

Board of Forestry Meeting Minutes

Tuesday October 6, 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.

- (1) Presentation, [Western Oregon State Forests HCP Update](#), Agenda Item 2
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In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on October 6, 2020 and hosted at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

All Board members joined the online Zoom webinar at 7:30 a.m. Chair Imeson called the public meeting to order at 8:00 a.m.

[Listen to audio](#) MP3 – (4 minutes and 4 seconds – 1.86 MB)

Board Members Virtually Present:

Nils Christoffersen

Cindy Deacon Williams

Joe Justice

Tom Imeson

Jim Kelly

Brenda McComb

Board Members Absent:

Mike Rose

ACTION AND INFORMATION:

1. ***EXECUTIVE SESSION**

Chair Imeson proceeded with the formal Executive Session announcement.

The Board of Forestry entered into Executive Session for the purpose of consulting with legal counsel regarding information exempt by law from public inspection and the Board's legal rights and duties in regards to current litigation or litigation likely to be filed [ORS 192.660(2) (h)].

No decisions were made during Executive Session. The Board exited the Executive Session and reconvened the public meeting at 9:00 a.m.

Information Only.

OPENING COMMENTS AND MEETING OVERVIEW

[Listen to audio](#) MP3 – (3 minutes and 31 seconds – 2.01 MB)

State Forester, Peter Daugherty, provided opening remarks setting the stage for the meeting and describing the development of the draft Habitat Conservation Plan (HCP). The State Forester recognized all involved in the work of the HCP and reiterated the Department is not asking for the approval of HCP but to direct the State Forests Division to complete the process of development.

State Forests Division Chief, Liz Dent noted the concerns with the impacts heard through the comments on HCP and recognized of the work still remaining on the HCP, stating there is a good foundation to the work completed thus far.

SETTING THE STAGE

[Listen to audio](#) MP3 – (15 minutes and 37 seconds – 8.94 MB)

Liz Dent, State Forests Division Chief, expressed her appreciation for the amount of time the Board invested in reviewing the HCP materials. Liz provided a brief history of the Board of Forestry lands and outlined the decision in front of the Board, stating the decision today is to move the HCP forward through the National Environmental Policy Act (NEPA) process.

2. [DRAFT HCP OVERVIEW](#)
[Listen to audio](#) MP3 – (36 minutes and 6 seconds – 20.6 MB)

Cindy Kolomechuk, HCP Project Leader with the Departments State Forests Division provided a brief overview of the HCP process and timeline. Cindy expressed her appreciation to the team and recognized the HCP Technical Consultants Dr. David Zippin, Vice President with ICF, Melissa Klungle, Senior Biologist and Aquatics Lead with ICF, Dr. Aaron Gabbe, Senior Biologist and Terrestrial Lead with ICF, Erika Britney, Senior Project Manager with ICF, and Dr. Greg Latta, Assistant Research Professor of Forest Economics at the University of Idaho. Cindy also expressed her appreciation for the HCP Facilitation Team: Deb Nudelman, Principal Senior Mediator with Kearns and West, Sylvia Ciborowski, Vice President Senior Facilitator with Kearns and West, and Michelle Bardini, an Associate with Kearns and West. Cindy introduced the team delivering the presentation: Troy Rahmig, Project manager with ICF, and Mark Buckley with ECONorthwest, Nick Palazzotto, Wildlife Biologist for the Departments State Forests Division, Brian Pew, Deputy State Forests Division Chief of Policy, and Mike Wilson, Resource Support Unit Manager with the Departments State Forests Division. The team walked the Board through the presentation and provided a review of the HCP components, including the conservation strategies and effects analysis, as well as the monitoring efforts and cost of funding. Nick Palazzotto provided an overview for terrestrial species effects, and mentioned the analysis has various sizes of Habitat Conservation Areas (HCA's) across the permit area. He also described why management habitat suitability indices are projected to increase in the HCAs. Mike Wilson presented on the improvement in riparian habitats within the HCP as well as the aquatic effects analysis by covering the Riparian Conservation Areas (RCA's), stating the increase in stream buffer to 120 feet on seasonal type F streams created a minimal effect overall. Board commented on the following:

- Board Member Joe Justice asked for the breakdown of the scale of management actions in the HCA's. Nick Palazzotto responded that it's broken down and specified in chapter four of the HCP. Board member Justice also asked about the protected gorges outside of the HCAs and he understood that gorges would also not be harvested and felt that the Department does not have a great inventory of inoperable areas. Mike Wilson replied that the modeling units are classified as to whether they are operable or not and mentioned that the Department also has an overall estimate of inner gorge areas from digital analysis including the estimated amount of encumbrance. Mike stated there are inoperable areas inside and outside of HCAs.

Information Only.

COUNTY AND STAKEHOLDER ENGAGEMENT PROCESS

[Listen to audio](#) MP3 – (21 minutes and 2 seconds – 12 MB)

Brett Brownscombe, Senior Project Manager with the Oregon Consensus provided an overview of the county and stakeholder engagement process, and key takeaways from the external process:

- Overwhelming appreciation for process and engagement with meaningful info, the process participation is proactive and when the need arose to provide virtual platforms it increased the availability to numerous more participants. The project team is committed to ensure public engagement and feedback will continue throughout the entire NEPA process.

- Throughout the engagement people expressed they wanted more time to review and process the information, they also understood the programmatic value on why coverage would be good on Board lands for the relative value, but were also concerned by what that would do to the wood products and revenue.
- Brownscombe explained if the Board decides to move the HCP through the NEPA process, the next steps would be to continue public engagement through NEPA process with alignment with NOAA to ensure smoothness. The Board would review the outcomes of the NEPA process in 2022.
- If the Board decided not to go through with moving the HCP through the NEPA process the Department would continue to engage stakeholders in state forest management.

Information Only.

COMPARATIVE ANALYSIS

[Listen to audio](#) MP3 – (68 minutes and 13 seconds – 39 MB)

Liz Dent started out by explaining the comparison is of the potential social, economic, and environmental outcomes from the Draft HCP, the current Forest Management Plan (FMP), and the Draft Western Oregon Forest Management Plan (dFMP) and these results are not intended to make promises, but inform the decision and provide a relative sense of the outcomes. Dr. Mark Buckley began the presentation on the Comparative Analysis. Mark highlighted the comparative trajectory with and without HCP to aid in the Board’s decision making and stated the HCP provides policy certainty for long-term forest management plan that would not have to be brought in front of the board on a yearly basis.

Questions and comments that arose from the Board:

- Board Chair Imeson asked staff to explain the thinking behind the assumption to not assume changes in prices of timber harvest explained. Dr. Mark Buckley responded by saying it is a conservative assumption that the prices don’t change dramatically in the long run. Mark also stated many factors contribute to the timber prices.
- Board member Jim Kelly posed the question regarding the acres of the new habitat constraints all come in at year eleven in the modeling and asked why there is a difference in the acres. Mark responded that the areas start at different levels of constraint from the beginning. The FMP and dFMP have different landscape designs therefore different constraints that will start in year eleven (2034). The models have five-year periods and the new habitat restrictions start in the third period.
- Chair Tom Imeson mentioned the potential harvest levels are not promises and expressed the HCP is the best approach in meeting GPV and ESA compliance. Chair asked about the high level of confidence that the HCP is the best of the three scenarios analyzed. Brian Pew stated that the team is putting a lot of time and effort into modeling across all three scenarios, but have been modeling since late 1990s and through the decades have made a lot of improvements. He explained no model is perfect, but it is getting close. Brian Pew stated the Division does have confidence in HCP long term and high-level modeling for this decision making purpose and moving forward the Division will focus on shorter-term modeling. Liz Dent added that the analysis is forward looking and will help inform in decision.

- Board member Joe Justice stated that the inventory has improved over the years and the policy emulates what we do today, how policies are implemented will not change, but if they did change it would potentially affect the harvest level and could be related to a companion forest management plan. Joe went on to ask if the Division would work with Board and get clear direction to develop a companion FMP, stating moving forward with the work on HCP, would begin implementation very soon, and suggested working with the services and bringing information to stakeholders to help them understand the Divisions direction.
- Board member Cindy Deacon Williams expressed her appreciation to the team for putting the analysis together.
- Board member Brenda McComb asked about the issue of departure in early years of the HCP and what effects does that have in terms of habitat work or timber production. Brian Pew responded that the higher harvest levels have trended down through time, and have started to come back up in last 15 years. Increasing 10% above the seven-year average and drop down to below the average, then comes back up in order to the varying harvest level through time to provide opportunities to do more restoration on the landscape. Brian Pew also stated it helps to better distribute forest age classes more quickly and harvest earlier to provide for younger stands in future. He continued by describing the harvest levels were expected to go down through time and levels will be able to be more controlled over the long term. He explained this to mean, age distribution is regulated and can control the known decline in harvest levels, providing conservation of habitat and harvest.
- Board member Joe Justice asked if the decision is to move forward and the process started with FMP, will there be a scoping team or steering committee like HCP? Liz Dent mentioned the Division has not mapped the process out ahead of the decision today, but would maintain steering committee and scoping team and evaluate current stakeholder engagement process and adjust as necessary for the HCP. Cindy Kolomechuk reiterated external agencies would not be driving the FMP and their focus would remain on the HCP moving through NEPA as still a lot of work to be done. Similar to draft FMP, it would likely be an internal-based steering committee then look for feedback from external stakeholders.
- Chair Imeson inquired about the schedule with HCP. He asked if an update at the June 2021 Board meeting is still on track and whether there is a plan to bring this topic back at the November 2021 Board meeting, prior to moving through 6-month rulemaking process. Cindy Kolomechuk stated the full FMP is ready to be implemented with the HCP, and is scheduled to come to the Board at the June 2022 Board meeting for approval.
- Board member Jim Kelley asked about the lessons learned from last time the Department worked on the FMP. Cindy Kolomechuk stated that the stakeholder feedback gathering and response had improved, workshops and public meetings were refined, and the shift to the focus groups and external facilitation assistance from professionals has helped.

Liz Dent stated the Department's recommendation, asking the Board of Forestry to direct staff to finalize the draft HCP and move into and complete the NEPA process.

Information Only.

3. FOREST TRUST LANDS ADVISORY COMMITTEE & COUNCIL OF FOREST TRUST LAND COMMITTEE COMMISSIONERS
[Listen to audio](#) MP3 – (34 minutes and 18 seconds – 19.6 MB)

State Forester, Peter Daugherty, introduced the item and welcomed the participation of County Commissioners. The Commissioners provided testimony in the following order.

- Commissioner John Sweet from Coos County provided oral testimony in opposition due to the following assumptions: 55% land base off limit to harvest, no assurance of harvest levels under HCP, no confidence that ODF will be able to harvest volumes under HCP and FMP, and decreasing trust land harvest levels.
- Commissioner David Yamamoto from Tillamook County and the Chair of the Forest Trust Land Advisory Committee provided oral and written testimony ([attachment 31](#)) in opposition due to the following assumptions: No scenario that meets demands of GPV, insufficient financial security, and too much emphasis on habitat rather than harvest.
- Erin Doyle, Government Relations Manager with Washington County, provided oral and written testimony ([attachment 32](#)) on behalf of the Washington County Commissioners. Erin's testimony highlight the following: Good potential value of creating stability within habitat preservation and timber industry within Washington County, but would like to continue to be part of conversation as timber harvest is an important revenue source
- Commissioner Kathleen Sullivan ([attachment 30](#)) from Clatsop County provided oral and written testimony in support moving forward with the NEPA process.

Information Only.

4. INVITED TESTIMONY AND PUBLIC TESTIMONY

Board Chair, Tom Imeson, outlined the invited testimony and public testimony process. The Board Chair thanked those participating and the testimony providers spoke to the Board in the following order.

Invited Testimony

[Listen to audio](#) MP3 – (54 minutes and 16 seconds – 31 MB)

- Kim Kratz, Assistant Regional Administrator at NOAA Fisheries Oregon & Washington Coastal Office provided oral and written testimony ([attachment 39](#)) mentioning that he has participated in the development of HCPs; and expressed his continued commitment of resources; and consented to lead NEPA process if the Board elects to go in that direction.
- Paul Henson, State Supervisor at USFWS provided oral and written testimony ([attachment 40](#)) in support of a plan in which appears to reconcile competing mandates for state and federal mandates for clean water, habitat, and timber revenue. Paul also mentioned that the Departments process is on track to achieve this goal and USFWS is committed to seeing it through course of permit.
- Members of the HCP Steering Committee Bill Ryan, Deputy Director for Operations at Department of State Lands, Kevin Blakely, Deputy Division Administrator at Oregon Department of Fish and Wildlife, and Leah Feldon, Deputy Director at Department of Environmental Quality provided oral and written testimony ([attachment 158](#)) in support of supports continued advancement of HCP through NEPA process with commitment of resources.
- Steve Andringa, Forest Lands Manager with The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians provided oral and written testimony ([attachment 33](#)) in support of moving the HCP forward in the NEPA process and stated that appreciates participation with tribal leadership in open and transparent conversations.

- Lisa Phipps, Chair of the State Forests Advisory Committee (SFAC) provided oral and written testimony ([attachment 37](#)) that reflected the diverse group that comprises the committee. Lisa stated that she appreciated the invitation for engagement through SFAC. Lisa also stated if the Board elects to move forward SFAC is committed to the continued engagement with the public and the Department. Lisa also mentioned that there were concerns with financial stability of Department that were expressed, and it was recommended the Department needed to diversify their funding sources. Other concerns mentioned were the lack of managed forest timber volume and impacts to jurisdictions receiving harvest revenues, and the Department would also need to update the Forest Management Plan to improve financial viability.
- Steve Zika, CEO with Hampton Lumber provided oral and written testimony ([attachment 34](#)) in opposition with moving forward due to the following reasons: felt there was poor transparency in the process, public engagement was lacking, and the Department's analysis overestimates harvest levels, feels it rejects interpretation of GPV, and also does not feel the social effects were analyzed. He asked the Board to delay the decision on the table today for one month to allow for more stakeholder review.
- Josie Koehn with the League of Women Voters of Oregon, provided oral and written testimony ([attachment 35](#)) in support of moving the HCP through the NEPA process with the caveat that details get further refinement of balance and the advisory group be composed of external stakeholder groups.
- Barret Brown provided oral testimony on behalf of the Recreational Community in support of moving the HCP forward though the NEPA process and requested the plan had more detail.
- Joel Iboa, Chair of the Environmental Justice Task Force provided oral testimony in support of the HCP process and stated that it is important for environmental justice issues to be included in HCP process.
- Bob Van Dyk, Oregon and California Policy Director with the Wild Salmon Center provided oral testimony in support of the staff recommendation and encourage movement of the HCP into the NEPA process. He stated that he appreciated the transparency and opportunity for involvement as well as commitment to conservation. He mentioned that he had concerns about anticipated departure from even flow and front loading harvests, and the use of pesticides after clearcutting. Van Dyk also mentioned the need for increased commitment with external stakeholders and the public.
- Mary Scurlock, with the Oregon Stream Protection Coalition provided oral and written testimony ([attachment 36](#)) to support the Boards decision to finalize draft and move forward to next phase of work. She mentioned that there is a good framework for management of state lands, and good attention to detail. Scurlock stated she is confident that the draft plan provides solid foundation for solid outcome, but would request greater detail before implementation.

Public Testimony

[Listen to audio](#) MP3 – (51 minutes and 35 seconds – 29.5 MB)

- Jay Browning with JM Browning Trucking provided oral testimony in opposition of the HCP and supports aggressive timber harvest.
- Ron Byers provided oral testimony in support of the HCP and considers it to be sustainable and insurance policy for timber revenue by preempting endangered species litigation. He also supports reducing pesticides, outdoor school, and financial security.

- Paul Erlebach with the Neah-Kah-Nie School District provided oral testimony in opposition to the HCP stating he supports timber harvest on forest trust lands as it is a vital source of revenue to the school.
- Lois Perdue with Hampton Lumber provided oral testimony in opposition to the HCP stated timber harvest supports economic activity for small community businesses.
- Dallas Boge with the Forest Grove Rural Fire Protection District provided oral testimony stating he supports timber harvest that provides funding to the local protection district.
- Jay Haladay provided oral testimony stating he supports the HCP and views it as an important element to protect sole water supply and habitat protection for wildlife and humans.
- Mike Pihl with Mike Pihl Logging and as the President of Timber Unity provided oral testimony stating that there are already enough regulations in place for loggers and that loggers are the stewards of the land that are out in the forest every day.
- Noah Greenwald with Center for Biological Diversity, provided oral testimony in support of the HCP and encouraged the Department to adopt stronger and more protective HCP that is supported by science. He had concerns with the Department avoiding landslide hazard locations and felt the Department is using outdated data to do so and mentioned the Oregon Department of Geology and Mineral Industries is working on landslide inventory.
- Robert Freres with Freres Lumber provided oral testimony in opposition to the HCP and stated that the Department needed greater budget control and reduction of the size of agency. Freres also stated the Department does not protect lands from fire
- Jenny Johnson provided oral and written testimony ([attachment 103](#)) in opposition to the HCP stating concerns with amount of acreage that will unevenly balance the Greatest Permanent Value (GPV) mandate, also stated fire hazards on HCP protected areas would increase.
- Julia DeGraw with the Oregon League of Conservation Voters provided oral testimony in support of the HCP, stating she supports ecological health. DeGraw also stated she looks forward to working with the Department.
- Felice Kelly with 350 PDX provided oral testimony in support of the HCP stating the durable protection for older forests, effective tool for protective species, and will fight climate change as well as increase forest carbon storage.
- Nancy Webster provided oral testimony in support of the HCP stating the approach provided balanced state forest management. She also requested an environmental impact statement.
- Rex Storm with the Associated Oregon Loggers provided oral and written testimony ([attachment 3](#)) in opposition to the HCP stating it was not durable for Oregon. He recommended putting a pause to the process to address omissions in forest harvest modeling, stating the HCP neglects economic and societal factors and distorts fair assessment for GPV on forest lands.
- Seth Barnes with the Oregon Forest Industries Council providing oral testimony stating he recognizes benefits of a HCP but benefits have to outweigh the costs. He mentioned the planning process has had major flaws and felt he was denied substantive information for months. Barnes suggested pausing the process in order to provide more information, as well he feels the HCP doesn't meet financial viability and has concerns with further erosion of land management.
- The Board of Forestry received an additional 144 submissions of written testimony for the record, which can be located on pages [one through four](#).

Information Only.

BOARD DISCUSSION AND DECISION

[Listen to audio](#) MP3 – (45 minutes and 43 seconds – 26.1 MB)

Board Chair, Tom Imeson, led the Board members and Department staff through the decision and welcomed any closing comments or follow-ups. Comments were offered, and presented in the order discussed.

- Board member Joe Justice brought up the notion to delay of decision based off the understanding that stakeholders had concerns. Liz Dent recognized the concerns from the stakeholders whom felt there was a lack of time to review and mentioned that delaying for thirty days would limit the ability to do additional rounds of engagement between now and November leaving the Division in the same situation. Liz also stated NEPA process requires analysis of financial considerations for communities. Brian Pew mentioned that it would be too late to submit any materials for November Board meeting or do additional analysis within the given timeframe. Brian stated that the comparative analysis was done on timber harvest revenue, including direct payments to counties and mills; we understands local jobs are important. Board member Jim Kelly stated that he understands stakeholder concerns with economy, but nothing is going to change in one month. Board Chair, Tom Imeson, concurred with Board member Kelly.
- Board member Nils Christoffersen recognized the uncertainty but also recognized the need to move forward with the right intentions to make progress. Nils posed the question to the Division about financial impacts. Brian Pew stated the comparative analysis has a relative trend to project expected trends; division is 98% on timber harvest; no models will finance SF division so we do other things, i.e., reorganization, marketing. In the current plan, when lean economic times occur, it draws back to maintain services necessary for GPV. State Forester Daugherty mentioned that when the Division first started revision to the FMP, it wouldn't solve financial problem. He also stated that other revenue sources will be needed to support Recreation Education and Interpretation program, and the Division will need to look for more sources than General Fund to pay for the public benefits the Department provides.
- Board member Brenda McComb raised concerns with the impacts on local communities and counties. She also mentioned the comparative analysis provides info to help understand decision making of certainty of timber harvests. Board member McComb stated if we move forward today, there is still work to be done and hopes to have a clearer picture of financial impact to communities. Liz Dent agreed there is more work to do on this and there will be more understanding of outcomes. Liz mentioned that while the work continues so will the analysis, therefore further informing the Board for decision in 2022.
- Board member Cindy Deacon Williams stated the NEPA process is fundamentally a public involvement and analytic step and it does not make sense to delay the NEPA process.
- Board member Jim Kelly mentioned the testimony received has been great information, particularly on side of rural timber families and communities and reiterated that it is the job of board members is to represent all people of Oregon.
- Board member Joe Justice stated the need to ensure social and economic values are captured when it comes back in 2022 after the NEPA process.
- Board member Nils Christoffersen added the reminder that the state has broadly embraced values and visions related to Diversity Equity and Inclusion; stating the geometry of inequity has not improved in the last 10 years.
- State Forester Daugherty mentioned that the Governor supports small community timber harvest.

ACTION: Direct staff to finalize the administrative draft HCP and move into the NEPA process.

Board member Brenda McComb motioned to direct the staff to finalize the administrative draft HCP and move into the NEPA process. Board member Cindy Deacon-Williams seconded the motion. Voting in favor of the motion: Nils Christoffersen, Cindy Deacon Williams, Joe Justice, Jim Kelly, Brenda McComb, and Tom Imeson. Against: none. With Board consensus the motion carried.

Discussion followed from the Board on the meeting process:

- Board member Jim Kelly mentioned the presenters in conference room were rather small in terms of viewing them he would like to see their faces when presenting on an individual screen.
- State Forester Daugherty mentioned that part of the reason of keeping staff separate from the Board is to promote Board engagement and discussion. State Forester will think more about how to facilitate the above request.
- Board member Jim Kelly also mentioned that setting up deadline to submit written testimony earlier in order to have time for Board members to review was appreciated. He posed the following questions: What should Board do if testimony is submitted after deadline? Is it a legal issue?
- Board member Cindy Deacon-Williams mentioned the public involvement process worked really well this time.
- Board Chair, Tom Imeson, mentioned that this may be first time the Board couldn't accept all public testimony.

5. ***EXECUTIVE SESSION**

Chair Imeson proceeded with the formal Executive Session announcement.

The Board of Forestry entered into Executive Session for the purpose of reviewing the State Forester's Annual Performance [ORS 192.660(2) (i)].

No decisions were made during Executive Session.

Information Only.

The Board exited the Executive Session, and Board Chair Imeson adjourned the public meeting at 5:36 p.m.

Respectfully submitted,
/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board

ME and HR

Meeting minutes approved at the November 4, 2020 Board Meeting