation Title:	Public Information Request Report
Date of Presentation:	June 3, 2020
Contact Information:	Joy Krawczyk, Public Affairs Manager (503) 945-7487 or <a href="mailto:joy.p.krawczyk@oregon.gov">joy.p.krawczyk@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to provide an overview of the Department of Forestry's Public Affairs Program and an initial report on our public information requests for the Board's review.

### **CONTEXT**

During the Board of Forestry's 2019 annual planning retreat, the Board expressed interest in tracking the number of public information requests and learning more about associated workload. An initial report on our public information requests will be presented to the Board at the June 3 meeting. The report will focus on public records requests, and provide data summarizing the number of requests, those requests fulfilled within specific timeframes, waivers requested and granted, and dollars collected for fulfilling records requests. Presentation will provide further information on the Public Affairs Program generally and other types of information requests the department handles.

### **BACKGROUND**

The Public Affairs Program resides organizationally within the Administrative Branch and includes eight full-time equivalent positions to provide internal and external communications support to the department. This support includes strategic communications and outreach and engagement planning, message development, media relations, and management of the department's web, social media and public records functions.

Department staff statewide, with the support of the Public Affairs Program, regularly communicate with and respond to inquiries from the general public, its broad array of stakeholders, and the media in a number of ways. The primary ways information is requested of the department is through phone calls, in-person interactions, emails, and social media messages and comments. Individuals, organizations, and members of the media can also request records from the department through the process provided under Oregon's Public Records Law.

Oregon Public Records Law (ORS Chapter 192) guides the agency's protection, retention, and disclosure of public records. Attached is a compilation of excerpts from the *2019 Attorney General's Public Records and Meetings Manual* that is intended to provide a brief, high-level overview of the key components of the law and the department's statutory requirements related to public records.

**RECOMMENDATION**

This agenda item is for information only.

**NEXT STEPS**

Reporting on our agency's public information requests is anticipated to be on an annual basis with the next report occurring in June 2021. Feedback and direction provided by the Board will guide further editions of this report.

**ATTACHMENT**

- (1) Oregon Public Records Law

## **Oregon's Public Records Law (ORS Chapter 192)**

(Language taken from the [2019 Attorney General's Public Records and Meetings Manual](#), except notes and information specific to ODF)

### **Who has the right to inspect public records?**

Under Oregon's Public Records Law, "every person" has a right to inspect any nonexempt public record of a public body in Oregon. This right extends to any natural person, any corporation, partnership, firm or association, and any member or committee of the Legislative Assembly. However, a public body may not use the Public Records Law to obtain public records from another public body. (*Note:* Also applies to public officials.)

Generally, the identity, motive, and need of the person requesting access to public records are irrelevant. Interested persons, news media representatives, business people seeking access for personal gain, persons seeking to embarrass government agencies, and scientific researchers all stand on an equal footing.

### **Who is subject to the Public Records Law?**

The Public Records Law applies to any public body in this state [ORS 192.314(1)]. A "public body" is broadly defined to include:

"...every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state." [ORS 192.311(4)]

### **What records are covered by the law?**

A "public record" is broadly defined to include:

"...any *writing* that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, *prepared, owned, used or retained* by a public body regardless of physical form or characteristics." [ORS 192.311(5)(a)]

### ***Writing***

A "*writing*" is also broadly defined to mean:

"...handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings." [ORS 192.311(7)]

This encompasses information stored on virtually any medium, including information maintained in "machine readable or electronic form."

The Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request.

#### ***Prepared, owned, used or retained***

Records need not have been prepared originally by the public body to qualify as public records. If records prepared outside the government contain “information relating to the conduct of the public’s business,” and are “*owned, used or retained*” by the public body, the records are within the scope of the Public Records Law. For example, records obtained by a public body from private parties in the course of fulfilling its statutory duties are public records if owned, used, or retained by the public body.

However, a document prepared by a private entity does not become a public record merely because a public official reviews the document in the course of official business so long as the official neither uses nor retains the document.

#### **Requesting records**

A public body’s legal obligation to respond to a public records request is triggered by receipt of a written request. Once a written request is received, the public body must provide copies of any records that are not exempt from disclosure, or a reasonable opportunity to inspect or copy those nonexempt records. When a public body receives an oral request for records, it is best practice to have the requester submit a written request so as to avoid future disputes over the scope of the request.

In order to facilitate this process, public bodies are required to make available to the public a written procedure for submitting records requests that identifies who the request should be sent to. (*Note:* ODF posts this information [online](#) and uses an electronic system for making and tracking requests.)

A public body is obligated to disclose only those records it is the custodian of, that is, any records that it is directly or indirectly mandated to create, maintain, care for, or control.

#### **Request fulfillment**

Once a public records request is received by a public employee identified in a public body’s publicly posted procedure, the public body must acknowledge receipt within *five business days*, unless the request is fulfilled before then. The acknowledgment must also notify the requester whether or not the public body is the custodian of the requested records, or that the public body is uncertain if it is the custodian.

The public body must complete its response as soon as practicable and without unreasonable delay. How quickly a public body should be able to complete a request under this standard

depends on various factors, including the specificity of the request, the volume of records requested, the amount of exempt material, and the ease in determining whether any of the records are exempt from disclosure. In most cases it should be possible to complete the response within ten business days. However, in some cases more time—even significantly more time—may be required.

### ***The 15 business-day deadline***

The law establishes a baseline expectation that public bodies will complete their responses no later than *15 business days* after receiving the request. A public body unable to meet the 15 business-day deadline must notify the requester in writing that the request is still being processed and provide the requester with a reasonable estimated date of completion.

A public body completes its response to a records request when it has done all of the following:

1. Provided the requester with access to or copies of all the requested records that are not exempt from disclosure, or explained where the records are already publicly available.
2. Cited any exemptions used to withhold records, including the specific state or federal statute for any exemption appearing outside of ORS 192.345 or 192.355.
3. Provided any nonexempt material from a public record that also contains exempt material.
4. If the public body is not the custodian of any of the records, provided a written statement to that effect.
5. Cited in writing to any federal or state law that prohibits the public body from acknowledging whether the requested records exist (or to a law that would impose a loss of federal benefits or other sanction), unless providing that citation would violate the federal or state law.
6. If the public body has redacted any information or withheld any information from disclosure, included a statement that the requester may seek review of this withholding pursuant to ORS 192.401, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.

The 15 business-day deadline is suspended when the public body provides the requester with a fee estimate to fulfill the request (until the fee has been paid or waived) or when the public body, in good faith, requests clarification from the requester (until the requester provides that clarification or declines to). If no response is received to the fee estimate or clarifying question within 60 days, the public body can close the request.

### ***Exceptions to the deadlines***

A public body is excused from the 5 business-day and 15 business-day deadlines if compliance would be impracticable for any of the following reasons:

1. The staff or volunteers necessary to complete a response are unavailable (which includes when staff or volunteers are on leave or are not scheduled to work).

2. Compliance would demonstrably impede the public body's ability to perform other necessary services.
3. The public body is simultaneously processing a high volume of other requests.

The exception for the unavailability of staff applies when the staff necessary to fulfill a records request are literally unavailable; the necessary staff may be the keepers of the requested records, or in a small public body, the staff responsible for processing records requests.

The exception for impeding services could apply to an extremely large records request, but is more likely to apply where a public body is so small that its staff would be unable to attend to other necessary work in order to comply with the deadlines.

And the exception for a high volume of requests recognizes that even a reasonably staffed system may occasionally become overwhelmed.

#### ***Failing to Complete a Timely Response***

If a public body fails to comply with the 15 business-day deadline or complete its response as soon as practicable and without unreasonable delay, the requester can petition the Attorney General (for state agencies) or the appropriate district attorney (for other public bodies) to order the disclosure of any nonexempt records; or file suit against the public body in circuit court (for elected officials).

A requester can also submit a petition or file suit if the estimated date of completion provided by the public body is unreasonably long and will result in undue delay of disclosure. However, merely failing to comply with a timeframe set by the requester does not constitute a denial entitling the requester to petition for release of the records.

#### **Fees**

A public body is authorized to establish fees "reasonably calculated to reimburse [it for the] actual cost of making public records available." (*Note:* The department follows the fee schedules and waiver determination processes provided in [DAS Statewide Policy 107-001-030, Public Records Requests Fees and Charges](#).)

A public body may waive or reduce its fee for a particular request if doing so "is in the public interest because making the record available primarily benefits the general public." Regardless of how interested the public may be in the matter the requested records relate to, if the requester fails to demonstrate the ability to meaningfully disseminate the information, disclosure will not primarily benefit the public.

Facts typically relevant to a fee-waiver decision include:

- How narrowly tailored the request is to a matter of public interest.
- The time and expense needed to fulfill the request.
- The volume of the records requested.

- The need to segregate exempt from nonexempt materials.
- Whether the fee was avoidable.
- The ability of the requester to pay the fee.

A public body may consider the aggregate effect of numerous public records requests from the same requester in assessing its burden. Even if waiving or reducing the fee is in the public interest, a public body has the discretion whether to do so.

### **Exemptions**

The Public Records Law is primarily a disclosure law, not a confidentiality law. Every public record of a public body is subject to inspection, except as expressly provided by the exemptions contained in ORS 192.345 and 192.355. Those two statutes also incorporate federal statutes or regulations that prohibit disclosure of records, and Oregon laws that prohibit disclosure or otherwise make records confidential.

Even if the public body perceives reasons to withhold the record, it must disclose the record unless an express statutory exemption applies. All of the exemptions described in ORS 192.345 are *conditional*: they exempt certain types of information from disclosure “unless the public interest requires disclosure in the particular instance.” The law presumes that the public interest favors disclosure. “The public’s interest in disclosure encompasses the public’s interest in information about the manner in which public business is conducted and the right of the public to monitor what \*\*\* officials are doing on the job.” (*In Defense of Animals v. OHSU*, 199 Or App at 175–76)

In contrast, many of the exemptions in ORS 192.355 are *unconditional*, in that the protected information is exempt without regard to the public interest. In effect, the legislature has determined that the confidentiality interests outweigh disclosure interests as a matter of law.

In determining whether an exemption applies, the identity of the requester and the circumstances surrounding the request are irrelevant to whether the information fits within the category of the exemption. The surrounding circumstances become relevant only if the requested information comes under an exemption that requires a balancing of interests. In that context, the requester’s purpose in seeking disclosure may be relevant to determining whether the public interest requires disclosure. The public interest typically does not depend on the requester’s private interests, or on protecting public bodies from embarrassment or scrutiny.

## **Board Closing Comments and Meeting Wrap Up**

**STAFF REPORT**

Agenda Item No.:	14
Work Plan:	Administrative Work Plan
Topic:	Executive Sessions
Date of Presentation:	June 3, 2020
Contact Information:	Oregon Department of Justice

**SUMMARY**

The Board will meet in Executive Session for the purpose of reviewing and evaluating the State Forester's Performance, pursuant to ORS 192.660(2)(i).