

**Oregon Board of Forestry – Virtual Public Meeting**

**Wednesday, July 21, 2021**

The Board of Forestry will hold its July meeting virtually, as state agency offices work toward fully reopening to the public. The virtual format allows the public to view the meeting and participate statewide without having to travel or assemble indoors. 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 under the general comment portion of item one, State Forester recruitment discussion of item two, and on decision items three and four during the meeting. Sign up to provide live testimony is required and available online, registration closes Friday July 16 at 5:00 p.m. Written testimony may be submitted, before or up to two weeks after the meeting day to [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov) with the agenda item number included with the submission.

**Link to view Board of Forestry Meeting available at  
<https://www.youtube.com/c/OregonDepartmentofForestry>**

*Prior meetings' audio and this meeting's written material available on the web [www.oregon.gov/odf/board](http://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 or asterisk items.

**Consent Agenda**

9:00 – 9:01	A. <a href="#"><u>March 3, 2021 Board of Forestry Meeting Minutes</u></a> .....	Former State Forester Peter Daugherty
9:00 – 9:01	B. <a href="#"><u>May 20, 2021 Board of Forestry Special Meeting Minutes</u></a> .....	Former State Forester Peter Daugherty
9:00 – 9:01	C. <a href="#"><u>May 27, 2021 Board of Forestry Special Meeting Minutes</u></a> .....	Former State Forester Peter Daugherty
9:00 – 9:01	D. <a href="#"><u>Annual Performance Progress Report 2021</u></a> .....	Bill Herber
9:00 – 9:01	E. <a href="#"><u>Department Financial Report – June 2021</u></a> .....	Bill Herber
9:00 – 9:01	F. <a href="#"><u>2021 Board Governance Performance Self-Evaluation</u></a> .....	Sabrina Perez
9:00 – 9:01	G. <a href="#"><u>Committee for Family Forestlands Chairperson Appointment</u></a> .....	Josh Barnard
9:00 – 9:01	H. <a href="#"><u>Department Legislative Session Outcomes</u></a> .....	Lena Tucker

**Action and Information**

9:01 – 10:00	1. <a href="#"><u>Acting State Forester and Board Member Comments</u></a> A. <a href="#"><u>Public Comments</u></a> [topics not on agenda – see over] .....	Register online
10:00 – 10:45	2. <a href="#"><u>State Forester Recruitment Discussion</u></a> .....	Chair Kelly and Board Members with John Paschal, Anika Marriott, Sylvia Van Dyke and Tricia Kershaw <i>The Board will review, consider public comments provided, and deliberate on the hiring standards, criteria, and policy directives associated with hiring Oregon's next State Forester. This will include the review of the recruitment process and consideration of draft attributes. This is a decision item.</i>
10:45 – 11:00	Break	
11:00 – 11:30	3. <a href="#"><u>Committee for Family Forestlands Annual Report</u></a> .....	Josh Barnard, Evan Barnes, and Wendy Gerlach <i>Present on activities of the Committee for Family Forestlands (CFF), discuss progress on key issues, and identify future policy topics affecting family forestland owners. This is a decision item.</i>
11:30 – 12:15	4. <a href="#"><u>2021-2023 Wildfire Rulemaking Overview</u></a> .....	Doug Gafe and Tim Holschbach <i>The Department will present an overview of upcoming rulemaking efforts with the enrollment of Senate Bill 762. This is a decision item.</i>
12:15 – 1:15	Lunch	
1:15 – 1:30	5. <a href="#"><u>Forest Trust Land Advisory Committee Testimony</u></a> .....	David Yamamoto or John Sweet <i>The FTLAC is a statutorily established committee that advises the Board on state forests policy. This is an information item.</i>
1:30 – 2:00	6. <a href="#"><u>Fire Season Update</u></a> .....	Doug Gafe <i>The Department will provide an update to the Board on the 2021 fire season readiness. This is an information item.</i>
2:00 – 2:45	7. <a href="#"><u>2021-2023 Department Budget Update</u></a> .....	Bill Herber <i>Department to provide a status update to the Board on the financial and budgetary impacts resulting from the 81<sup>st</sup> Oregon Legislative Assembly. This is an information item.</i>
2:45 – 3:00	8. <a href="#"><u>Board Closing Comments and Meeting Wrap Up</u></a> .....	Chair Kelly and Board Members <i>Board Chair and members to summarize meeting's action items and provide closing comments.</i>
3:00 – 3:15	End of Meeting Break	

3:15 – 4:45

9. \*Executive Session.....Chair Kelly  
*The Board will meet in executive session for the purpose of conferring with legal counsel regarding the Board's rights and duties related to current litigation likely to be filed pursuant to ORS 192.660(2)(h) and discuss an attorney-client privileged communication pursuant to ORS 192.660(2)(f).*

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 accept both oral and written comments on agenda items except consent agenda and Work Session items [see explanation below]. Live oral testimony at the meeting is designated for decision items and open comment registration is required. Those wishing to testify or present information to the Board are encouraged to:

- Provide written summaries of lengthy, detailed information.
- Remember that the value of your comments is in the substance, not length.
- For coordinated comments to the Board, endorse rather than repeat the testimony of others.
- To ensure the Board will have an opportunity to review and consider your testimony before the meeting, please send comments no later than 72 hours prior to the meeting date. If submitted after this window of time the testimony will be entered into the public record but may not be viewed by the Board until after the meeting.
- For in-person meetings, sign in at the information table in the meeting room when you arrive. For virtual meetings, follow the sign up instructions provided in the meeting agenda.

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, you must email the Board Administrator to sign up for live testimony, contact [Hilary.Olivos-Rood@oregon.gov](mailto:Hilary.Olivos-Rood@oregon.gov), by 5 p.m. Friday, July 16, 2021. Instructions for providing public comment virtually will be confirmed by email and the link provided before the meeting.

Three minutes will be allotted for each individual to provide their comments. 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

March 3, 2021

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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, [Smoke Management Rule Implementation](#), Agenda Item 2
- (2) Presentation, [ODF-DEQ Collaboration, Authority to Protect Water Quality on Forestlands](#), Agenda Item 3
- (3) Handout, [Written testimony by Yamamoto for Forest Trust Land Advisory Committee Testimony](#), Agenda Item 5
- (4) Presentation, [Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (5) Handout, [Written testimony by Associated Oregon Loggers for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (6) Handout, [Written testimony by Bangs for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (7) Handout, [Written testimony by Boise Cascade Wood Products for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (8) Handout, [Written testimony by Cascadia Wildlands for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (9) Handout, [Written testimony by Fairchild for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (10) Handout, [Written testimony by Oregon Forest and Industries Council for Santiam State Forest Restoration and Recovery](#), Agenda Item 6

- (11) Handout, [Written testimony by Oregon Forests Forever for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (12) Handout, [Written testimony by Oregon Wild and Et al for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (13) Handout, [Written testimony by Roseburg Forest Products for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (14) Handout, [Written testimony by Salem Audubon Society for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (15) Handout, [Written testimony by State Forests Advisory Committee for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (16) Handout, [Written testimony by Wilkeson for Santiam State Forest Restoration and Recovery](#), Agenda Item 6
- (17) Presentation, [Oregon Global Warming Commission-Natural and Working Lands Goal Update](#), Agenda Item 7
- (18) Handout, [Written testimony by Oregon Wild and Et al for OGEC Natural and Working Lands Goal Update](#), Agenda Item 7

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on March 3, 2021 and hosted at the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

All Board and Commission members joined online by 9:30 a.m. into Zoom webinar. Chair Imeson called the public meeting to order at 10:01 a.m.

### **JOINT SESSION:**

Chair Tom Imeson explained the morning portion of the meeting will be a joint session with the Environmental Quality Commission (EQC) with the afternoon reserved for Board business. He outlined virtual meeting proceedings for Board and Commission members, presenters, and the public. He noted the public meeting will be live streamed, recorded, and posted online. He explained written public testimony can be submitted through March 24, 2021, for inclusion with the meeting record. Chair Kathleen George confirmed with Chair Imeson the preferred method to proceed with each agenda item under the joint session and agreed each Chair would conduct roll calls for each respective Board or Commission. Chair Imeson conducted roll call for the Board of Forestry (Board), followed by Chair George conducting roll call for the Environmental Quality Commission.

#### Board Members Virtually Present:

Brenda McComb  
 Joe Justice  
 Jim Kelly  
 Tom Imeson

#### Board Members Absent:

None

#### Commission Members Virtually Present:

Sam Baraso  
 Molly Kile  
 Wade Mosby  
 Kathleen George

#### Commission Members Absent:

None

**1. AGENCY DIRECTORS AND BOARD, AND COMMISSION CHAIRS COMMENT**  
[Listen to audio](#) MP3 - (24 minutes and 1 second – 11 MB)

Peter Daugherty, State Forester and Director of the Department of Forestry (ODF) provided opening comments on the unique statutory relationship between the Board and Commission. He reviewed the history of the two entities collaboration, initiation of the liaison roles and the purposeful engagement that each liaison role fills as the two agencies work on addressing a number of environmental issues.

Richard Whitman, Director of the Department of Environmental Quality (DEQ) outlined the two items being brought in front of the Board and Commission. He described how the two agencies cooperatively work with each other, agency partners, and communities on the continued implementation of the smoke management rules. He noted how Department of Justice (DOJ) will provide advice on each agencies' respective roles and responsibilities relative to clean water on non-federal forestlands in Oregon. He explored the core values of Oregonians relating to clean water and the environment, expressed the importance of the working agency relationships to achieve these outcomes and the continuance of the quarterly meetings between the Commission and Board.

Kathleen George, Chair of the Environmental Quality Commission (EQC), expressed her gratitude towards everyone joining the Commission and Board for the joint session and reflected on how each governing entities' missions overlap and diverge. She described the efforts that are contributing to the alignment of the two agencies work and outlined the goals that guide this interagency collaboration. She explained how each governing entity can offer solutions or remove barriers to help gain efficiencies for this work and for the betterment of Oregon's resources.

Tom Imeson, Chair of the Board of Forestry commented on how this public meeting may be his last, as new board members are anticipated to be confirmed by the Oregon Senate and reflected on how the relationship built over time by the Departments, Commission and Board is a testament of cooperative governance. He provided an abbreviated history of the growing working relationship, policy decisions, and rulemaking actions undertaken with the collaboration of EQC, DEQ, ODF and the Board. He encouraged the current board members to explore joint tours if an opportunity emerges through the work on air and water quality issues.

Public Testimony: No provision made for public testimony.

**INFORMATION ONLY.**

**2. SMOKE MANAGEMENT RULE IMPLEMENTATION**  
[Listen to audio](#) MP3 - (54 minutes and 17 seconds – 24.8 MB)  
Presentation ([attachment 1](#))

Doug Gafe, Fire Protection Division Chief with the Oregon Department of Forestry (ODF), commented on the interagency efforts associated with the Smoke Management Program, highlighted the leadership from Nick Yonker relative to this work, and expressed gratitude for Mr. Yonker years of service leading up to his retirement.

Michael Orman, Air Quality Planning Section Manager with the Department of Environmental Quality (DEQ), agreed with Gafe's comments, thanked Mr. Yonker for the foundational work he has provided for the implementation of the Smoke Management program and interagency collaboration. He outlined the goals of the smoke management rules update for the Board and Commission.

Nick Yonker, Smoke Management Program Manager with ODF, described the major elements of the administrative rules, provided an overview of the changes to the smoke management plan, and outlined the implementation progress to date. He explained the variances of the plan changes relative to intrusion thresholds, statewide communication framework, community response plans, and polyethylene covering restrictions. He compared the 2019 and 2020 smoke management statistics, commented on the impacts, or influences from the COVID-19 pandemic and fall dry conditions had in 2020. He outlined the ecological benefits of prescribed fire, and the impact fire can have on forests seasonally.

Margaret Miller, Air Quality Planner and Forester with DEQ, reviewed emissions reductions techniques, best burn practices, and the average amount of polyethylene cover used per slash pile. She explained how ODF and DEQ are seeking additional data relative to polyethylene cover usage, conducting a lifecycle analysis of alternative disposals of slash coverings, and how this information can inform future decisions. She commented on the Governor's Wildfire Response Council mitigation recommendation relative to investigating alternatives to prescribed burning, such as biomass or biofuels and explained how DEQ supports non-burn alternatives therefore developing a project plan on biomass utilization. She reviewed the various methods deployed to ensure timely and comprehensive communication across the agencies and shared a few examples of engagement. She emphasized DEQ's role in providing smoke mitigation and response grants for communities to develop response plans, acquire resources, and build up smoke resiliency.

Gabriella Goldfarb, Environmental Public Health Section Manager with the Oregon Health Authority (OHA), provided an overview of smoke impacts on public health and highlighted the September 2020 wildfire outcomes that were monitored. She commented on the community response plans engagement by local public health officials, inundation of work to the health sector as a result of the COVID-19 pandemic, and the need for modernization of the public health systems for counties and tribes. She described the multi-agency collaborative effort to stand up an incident management team to organize and respond to the COVID-19 crisis in Oregon. Goldfarb appreciated the work and level of collaboration across the three agencies, as well as acknowledged contributions to support this work by Kim Tham, Operations and Policy Analyst with OHA.

Board members commented on the Smoke Management Rule Implementation presentation.

- Vice Chair Baraso inquired about how comparable smoke intrusion threshold data is between 2019 with 2020. Yonker explained the criterion considered for each year as the rule changed what is defined as a smoke incident versus intrusion, when legacy rules were used, and described where the smoke sensitive receptor area (SSRA) were included.
- Chair George asked what alternatives of prescribed burning are being used, to what extent, and if any incentives exist to promote the alternative options. Miller noted the question speaks to the goal of DEQ's project plan currently in progress and plans to update the Commission as progress continues.

- Chair Imeson questioned what additional resources may be available or needed for the continued development of community response plans. Miller commented that additional funding and support was welcomed, and Orman commented on the potential outcome of the current Legislative session.
- Board member Kelly inquired about whether effective solutions, such as wearing appropriate mask in communities affected by prescribed burns or smoke will be promoted. Goldfarb explained how studies are forthcoming on the effectiveness of masks but explained that protection from smoke particulates is difficult to negate unless clean air spaces and smoke filtration devices are utilized, in addition to education and promoting this information through the development of community response plans.
- Commissioner Kile asked about how the initial communication process on establishing community response plans went, what barriers were encountered, and what feedback was provided. Goldfarb highlighted the Ashland community response plan interactions and phases of development. Miller explained how each community plan is unique, how each respective county engages differently, but how overall involvement and engagement with the community plan's implementation is high. Commissioner Kile followed up with what needs are arising from this work. Goldfarb explained resources for community planning, more communities to come together in developing response plans, and additional funding to promote this work. Miller noted how toolkit guides are being created by select communities but will be available as a resource for other communities.
- Board member Justice provided gratitude to Nick Yonker for his dedicated work and the multi-agency collaboration as they responded to the COVID-19 pandemic.

Public Testimony: None

### **INFORMATION ONLY.**

#### 3. ODF-DEQ COLLABORATION QUARTERLY UPDATE

[Listen to audio](#) MP3 - (1 hour, 9 minutes and 31 seconds – 31.8 MB)

Presentation ([attachment 2](#))

Kyle Abraham, Private Forests Division Chief with the Oregon Department of Forestry (ODF) outlined the intent for the quarterly update, introduced Department of Justice (DOJ) guest presenters, and noted a facilitator will lead the Board and Commission's discussion. He reviewed Oregon land use laws as it relates to ODF's designated authority on forest practices, resource protections, and water quality. He shared the successes of the agencies collaboration on past rulemaking efforts for protection of salmon, steelhead, and bull trout streams, as well as the streamside protection review, and as an outcome of this work, DEQ and ODF were tasked to continue their partnership to work on approaches for studying rules sufficiency and evaluate total maximum daily loads (TMDLs).

Jennifer Wigal, Interim Deputy Director with the Department of Environmental Quality (DEQ), reviewed DEQ and Environmental Quality Commission (EQC) responsibilities as it relates to water quality, water protections, and administering the federal Clean Water Act for the State. She provided an overview on how DEQ carries out the water quality protection responsibilities, described the role of federal laws and programs, and noted the range of DEQ's goals as they strive to work with various entities in meeting water quality standards overtime. She offered history on DEQ's clean water act

evolution overtime, explained the intent and process for TMDL's, and emphasized the value in collaborating with others to achieve the agency's goals. She described how collectively these components lay the foundation for the DOJ advice to line up DEQ objectives, processes, and requirements in collaborating with ODF. She outlined the shared goals and framework for the memorandum of agreement (MOA) between the two agencies. Wigal closed with reviewing the two agencies' intent for seeking legal advice on the respective authorities and obligations EQC and the Board has relative to the protection of water quality on forestland.

Diane Lloyd and Matt DeVore, Assistant Attorney Generals with the Department of Justice (DOJ) outlined the topics included with the DOJ advice memo relative to the respective roles of the governing entities and public agencies to fulfill legislative intent by working collaboratively, combining their expertise to protect water quality in Oregon forestlands. Lloyd described Environmental Quality Commission's (EQC) role, controlling authority, and ancillary obligations relative to water quality standards, regulating pollution, and implementing the Clean Water Act (CWA). She reviewed the assessment role of the U.S. Environmental Protection Agency (EPA) as TMDL and management plans are developed, and how DEQ's reasonable assurance framework ensures water quality standards can be attained and likelihood of implementation.

Lloyd defined designated management agencies (DMA) and their role in TMDL implementation, noting the Department of Forestry is the DMA for non-federal forestlands, and outlined EQC's adopted rule relative to TMDLs on non-federal forestlands and the Forest Practices Act (FPA). DeVore described the Board's role, general authority, and ancillary obligations relative to forest policy and management, forest practices rules development and adoption of forest practice standards. He reviewed the legislative intent behind the Board's duty in establishing best management forest practices relative to meeting EQC's water quality standards and pollutant reduction goals for the state, how specific procedures and series of findings must be completed before adopting any new FPA rules, and the regulatory role EQC plays if compliance is not fulfilled.

Lloyd explained how EQC, and the Board's roles are interconnected in broadly protecting water quality on forestlands, the legislative intent for the two agencies to work together, and the overlap of target goals for the collaborative process in achieving the obligations prescribed by law. DeVore emphasized the responsibilities of DEQ and EQC in determining load allocations for forestlands, serving as a target for the Board to follow and in turn determine how to best regulate forest practices in achieving that target, through regulatory or non-regulatory means, but noted how all public entities including the EPA partake in working towards the common goals relative to water quality standards. Lloyd closed the presentation by summarizing the litigation outcomes for temperature TMDL replacement, noting 14 areas are scheduled for development of temperature TMDL's and replacement in Oregon per court order.

Abraham reviewed the draft memorandum of understanding (MOU) framework, described each component included in the MOU, outlined the work yet to be completed, the process to which the MOU is being developed, and the overall intent for the MOU. He introduced Jaime Damon from Kearns and West, who serves as a mediator supporting DEQ and the Department's development of the collaborative MOU. Damon facilitated the questions for the Board, Commission, and agency staff discussion.

- Board member Justice inquired about how the work from the Private Forestry Accord may align with DEQ's Clean Water Act (CWA) efforts. Wigal explained it is unclear at this point if the accord will explicitly address CWA, but explained if a habitat conservation plan is sought, DEQ's water quality standards are built to protect coldwater salmonid communities and anticipate the agency's role in development of strategies relative to coldwater protections.
- Facilitator Damon inquired about what other elements should be integrated into the agencies' collaboration.
  - Board member McComb noted how climate change was not mentioned in the collaboration discussion. Damon clarified whether this piece is incorporated or whether this is an element the agencies should address. Wigal described how elements of climate is broadly incorporated when DEQ assesses conditions and various data sets when developing the TMDLs but recognized the opportunity to be more explicit on what can or cannot be considered relative to CWA and future conditions. Director Whitman presented the understanding on how TMDL's are identified, where water quality standards are not met. Some reasons for impairments may be due to vegetation or climate and DEQ takes into account the changes over time in assessing the waterways' return into compliance. Board member McComb asked about modeling component in establishing TMDL's. Wigal stated that modeling is a component of what data is considered and the information shared among her team.
  - Commission Chair George highlighted the opportunity through the work of the MOU to align and consolidate efforts, to avoid redundant work processes, to combine agency resources, to maximize engagement in between the agencies and governing entities. She provided an example around the value of aligning and clarifying the language as well as goals for this effort.
  - Vice Chair Baraso thanked the DOJ presenters in providing clarity to the Commission and Board by assembling the memorandum. He noted the MOU lacked a sense of urgency, and beyond the review intervals listed, there could be more emphasis on the public entities continued commitment to the MOU and collaboration.
  - Board Chair Imeson noted how the TMDL chart included with the presentation speaks to the sense of urgency and emphasized the governing bodies commitment to collaboration but explained how an underlining timeline outlining when decisions become critical and the work leading to those decisions must be done is not apparent. He reflected on the work the two governing bodies have completed to date, outlined some challenges for the upcoming Board and recognized the coordinated involvement the Board will need to ensure this work is fulfilled. Director Whitman shared his appreciation for Chair Imeson's service to Oregon and for his efforts in collaborating with EQC during his tenure. He reinforced Chair Imeson's comments by noting the replacement temperature TMDLs scheduled in Oregon over a six-year span, in addition to coastal temperature plans to assess cold water standards. He explained without agency collaboration there is a potential for disconnect between the two agencies and combining work efforts as well as resources could lead to ways in which Water Quality Standards (WQS) are met overtime on forestland with the Forest Practices Act, including the temperature standard. He described how the

recent work on the salmon, steelhead, bull trout streams are different from what is currently in front of the governing bodies. He framed the current work as identifying what needs to be done to improve conditions to meet WQS and bring a watershed or portions of it back into compliance. Vice Chair Baraso acknowledged the schedule provided and elucidated on the context for the work between the agencies moving forward.

- Board member McComb sought clarification about the cumulative effects of forest operations and other land uses that may impact watersheds. Director Whitman agreed that the lens described is an objective for this work, and not unique to forestry, as other lands across the state are dealing with this complex issue. He explained how relevant the work with the Department is to help account for the realities in the field and contribute to the finer grained details.
- Facilitator Damon performed a time check with Commission Chair George and Board Chair Imeson on how much further to explore the discussion on better aligning processes and non-regulatory methods. Chair Imeson commented on logistical time constraints, and Chair George recommended to close out the item, but reminded the public that both governing bodies are accepting written comment from the public on this item through March 17. Chair George expressed gratitude to the presenters, facilitator, staff, and public for coordinating this effort. She shared her vision on the collaborative actions the two agencies will take to complete this work. State Forester Daugherty thanked everyone's engagement and remarked on that collaboration between all public bodies is critical for this work's success. Chair Imeson stated gratitude from the Board to the Commission for joining them to discuss this work. Director Whitman appreciated the effort from DOJ in pulling together the presentation. Chair George closed by acknowledging Chair Imeson engagement and leadership for the Board of Forestry.

Public Testimony: None

**INFORMATION ONLY.**

Environmental Quality Commission Chair Kathleen George concluded item #3 and EQC Coordinator, Stephanie Caldera, announced the end of the joint session meeting at 12:29 p.m.

**BOARD OF FORESTRY:**

Chair Imeson reconvened the public meeting and introduced the Board business portion of the meeting at 1:04 p.m. He explained due to the delay of meeting materials will extend the time to accept written testimony from the public through March 24, 2021. Chair Imeson completed the afternoon roll call to establish a quorum was present.

*Board Members Virtually Present:*

Brenda McComb  
Joe Justice  
Jim Kelly  
Tom Imeson

*Board Members Absent:*

None

**CONSENT AGENDA:**

- A. JANUARY 6, 2021, BOARD OF FORESTRY MEETING MINUTES  
Approval of Board's January 6, 2021, Meeting Minutes.

**ACTION: The Board approved minutes from the November 4, 2020 Board of Forestry meeting.**

- B. STATE FORESTS CLOSURE RULEMAKING

The State Forests Division has promulgated a set of Oregon Administrative Rules (OARs) governing the public use of state forest lands, found in Chapter 629 and Division 025 ([OAR 629-025-0000 to 629-025-0099](#)). These rules are intended to cover all aspects of public use within state forest lands, with a focus on forest resource protection and reducing conflicts between users. Two updates are being pursued currently to address implementation of forest access restrictions and recreational immunity.

**ACTION: The Board directed the State Forest Division to begin rulemaking to adopt OAR 629-025-0091 as a permanent rule and amend OAR 629-025-0030, returning to the Board in June 2021 for final approval.**

- C. FOREST PRACTICES INTERAGENCY MEETING REPORT

The purpose of this report summarizes the 2020 annual meetings held with other state agencies regarding the sufficiency of the Forest Practice Rules and proper coordination with other agencies with an interest in the forest environment. Oregon Administrative Rule (OAR) 629-605-0110 states

**INFORMATION ONLY.**

- D. DEPARTMENT FINANCIAL REPORT

The Department submitted a monthly executive financial report to the Board. The report included up-to-date information about the Department's financial condition, the financial and budgetary status, and other ancillary topics as appropriate for Board oversight.

**INFORMATION ONLY.**

- E. APPROVAL OF AGENCY DIRECTOR FINANCIAL TRANSACTIONS, FISCAL YEAR 2020

The purpose of this agenda item is to meet the requirements of statewide policy by having the Board review and approve transactions submitted by State Forester, Peter Daugherty, for Fiscal Year 2020.

**ACTION: Board approved the travel expense transactions and the leave usage transactions submitted by State Forester, Peter Daugherty, for Fiscal Year 2020, as summarized in Attachment 1, State Forester's Travel Claims Summary, and Attachment 2, State Forester's Leave Usage Summary. There were no purchase card transactions or requests for vacation leave payoff in this time period.**

Joe Justice motioned for consensus of the consent agenda items. Jim Kelly seconded the motion. Voting in favor of the motion: Joe Justice, Jim Kelly, Brenda McComb, and Tom Imeson. Against: none. With Board consensus Items A through E were accepted, and the motion carried.

### **ACTION AND INFORMATION:**

#### **4. STATE FORESTER AND BOARD MEMBER COMMENTS**

[Listen to audio](#) MP3 – (15 minutes and 31 seconds – 7.10 MB)

State Forester Daugherty commented on:

- Allocated funds for Oregon wildfire recovery, prevention, and preparedness to the Department as a result of the 2020 Legislative special session and outlined how those funds were distributed. He described the intention for the additional funds requested by the Department for the remainder of the 19-21 biennium from the Emergency Board (E-Board) and how they were approved. Acknowledged the Partnership and Planning program leadership in quickly filling the positions and projects funded by the E-Board appropriation and listed the range of projects to be fulfilled. He emphasized the demand is high for this spectrum of work.
- Announced the 81<sup>st</sup> Legislative session has begun with thousands of bills introduced. He reviewed the Department's process in reviewing, tracking, and responding to the key bills identified. Highlighted the variances to the Oregon harvest tax bill, the range of fire protection-related bills to fulfill the Governor's Wildfire Response Council recommendations, and the Department's budget bill. He encouraged Board members to reach out to the Department's Legislative Coordinator Lena Tucker with any questions, as updates are planned to be distributed throughout the session duration.
- Discussed the Department's work with the Natural and Cultural Resource recovery task force, listed the agencies involved, described the components of the assessment synthesis, and reported the findings from these assessment efforts. He explained the overall themes, recommended actions, and projected costs to implement overtime. Emphasized the origin and intent for this requested report, how this information will be shared with the Oregon Legislature and contributes to the Congressional delegation request on Federal Infrastructure bill being deliberated in Washington D.C. Recognized staff who contributed to these efforts.

#### Board Member Comments:

- Board member Kelly commented on Oregon Forest Resources Institute Forest Facts publication and commended them for incorporating various perspectives in the latest edition, including aspects on climate change.

Public Testimony: No provision made for public testimony.

### **INFORMATION ONLY.**

#### **5. FOREST TRUST LAND ADVISORY COMMITTEE TESTIMONY**

[Listen to audio](#) MP3 – (22 minutes and 43 seconds – 10.4 MB)

Commissioner John Sweet provided oral comments to the Board on salvage recovery efforts on State forestland from 2020 fires and suggested for the Department to consider developing

emergency protocols for future fire losses. He shared his perspective on salvage logging, housing affordability relative to wood products demand, and how the timing of county lands availability impacts harvest base.

Commissioner David Yamamoto provided oral and written testimony ([attachment 3](#)) on the 2020 wildfire outcomes and impacts to counties and communities. He shared appreciation for the Department's dedication and contribution in fighting the 2020 fires, noting with proper forest management could address the potential for future conflagrations. He commented on the North Cascade District draft implementation plan, listed areas of agreement and concern, and remarked on the various public comments received for the draft plan. He outlined the key targets for salvage logging, discussed the status of salvage logging across the state for private and public forestlands, and questioned whether the Department has a salvage policy in practice that recovers value while deploying restoration efforts. He reviewed how the funds from maximizing salvage efforts and increasing the number of acres for timber harvest can improve county services. He offered background on the Tillamook State Forest fire recovery, restoration, and reforestation efforts. He outlined the Forest Trust Counties primary objectives. Yamamoto closed by commenting on additional issues such as roadways in forestland, carbon sequestration, and fire mitigation efforts.

Commissioner Testimony:

- Commissioner Roger Nyquist offered perspective on county's interests relative to maximizing funding, increasing mitigation measures, and preparing communities for wildfires. He emphasized a collective, obligatory duty to clean future fuels on the ground to not allow a repeat of the 2020 Labor Day fires. Nyquist closed by expressing his gratitude for the Department's work and Board's service to Oregon.
- Commissioner Kevin Cameron thanked Chair Imeson for his service on the Board. He provided a first-hand account of the 2020 Labor Day fires, explaining the devastation left in the wake of these fires, and noted the value of county funds towards the recovery efforts in these impacted communities. He commented on the current demand for building materials and resources at the local level, emphasized the health and safety of the people as well as environment in the long-term. He challenged the amount allocated for timber harvesting in the North Cascade draft implementation plan and urged the Department to consider expanding the number of acres available for salvage logging.

**INFORMATION ONLY.**

6. **SANTIAM STATE FOREST RESTORATION AND RECOVERY**

[Listen to audio](#) MP3 - (1 hour, 38 minutes and 41 seconds – 45.1 MB)

Presentation ([attachment 4](#))

Liz Dent, State Forests Division Chief, briefed the Board on the preceding items heard in relation to Santiam State Forest restoration and recovery topic, introduced fellow presenters, and yielded the floor to invited testimony due to time constraints.

Invited Testimony – Part One:

- Lisa Phipps, Chair for the State Forest Advisory Committee (SFAC), reviewed the committee's purpose and role in working with the Department. Stated the committee reviewed the revised implementation plan for the North Cascade District and noted their

unanimous support for the plan as the Department is determining post-fire recovery efforts and adjusting the management of the forestland. Applauded the Department's efforts in addressing the multifaceted needs of various land ownerships, emphasized key attributes of the revised plan, highlighted the forest objectives of the revised plan, and explored the ongoing work to be done in conjunction with the plan. Recognized the complexity of this issue and balancing various perspectives but offered the committee as a sounding board for this effort.

Dent explained the majority of the information overview was covered by Commissioner's testimony under item six and shared by the SFAC Chair. She explored the human element of the 2020 fall wildfires by describing the Department's Santiam district employee's personal uncertainty but professional dedication to the fire response effort. Coupled with the loss of the Lyon's office, the same district office teamed up to conduct the forest assessment, evaluate short and long-term impacts, determined specific operation needs, and contributed to the revision of the implementation plan. She formally recognized these staff efforts, expressed gratitude for their service and devotion to the stated work. Dent reflected on the mandate for securing greatest permanent value (GPV), outlined the goals to attain GPV, and noted the target is striking the right balance for this land base.

Ron Zilli, State Forests Deputy Division Chief for Planning, provided an overview of the mosaic of forest stands in the Santiam State Forest, landscape-level scale of the wildfires, and overarching fire response phases for the Santiam State Forest. He reviewed the initial fire assessment data, forest resources impacted, burn patterns, and level of severity. He explained how wildfires impacted counties, the degree of impact, and the number of acres burned. Described the different stand structures, highlighted how fire impacted the spectrum of stands relative to age classes and within the desired future conditions (DFC) mapped landscape design.

Zilli listed the series of reforestation approaches over the implementation plan duration, the challenges in reforestation, and new opportunities to create fire resilient forest landscapes. He outlined the fire impacts to recreation and natural lands, ranging from trails, roads, culverts, and riparian areas. Commented on recreation, education, and interpretation next steps in debris removal, trail repair, recovery or relocation work, enhancements to recreation areas, and phased reopening of the Santiam State Forest. Shared observations about landscape resiliency, discussed the variety of terrestrial strategies being considered, and noted the aquatic recovery planning efforts underway with partnering agencies. He explained the Forest Management Plan will continue to be followed, as key structural components are maintained, and post-fire harvesting activities are assessed by resource specialists and agency partners to re-establish healthy working forests.

Zilli discussed post-fire harvesting operations projected and uncertainty around the secondary effects or tree mortality as a result of the wildfires. He reviewed the different approaches to the harvesting of the acres scarred by the fires, the elements considered to determine which acres to harvest, shared examples of proposed harvesting sites relative to the DFC mapped landscape design and noted how riparian buffers for all fish and non-fish streams would be implemented.

Jason Cox, Public Affairs Specialist, summarized the outreach efforts by the Department for the public input process as the North Cascade District Implementation Plan was revised. He shared a high-level overview of the public comments received and described the feedback loop for the

commenting process. Highlighted the themes of the public comment submitted, outlined the comments with crossovers, and described areas of agreement and disagreement. He appreciated the feedback provided, outlined the benefits for public engagement, and listed the areas expanded or added on as a result of the public comment process. Cox shared where to locate information on the Santiam State Forest interactive webpage.

Ramona Arechiga, Young Stands Silvicultural Specialist, provided an overview of the Department's phased approach and restoration plan development for the Santiam State Forest. She explained the Greatest Permanent Value (GPV) framework used for the restoration plan, described the various components that contribute to managing forestlands within the social, economic, environmental, and climate resilience goals. She outlined the restoration plan timeline with associated deliverables, collaboratives, and key objectives. She noted how the Department is identifying and forming engagement strategies with the support from sister agencies, regional, and local partners, as well as organizations to collaborate on how to restore these lands in the full context of GPV.

#### Invited Testimony – Part two:

- Jennifer Wigal, Interim Deputy Director with the Department of Environmental Quality (DEQ), shared appreciation for the State Forests team outreach and partnership overtime, explained current interagency work on the scoping team for the western Oregon State Forests Habitat Conservation Plan, reflected on DEQ's feedback submitted to the Department for the revisions to the implementation plan and how it was responded to or incorporated. Wigal closed by offering DEQ's continued engagement with the agency and offered consultant role for State Forests team, as needed, for the continuation of this plan.
- Doug Cottam, Wildlife Division Administrator for Oregon Department of Fish and Wildlife (ODFW) explained the long-standing history of collaboration with the Department, shared ODFW statutory responsibilities to consult and provide feedback on State Forests matters and reflected on the strong working relationship built between the agencies. He noted ODFW's work on the steering committee and scoping team for the western Oregon State Forests Habitat Conservation Plan, how the agency's comments are incorporated into the draft plans, and how the Department connects with ODFW to discuss components of the plan in greater detail for mutual understanding. Cottam stated support and commitment towards creating a shared vision for state forests, to assist with design and implementing plans that restore healthy forests and resilient ecosystems in the context of the GPV.

#### Invited Testimony from Public Panels:

- Rebecca White from Cascadia Wildlands introduced the order of panelists who will share their input on the State Forests revision to the North Cascade Implementation Plan.
- Noah Mikell, student law clerk for Cascadia Wildlands, commented on the GPV mandate, listed a series of Department, Board and State Forester obligations associated in fulfilling GPV goals, and discuss the intent for the 10-year implementation plan revision. He listed various examples of policy misalignment or legal inconsistencies pulled from the draft revised plan relative to the Forest Management Plan (FMP) approved by the Board. He explained how regenerative harvesting (i.e., salvage logging) is counterintuitive to the FMP management objectives.
- Nick Cady, legal director for Cascadia Wildlands, outlined the notice to the Department and the Board, explaining this notice will be the basis of a forthcoming lawsuit unless the

Department complies with the following: 1) to drop plans to log designated complex forests areas (approximately 398 acres), and 2) to drop the acres that are proposed as Habitat Conservation Areas in the draft Habitat Conservation Plan (HCP). He urged the Board to direct the State Forester to make these changes and prevent future violations of the FMP.

- Seth Barnes from Oregon Forests Industry Council (OFIC) provided a narrative on the fire damage to the Santiam state forestlands and reflected on the purpose of the forestlands. He listed benefits of fuel treatments, growing complex forests, and isolated salvage logging, as contributive towards meeting DFC for the Santiam State Forest. He shared the 2020 DHM public survey results around actively managing and restoring forests.
- Amanda Astor, Forest Policy Manager, from Associated Oregon Loggers (AOL) described her background in forestry, suggested the Board review the written testimony submitted, and echoed the Commissioner's comments made during item #5. She reviewed post-fire recovery salvage logging statistics across the state, suggested forestry actions to be taken to recover forestlands, and listed the number of benefits harvesting can provide to a recovering forest. Astor closed by commenting on the economic value associated with harvesting timber and how communities have contributed in kind towards the fire suppression efforts.
- Rob Freres from Freres Lumber company commented on his family forestland was impacted by the 2020 wildfires, described the recovery efforts on this land through salvage logging and reforestation, and explained how delay in timber sales on public lands affect small businesses and services for the counties. He urged the Department to promptly salvage logs and offered his company's assistance on salvaging small trees in the area. He stated the land titles should be transferred back to the counties, that GPV definition should be narrowed to meet contractual obligations to the counties and urged the Board to abandon the HCP.
- Senator Fred Girod explained how he is a representative for the communities who live within the fire region, commented on how timber industry ties to local and rural services, shared his connection to the environment and the Santiam basin, and believed poor forest management contributed to the fires, loss of communities, and destruction of his residence. He expressed how the voices of those directly impacted by the fire are not being heard, aired concerns about being safe from fire, and how timber on the landscape is setting the stage for a secondary fire. He remarked on the economic stability and safety needed for the fire-risk communities in the Santiam region so they can rebuild and recover. Girod closed by welcoming further conversation with the Board and expressed the need for better forest management.

Board commented on Santiam State Forest Recovery and Reforestation topic.

- Shared appreciation for the spectrum of voices heard and comments expressed, from local Commissioners to Senator Girod, understood how salvage logging is a great undertaking and balancing demands, and appreciated the State Forests teams' efforts on this matter.
- Inquired about whether the number of acres may change in the future and considered for regenerative, salvage operations as the potential for tree mortality increases overtime. Dent explained the range is wide as tree mortality is uncertain, crews obtaining access to the grounds to make sense of the operational boundaries while understanding burn severity and conducting appraisals along the way. Zilli added on how a prioritization scheme was considered with a series of forest values being assessed for each year and explained there are a variety of factors that influenced how the State Forests team arrived at the point of the revised implementation plan. Board concerned about beetle impact on the tree stands

impacted by the wildfires and noted how they will continue to check in on how the lands are affected. Zilli explained that adaptiveness is key, and if something materially different occurs on the ground then modifications will be made accordingly.

- Acknowledged the conservation and industry perspectives were presented with little alignment around the facts of the issue and suggested exploring the opportunity to better educate and perform outreach with both sides on an issue.
- Expressed gratitude for the presentation, panel engagement, and for the well-rounded information with public perspectives represented. Acknowledged the State Forester, not the Board has the authority to affirm the implementation plans and supported salvage logging as long as it does not degrade the integrity of the forests from providing all aspects of GPV.
- Aired disappointment with the State Forester in approving the revised North Cascade District Implementation Plan for a number of reasons. Commented on the misalignments in content over the iterations of the draft plan's revisions. Questioned whether approving the revised plan was wise given these areas of uncertainty in forming the proposed actions.
- Chair Imeson thanked everyone for their participation on the topic. Dent shared her and her team's gratitude for Chair Imeson's years of continued service, noting how complex these issues can be and appreciated the Chair's leadership.

Public Testimony:

- Associated Oregon Loggers (AOL) provided written testimony ([attachment 5](#)) for State Forest Santiam Forest Recovery and Reforestation item, which included an introduction of the association, perspective on the revision to the North Cascade District Implementation Plan, and post-fire restoration. Commented on specific components of the implementation plan from climate and recreation to roads and Habitat Conservation Plan. AOL representative, Amanda Astor offered oral comments under invited testimony.
- Courtney Bangs, Clatsop County Commissioner provided written testimony ([attachment 6](#)) for State Forest Santiam Forest Recovery and Reforestation item. Recognized the Department's effort to balance economic, social, and environmental goals but recommended an expedited salvage logging and reforestation in the Santiam State Forest.
- Boise Cascade Wood Products LLC provided written testimony ([attachment 7](#)) for State Forest Santiam Forest Recovery and Reforestation item. Commented on the North Cascade district lands relative to active forest management, forestland recovery, and prioritization of management objectives post-fire.
- Cascadia Wildlands provided written testimony ([attachment 8](#)) for State Forest Santiam Forest Recovery and Reforestation item relative to the Forest Management Plan, meeting the greatest permanent value, and the revised implementation plan. Asked the Board to stop the sale of post-fire projects under the revised implementation plan.
- Fairchild provided written testimony ([attachment 9](#)) for State Forest Santiam Forest Recovery and Reforestation item. Objected to the proposed logging activities in the Santiam Forest under the revised implementation plan. Commented on the Departments' management, planning, and recovery efforts.
- Oregon Forest Industries Council (OFIC) provided oral and written testimony ([attachment 10](#)) for State Forest Santiam Forest Recovery and Reforestation item. Seth Barnes provided background on his background, reviewed intention for the State Forests, and presented a series of post-fire recovery strategies. Reflected on DHM research survey of Oregonians in 2020. OFIC representative, Seth Barnes offered oral comments under invited testimony.

- Oregon Forests Forever provided written testimony ([attachment 11](#)) for State Forest Santiam Forest Recovery and Reforestation item. Shared the organization's overall campaign message, number of submissions, and highlighted the message nine key points. Offered examples of the public submissions.
- Oregon Wild and Et al provided written testimony ([attachment 12](#)) on behalf of the Oregon Climate Action Plan (OCAP) coalition for the State Forest Santiam Forest Recovery and Reforestation item. Explained how managing forestland include wildfire relate to the directives set forth in Executive Order 20-04. Offered perspective on the Santiam State Forest restoration and recovery efforts. Encouraged the Department to seek guidance from the Board on modernizing approach to manage forestland for wildfire risk and restoration post-fire, outlining the ecological and human protection values of this request. Listed recommendations for post-fire recovery and described how to protect communities from threat of wildfire.
- Roseburg Forest Products provided written testimony ([attachment 13](#)) for State Forest Santiam Forest Recovery and Reforestation item. Offered background on Roseburg lands in Oregon and recent fire history. Noted Roseburg adjacent lands with public lands and urged the Board to prioritize management and salvage.
- Salem Audubon Society provided written testimony ([attachment 14](#)) for State Forest Santiam Forest Recovery and Reforestation item. Commented on areas designated for desired future conditions (DFC), forest structure, and fuel reduction. Explained with the Santiam State Forest Revised Implementation Plan does not demonstrate the Department's value for water quality, threatened and endangered species, biodiversity, or forest resilience in the face of a changing climate.
- State Forest Advisory Committee provided written testimony ([attachment 15](#)) for State Forest Santiam Forest Recovery and Reforestation item. Outlined the advisory committee purpose. Reviewed the North Cascade District Implementation Plan proposed revisions, aired support for the Department's plan, and highlighted key aspects of the plan. Explained complex situation with managing, planning, and balancing various perspectives post-fire. Recognized value for outreach, education, and transparency for long-term success of state forest restoration efforts. Chair Phipps offered oral comments under invited testimony.
- Wilkeson provided written testimony ([attachment 16](#)) on behalf of Hampton Lumber for State Forest Santiam Forest Recovery and Reforestation item, commenting on the draft North Cascade District Implementation Plan. Emphasized expediting post-fire harvest sales to generate revenue for the Department and counties, tree health assessment, riparian management area buffers clarification, accessibility of roadways in the forest, and restoring Santiam State Forest proactively.

## **INFORMATION ONLY.**

### **7. OREGON GLOBAL WARMING COMMISSION – NATURAL AND WORKING LANDS GOAL UPDATE**

[Listen to audio](#) MP3 – (26 minutes and 35 seconds – 12.1 MB)  
 Presentation ([attachment 17](#))

Danny Norlander, Carbon and Forest Health Analyst, introduced the topic, main presenter, and intent for the presentation. He noted the Department's collaboration with the Oregon Global

Warming Commission as they work to fulfil the targets included with the Governor's Executive Order 20-04.

Catherine Macdonald, Chair for the Oregon Global Warming Commission (OGWC) reviewed the six steps to developing natural and working lands proposal, described OGWC activities to date, highlighted the interagency coordination in maximizing landowner, technical, and public participation. She discussed the planned activities for the proposal and listed the milestones for the OGWC deliverables. Commented on the characteristics of land sector emissions and explained the influences on carbon flux, uncertainty of natural land sector inventory, and variance of carbon sink. She examined the seven questions and components for each decision that will be answered in the final proposal to the Governor's office. Macdonald welcomed responses to the seven questions or other considerations from the Board.

Board members commented on the questions included with the Oregon Global Warming Commission – Natural and Working Lands Goal Update presentation.

- Noted the high level of uncertainty around the natural land sector inventory and asked if the level of research or data being accrued will lessen this uncertainty. Macdonald stated yes, she explained ongoing work at a federal level, national interest, and state engagement overtime can help with this effort.
- Chair Imeson explained how land sector as a whole is different and suggested a deeper dive. He commented on how the historical land use planning laws benefit Oregon, explored the challenges on private lands to maintain and manage forestlands, and suggested incentives. Macdonald agreed, commenting on the value of community and transportation planning in addition to incentives for shifting management of forestlands.
- Asked how forest products fit in and accounted for within the forest sector goals. Macdonald noted that forest products are considered in developing land use changes in forestry inventory and explained how this was identified as an area of improvement, but unsure of export role plays in this work. Norlander stated follow-up can be provided to respond to the Board's question.
- Commented on the stratification of use of natural and working lands. Macdonald explained work groups are thinking through how blue carbon overlaps with forests and acknowledged gaps in agriculture pathways, but hopeful to pull together some inventory with additional funding and shared gratitude for the Department work on reporting on current flux and stocks in Oregon forests.
- Inquired how the proposal will consider wood products with net carbon stored and sequestered but calculated with minus the greenhouse gas emissions emitted. Macdonald stated the national inventory includes the net from the land sector and explained how OGWC is taking stock from other states on how they are approaching this concept and treating biogenic emissions.
- Macdonald informed the Board about the operational natural and working lands page, what it will include, and available for the Board to review. She made herself available for greater conversations on this topic with the Board and State Forester Daugherty noted the Board Administrator will send the OGWC link to the Board,  
<https://www.keeporegoncool.org/natural-working-lands>.

Public Testimony:

- Oregon Wild and et al submitted written testimony ([attachment 18](#)) on behalf of the participants in the Oregon Climate Action Plan (OCAP) coalition for the Oregon Global Warming Commission update. Noted focus on the Board work plan for 2021, update to Goal G in the Forestry Program for Oregon and need for continue action for implementation to fulfill the mandates set forth in Executive Order 20-04. Urged Board action to slow the impacts of climate change as well as safeguard from future impacts. Cited references for the Department to consider with the revision of Goal G, listed guiding principles for climate-smart forest policy, and provided policy recommendations.

**INFORMATION ONLY.**

8. **BOARD AND CLOSING COMMENTS**

[Listen to audio](#) MP3 - (16 minutes and 35 seconds – 3.02 MB)

Board Chair, Tom Imeson, reviewed the agenda items in sequential order with Board members and Department staff, and welcomed any closing comments or follow-up questions on topic items.

- Board member Kelly shared appreciation and gratitude for Chair Imeson's leadership, mentorship, and long-standing public service for Oregon. Board member McComb and Justice echoed similar sentiments towards Chair Imeson's service to Oregonians and the Department. Chair Imeson summarized his experience in public service and commented on the state of polarized views that exists in the policymaking arena.
- Chair Imeson reflected on the overall meeting, noting the opportunity for a joint meeting with EQC, the collaboration, and the amount of logistical coordination involved with these efforts. He highlighted the importance in connecting with regulators and partner agencies on natural resource work. State Forester Daugherty remarked on the additional time required for these collaborations in planning and executing joint sessions. Chair Imeson noted how the time and agency review process, combined with outages associated resulting from winter natural disasters had led to the delay in publishing meeting materials for the Board and public. He also mentioned his hope for the existing limitations on gatherings and social distancing relative to COVID-19 to be reduced overtime, allowing the tours and meeting in-person to return for the Board. He agreed there is a value in meeting, touring, and participating in joint sessions together.

**INFORMATION ONLY.**

Board Chair Imeson adjourned the public meeting at 4:04 p.m.

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Respectfully submitted,  
/s/ Peter Daugherty



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Peter Daugherty, State Forester and  
Secretary to the Board

**DRAFT** Board of Forestry Special Meeting Minutes

**May 20, 2021**

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*Items listed in order heard.*

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

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on May 20, 2021 and hosted by the Oregon Department of Forestry Headquarters on 2600 State Street, Salem, OR 97310.

All Board members joined online by 8:30 a.m. into Zoom webinar. Chair Kelly called the public meeting to order at 9:00 a.m.

Board Members Present by Video:

Karla Chambers  
Ben Deumling  
Chandra Ferrari  
Joe Justice  
Brenda McComb  
Jim Kelly

Board Members Absent:

None

**ACTION AND INFORMATION:**

Chair Kelly commented on:

- Outlined Board proceedings for Board members and the public.
- Noted the public meeting will be live streamed, recorded, and posted online.
- Noted no public comment will be accepted for the special meeting.
- Performed Board roll call to confirm quorum.

Chair Kelly announced Executive Session provisions pursuant to ORS 192.660 (2)(f) for public and media. The Board departed the public meeting at 9:04 a.m.

1. \*EXECUTIVE SESSION

Chair Kelly proceeded with the formal Executive Session announcement.

The Board of Forestry entered into Executive Session for the purpose considering information or records that are exempt from disclosure by law [ORS 192.660(2)(f)].

No decisions were made during Executive Session. The Board exited the Executive Session at 10:19 a.m.

**INFORMATION ONLY.**

Chair Kelly and the Board members returned to the public meeting at 10:30 a.m.

## 2. BOARD DISCUSSION ON STATE FORESTER APPOINTMENT

[Listen to audio](#) MP3 – (40 minutes and 40 seconds – 18.6 MB)

[View video](#) on YouTube (2:12:07)

Chair Kelly introduced the item, and opened up the discussion on the State Forester appointment. The Board members offered the following comments:

- Board Member Justice offered thoughts on the Acting State Forester the Board is looking to appoint. He noted the Department work that needs to continue moving forward, shared awareness of the approaching fire season, and how the complex organization associated with fire is well managed.
- Chair Kelly explained his hope to fill the appointment soon, outlined the process and timeline for the consideration of the candidate. Mentioned the last day for State Forester Peter Daugherty is approaching and that Lena Tucker, Deputy State Forester, is acting State Forester by statute if a candidate is not determined by the Board prior to State Forester Daugherty's departure. Board members noted how strong the Executive Team has been through this process and aired confidence in the team's work as the transition continues.
- Board Member Chambers remarked on the recent Macias Gini O'Connell LLP (MGO) recommendations and deadlines reviewed with the Oregon State Legislature Ways and Means Subcommittee on Natural Resources. She noted how the Board should not lose sight of this added work for the Department on top of the active fire season and the potential for large fires with financial complexities.
- Board Member McComb believed there are key things that will need to be carried forward which include finances, fire, Habitat Conservation Plan, and companion Forest Management Plan. She expressed the importance of appointing an interim State Forester but hoped when the Board considers the recruitment for the permanent State Forester that the announcement, position description, and job postings have language that attracts candidates normally underrepresented. Chair Kelly concurred with his fellow board member's comments, remarked on how important the Acting State Forester role will be in assuring this work is effective and return credibility to the Department.
- Board Member Deumling shared observations of two competing thoughts among the Board, relative to the Acting State Forester and business continuity, as well as beginning work on the emerging priorities for the Department on day one. He outlined the importance of the candidate's availability, bandwidth, and expertise to balance all of the crucial work of the Department during a transition.
- Chair Kelly sought feedback from the Board about the upcoming efforts in preparing, planning, and implementing the recruitment process for the new State Forester. He listed the various process elements, statutory requirements, and policy directives that is anticipated for the Board to take on in the coming months. He expressed how this process will be a significant body of work and wanted to hear from Board members about their willingness and level of prioritization to complete this work as it may require additional meetings and time for the Board.
  - Board Member McComb offered her perspective on priorities for the Board, listing appointment of the Acting State Forester followed by a deliberate recruitment and selection process for a permanent State Forester. She explained if the position

- description is revised by the Board to include input from stakeholders and the public, and suggested the job posting to attract a diverse but qualified candidate pool.
- Chair Kelly asked the Board members if they were okay with moving forward with supporting a national search to seek a wide range of candidates, and the Board members non-verbally agreed through nods.
  - Board Member Ferrari concurred with fellow Board members' input on the prioritization, timing, and thoughtfulness of this recruitment process. She described how the process will allow time for Board discussion, how more process elements can be added as needed, and how the Board's work can be informed with the public and stakeholders feedback to confirm whether the Board is going in the right direction.
  - Board Member Deumling affirmed what other members expressed as priorities. He deferred to the Chair for scheduling special meetings and expressed his dedication to this important work. He highlighted how an appointment of an Acting State Forester will allow the Board capacity to achieve their visioned work with deliberate and timely action. Chair Kelly agreed that Forestry in Oregon is vital, and it is up to the Board to ensure the agency is running as competently and quickly as possible.
  - Board Member Chambers affirmed the urgency of a full-time forester is warranted. She remarked on the value in asking whether structure or changes are recommended for the State Forester position before the job announcement is released. She shared her observation that many individuals filled the role of State Forester with short tenures. Chair Kelly agreed this was a good question relative to State Forester retention and one that stakeholders may consider as the Board works through the recruitment process.
- Chair Kelly circled back to the appointment of the Acting State Forester, and inquired from the Board what criterion or attributes they are looking for from an interim State Forester.
    - Board Member Chambers noted the current position description is missing a financial management element and how it would be critical for the incoming candidate to have some understanding or expertise to address the agency improvements recommended by MGO.
    - Board Member Deumling expressed the position description could better emphasize the executive capacity and scope of the leadership role required for a large state agency.
    - Board Member McComb agreed it is helpful to better understand the shortfalls or challenges of past State Foresters but crucial for the Board to look forward towards what an incoming State Forester will be presented with as an agency, such as addressing climate change, implementing climate-smart forestry, and becoming financially sound. Board must consider who will provide the agency strategic directions that will allow the agency to be successful in the future.
    - Chair Kelly appreciated the input. He added how vital communication skills are in the executive role and the high demands for communicating at all levels. He also mentioned the value of understanding politics and how this role works with the Oregon Legislature, the Board, and the Governor's Office.
    - Board Member Ferrari commented on the value of having a candidate that can offer visionary, forward-thinking, and proactive leadership. She expressed the need for someone who can articulate and sell the agency's vision of the future to the various

stakeholders, board members, and legislators. Noted that the agency leader may be working through big initiatives and even though they may not find a candidate that checks all of the boxes for the Board, expertise such as chief financial oversight may be found in those who directly support the new State Forester.

- Chair Kelly called on Jason Miner, the Governor's Office Natural Resources Policy Director, to provide input to the Board on the appointment of an interim State Forester. Miner shared how many of the Board's thoughts echoed the Governor's desires for the interim position. He offered some clarifications on what priorities Governor Brown would like the interim position to pursue, such as the implementation of recommended changes by the MGO report and legislature, protecting the State in the upcoming fire season, and attention to the financial structure, accountability, and transparency. He acknowledged the interim role is sometimes too big of a role to accomplish these priorities and asked the Board to consider what additional support will the incoming State Forester need to be successful.
- Chair Kelly commented on the introduced Senate Bill 868 and provided a high-level summary of what this could mean for the Board's work in recruiting and selecting a new State Forester. Board Member McComb appreciated the information but did not feel the bill will change the process or work in front of the Board.
- Board Member McComb inquired about the point of the process the Board is in for appointing the Acting State Forester. Chair Kelly explained the next steps of the process. He stated the Board Administrator will distribute one resume to all Board members for consideration and outlined how the Board can reach out to the candidate as well as stakeholders to gain a better understanding of the efficacy of the candidate in this role. He noted another special meeting will be scheduled the following week for the Board to consider the candidate's qualifications and vote on the direct appointment of the Acting State Forester. He stated if the candidate is not appointed then the Board would repeat the process the following week.
- Chair Kelly asked if there were any other comments by the Board. Board Members looked forward to the next special meeting, they appreciated the work completed by the Board Administrator as they navigate through these unprecedented times, and shared their eagerness to return to a hybrid meeting environment as the COVID-19 restrictions improve to allow for in-person interactions.

#### **INFORMATION ONLY.**

Board Chair Kelly adjourned the public meeting at 11:05 a.m.

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Respectfully submitted,  
/s/ Peter Daugherty



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Peter Daugherty, State Forester and  
Secretary to the Board

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

May 27, 2021

### INDEX

<u>Item #</u>	<u>Page #</u>
<b>1. BOARD DELIBERATION ON ACTING STATE FORESTER APPOINTMENT .....</b>	<b>1</b>

*Items listed in order heard.*

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

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held virtually on May 27, 2021 and hosted by the Oregon Department of Forestry online.

All Board members joined online by 6:45 a.m. into Zoom meeting. Chair Kelly called the public meeting to order at 7:00 a.m.

Board Members Present by Video:

Karla S. Chambers  
Ben Deumling  
Chandra Ferrari  
Joe Justice  
Brenda McComb  
Jim Kelly

Board Members Absent:

None

### **ACTION AND INFORMATION:**

1. **BOARD DELIBERATION ON ACTING STATE FORESTER APPOINTMENT**  
[Listen to audio](#) MP3 – (13 minutes and 51 seconds– 6.34 MB)  
[View video](#) on YouTube (17:16)

Chair Kelly commented on:

- Outlined Board proceedings for Board members and the public.
- Noted the public meeting will be live streamed, recorded, and posted online.
- Noted no public comment will be accepted for the special meeting.
- Performed Board roll call to confirm quorum.

Chair Kelly outlined the scope of the discussion in front of the Board, mentioning if any process questions emerged from Board members on the direct appointment process there are representatives from Department of Justice, the Governor's Office, and from the Department of Forestry available.

Chair Kelly announced the candidate name under consideration, Nancy Hirsch, Emergency Fire Cost Committee Administrator for the direct appointment as the Acting State Forester. He asked if any Board members had some thoughts or comments to offer regarding this candidate. Board members and State Government representatives remarked on the following:

- Board Member Justice commented on how he respected work conducted by Ms. Hirsch, explained how continuity is important as the Department heads into fire season, takes on essential work in the coming months, and level of consistency needed. He believed Ms. Hirsch

could fill this vital leadership role and aired support for her to be appointed. Closed by encouraging fellow board members to support this candidate.

- Board Member Chambers noted she has received feedback from several constituencies about the candidates abilities, pragmatism, and substantial expertise. She aired appreciation of Ms. Hirsch considering to take on this leadership role for the Department, and supported her candidacy.
- Board Member McComb agreed with the comments shared by her fellow Board members, and explained how emerging issues will have to also be addressed in a timely manner. She shared in speaking with colleagues, they aired support for Ms. Hirsch as someone who can provide continuity as well as handle emerging issues.
- Board Member Deumling affirmed that Ms. Hirsch would be an ideal candidate to be appointed as Acting State Forester. He expressed his understanding about the candidates availability through October, and noted how this may present a realistic, but tight timeline to recruit a new State Forester. Board Kelly clarified there is no agreement with Ms. Hirsch regarding the duration of service, but stated the Board will proceed with due diligence and speed towards the recruitment of a new State Forester.
- Board Member Ferrari agreed with her fellow Board members, noting Ms. Hirsch's continuity of service, commitment, and expertise. She explained how important it is for Ms. Hirsch to have discussions with appropriate parties on what the priorities are for the coming months and level of assurance on the available funding, resources, and support in the near-term.
- Jason Miner, Governor's Office Natural Resources Policy Director, shared appreciation of Ms. Hirsch's candidacy and willingness to serve. He recalled the level of expertise, leadership, and guidance Ms. Hirsch provided the Governor's office through the Chetco Bar fire. Board Chair appreciated the comments provided, and the aired support by the Governor's office for Ms. Hirsch's candidacy.

#### **ACTION: BOARD APPOINTED NANCY HIRSCH AS ACTING STATE FORESTER.**

Karla S. Chambers moved to appoint Nancy Hirsch as interim State Forester of Oregon. Joe Justice seconded. Board Chair Kelly outlined the motion in front of the Board and proceeded with a Board vote. Voting in favor of the motion: Karla S. Chambers, Ben Deumling, Chandra Ferrari, Joe Justice, Brenda McComb, and Jim Kelly. Against: none. With Board consensus reached, the motion carried.

Chair Kelly asked Nancy Hirsch to join the Board in the virtual meeting, and asked if she accepted the appointment by the Board as the Acting State Forester. Nancy Hirsch, graciously accepted the appointment as Acting State Forester, and looked forward to working with the Board. She is honored to return and serve with the strong individuals within this Department, noting the personal support, as she takes on this role. Board Chair Kelly offered closing remarks, sharing his confidence about Ms. Hirsch's leadership and suggests to be bold to get the work done.

Chair Kelly expressed gratitude to the departing State Forester Peter Daugherty, recognizing the accomplishments and dedicated work under Daugherty's tenor with the Department. He appreciated Dr. Daugherty's years of service and valued work for the State and for Oregonians.

Board Chair Kelly adjourned the public meeting at 7:14 a.m.

Respectfully submitted,  
/s/ Peter Daugherty



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Peter Daugherty, State Forester and  
Secretary to the Board

## **STAFF REPORT**

Agenda Item No.:	D
Work Plan:	Administrative
Topic:	Key Performance Measures
Presentation Title:	Annual Performance Progress Report 2021
Date of Presentation:	July 21, 2021
Contact Information:	Bill Herber, Deputy Director for Administration 503 945-7203; <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to provide the Board of Forestry with the Department of Forestry's (ODF) Annual Performance Progress Report for 2021 based on the agency's legislatively approved biennial key performance measures.

### **CONTEXT**

Through the biennial budgeting process, each state agency in Oregon is required to develop key performance measures consistent with joint direction from the Legislative Fiscal Office (LFO) and the Department of Administrative Service's Chief Financial Office (CFO). Key performance measures proposed by state agencies must be approved by the Legislature along with their respective agency budgets.

ODF is required to submit an Annual Performance Progress Report to LFO and CFO each year, reporting on the agency's key performance measures.

### **RECOMMENDATION**

This is an informational item.

### **NEXT STEPS**

ODF's Annual Performance Progress Report will be submitted to LFO and CFO before October 1, 2021. If modifications to the measures are desired, the biennial budgeting process requires agencies to be prepared to work with LFO and CFO Budget Analysts on proposed changes in March 2022 and complete the request by April 30, 2022.

### **ATTACHMENT**

- (1) Oregon Department of Forestry, Annual Performance Progress Report,  
Reporting Year 2021

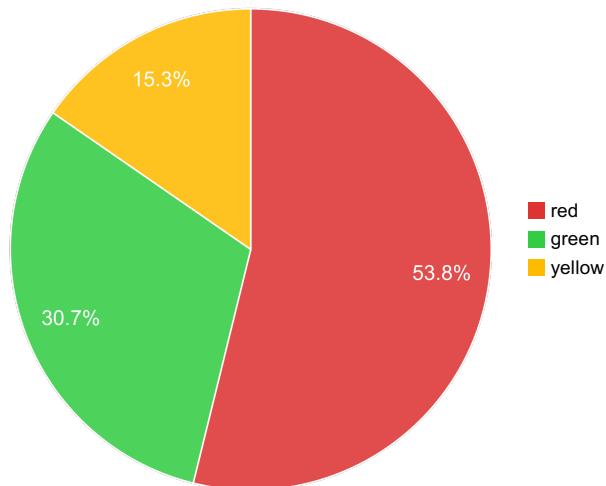
# **Forestry, Department of**

Annual Performance Progress Report

Reporting Year 2021

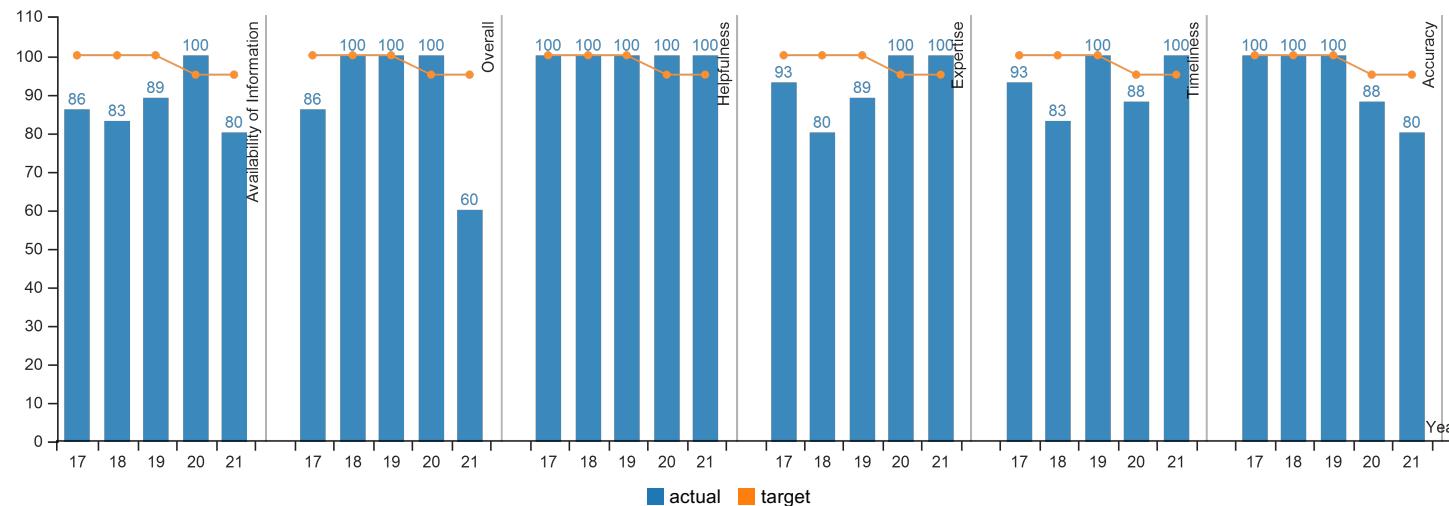
Published: 7/14/2021 1:21:06 PM

KPM #	Approved Key Performance Measures (KPMs)
1	CUSTOMER SERVICE TO COUNTY 'GOVERNMENTS AND FOREST LANDOWNERS - Percent of Oregon's forested counties and forest protective associations rating that ODF programs collectively provide "good" or "excellent" customer service: overall, timeliness, accuracy, helpfulness, expertise, availability of information.
2	BOARD OF FORESTRY PERFORMANCE - Percent of total best practices met by the Board of Forestry.
3	FOREST PRACTICES ACT COMPLIANCE - Percent of forest operations that are in compliance with the Forest Practices Act
4	URBAN AND COMMUNITY FOREST MANAGEMENT - Percent of Oregon cities actively managing their urban and community forest resources.
5	STATE FORESTS TOTAL REVENUE - Percent increase in total revenue produced by State Forests
6	AIR QUALITY PROTECTION - Total number of smoke intrusions into designated areas per total number of units burned.
7	PERCENTAGE OF PRIVATE FORESTLAND MANAGED AT OR ABOVE FOREST PRACTICES ACT STANDARDS. - Percentage of industrial private forestlands managed under an approved certification system, stewardship agreement, or other approved management plan including wildlife habitat conservation and management plans
8	FOREST STREAM WATER QUALITY - Percent of monitored stream sites associated predominately with forestland with significantly increasing trends in water quality.
9	VOLUNTARY PUBLIC AND PRIVATE INVESTMENTS MADE TO CREATE HEALTHY FORESTS - Cumulative public and private forest landowner investments made in voluntary projects for the Oregon Plan for Salmon and Watersheds or for the Oregon Conservation Strategy.
10	STATE FORESTS NORTH COAST HABITAT - Complex forest structure as a percent of the State Forests landscape.
11	FIRE SUPPRESSION EFFECTIVENESS - Percent of wildland forest fires under ODF jurisdiction controlled at 10 acres or less.
12	PREVENTION OF HUMAN-CAUSED WILDLAND FOREST FIRES - Number of Oregon residents per human-caused wildland forest fires. (population expressed in thousands of residents) This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases. An upward trend indicates a positive result.
13	DAMAGE TO OREGON FORESTS FROM INSECTS, DISEASES, AND OTHER AGENTS - Percent of forest lands without significant damage mortality as assessed by aerial surveys.



Performance Summary		Green	Yellow	Red
Summary Stats:		= Target to -5%	= Target -5% to -15%	= Target > -15%
		30.77%	15.38%	53.85%

KPM #1	CUSTOMER SERVICE TO COUNTY 'GOVERNMENTS AND FOREST LANDOWNERS - Percent of Oregon's forested counties and forest protective associations rating that ODF programs collectively provide "good" or "excellent" customer service: overall, timeliness, accuracy, helpfulness, expertise, availability of information.
	Data Collection Period: Jan 01 - Dec 31



Report Year	2017	2018	2019	2020	2021
<b>Availability of Information</b>					
Actual	86%	83%	89%	100%	80%
Target	100%	100%	100%	95%	95%
<b>Overall</b>					
Actual	86%	100%	100%	100%	60%
Target	100%	100%	100%	95%	95%
<b>Helpfulness</b>					
Actual	100%	100%	100%	100%	100%
Target	100%	100%	100%	95%	95%
<b>Expertise</b>					
Actual	93%	80%	89%	100%	100%
Target	100%	100%	100%	95%	95%
<b>Timeliness</b>					
Actual	93%	83%	100%	88%	100%
Target	100%	100%	100%	95%	95%
<b>Accuracy</b>					
Actual	100%	100%	100%	88%	80%
Target	100%	100%	100%	95%	95%

## **How Are We Doing**

The Department of Forestry strives to exceed expectations in service to Oregon's forested counties and forest protective associations. Results from this year's survey indicate that while Department employees have demonstrated local success in building strong relationships within our communities and providing service to Oregonians, the complex sociopolitical environment surrounding State Forest land management is challenging our ability to meet expectations in service to all.

### **Factors Affecting Results**

Our department's mission is to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon's forests to enhance environmental, economic, and community sustainability. One of our core values is excellent, efficient, and effective service.

Sentiments shared this year indicated that our employees provided excellent leadership and service to communities throughout the 2020 wildfires; were proficient, conscientious and helpful; are invaluable community partners, actively participating in local programs and community briefings; were responsive and timely in our service while adapting to an ever-changing pandemic environment; and have always been willing to help within their capacity.

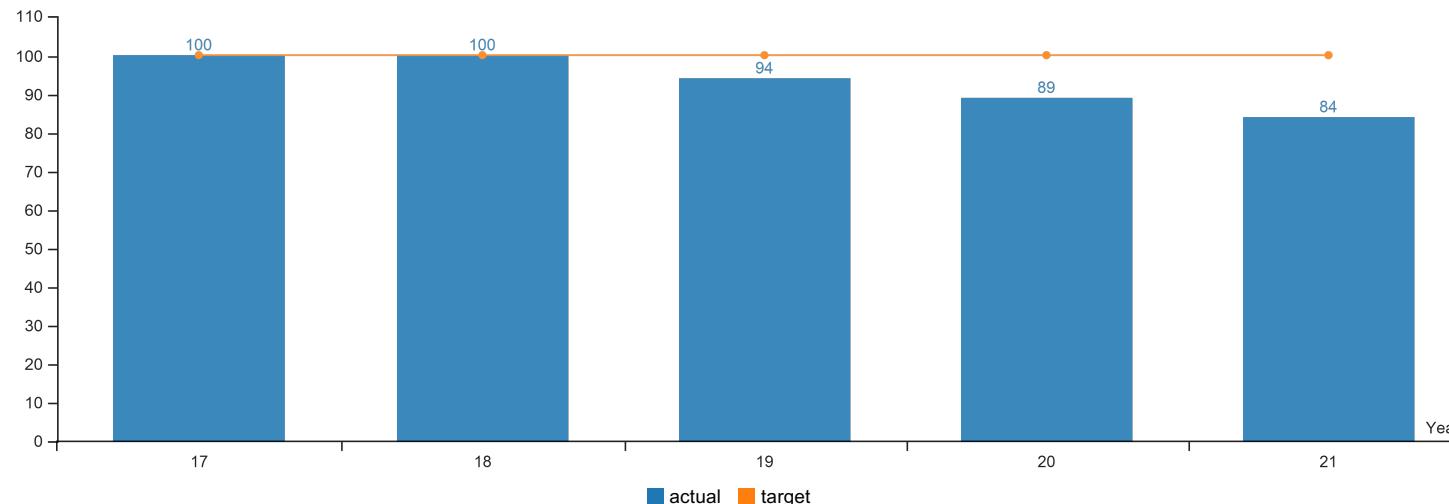
The positive results of this performance measure directly correlate to the investments made between Department staff and county commissioners, county officials, forest protective associations and forest landowners to build effective working relationships across all jurisdictions and forestry programs.

Notably, in a few rated categories, we did not achieve the recommended target of the performance measure, a direct reflection of concerns expressed in management of State Forest lands and related political pressures, court rulings, and legislation; frustrations in the standardized level of input and participation in Habitat Conservation Plan development as Forest Trust Land counties; and concerns that the department is not financially sustainable in its current structure.

State Forests were intended to be managed for economic, environmental and social values, providing a sustainable harvest while balancing conservation, scenic, recreational and other factors included in the Greatest Permanent Value, serving Oregonians and Forest Trust Land counties over the long-term. Maintaining balance across these sociopolitical factors is complex and the tensions embedded within this landscape are reflected in our resulting ratings of customer service in this year's performance measure.

KPM #2	BOARD OF FORESTRY PERFORMANCE - Percent of total best practices met by the Board of Forestry.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Oregon Board of Forestry Governance</b>					
Actual	100%	100%	94%	89%	84%
Target	100%	100%	100%	100%	100%

#### How Are We Doing

The Board of Forestry concluded the annual board governance performance evaluation with common agreement in meeting 84 percent of the standard best-practices criteria. Disagreement found in several areas limited the Board from reaching their 100 percent target.

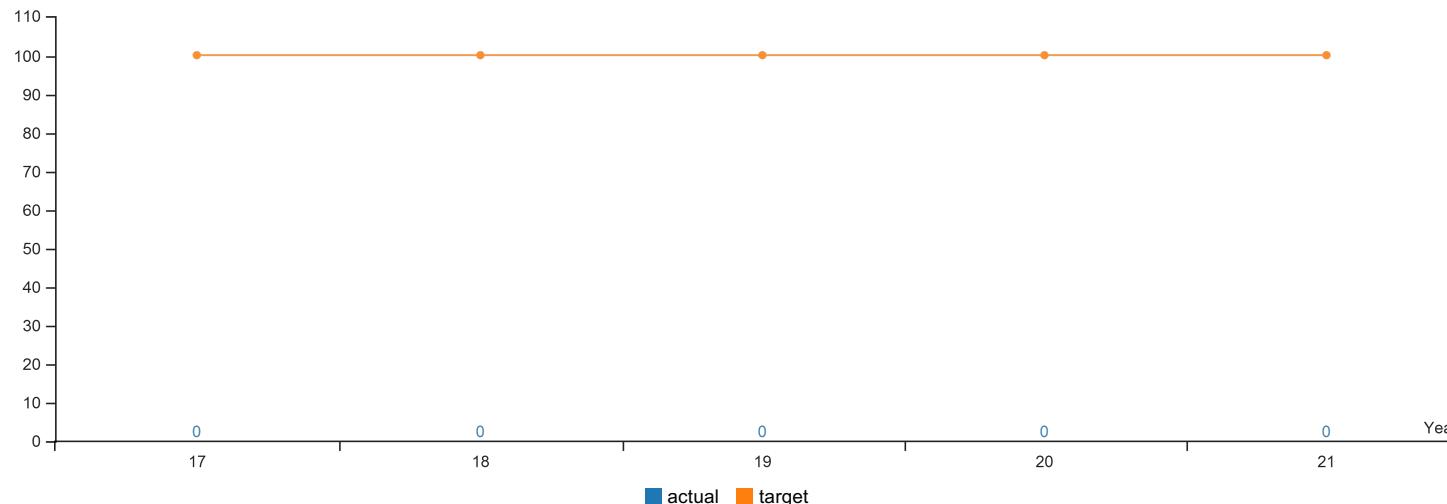
#### Factors Affecting Results

Five of the seven Board members serving in the 2020 calendar period completed the evaluation. Areas for improvement within specific criteria include: an update to the State Forester's position description within the current recruitment process, continued interest in updating the high-level goals within the *Forestry Program for Oregon* to include proactive integration of climate change strategies and other priorities expressed by Oregonians, a desire for greater review and involvement in key policy communications, repeated interest in training or field tours and holding meetings outside of Salem as Covid-19 protocols allow to facilitate greater involvement in policy-making discussions with statewide impacts, and continued attention on the agency's finances and enhancing the Board's oversight role, while gaining trust in the Legislature.

Overall, the Board had positive reflections on their progress, improved relationships within the agency, and optimism in working with incoming Board members to foster a shared vision in forest management to benefit all Oregonians.

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

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Percent of Operations in Compliance with Oregon's Forest Practices Act</b>					
Actual					
Target	100%	100%	100%	100%	100%

#### How Are We Doing

The Oregon Forest Practices Act (FPA) outlines standards of practice for forest operations on non-federal and non-tribal lands in Oregon. The FPA is administered by the Oregon Department of Forestry's (ODF) Private Forests Division. Program delivery is performed by Stewardship Foresters who operate from District Offices. Within the Private Forests Division, a Forest Practices Monitoring Unit is tasked with collecting information on the efficacy and implementation of the FPA rules at statewide scale.

From 2013 through 2018 a private sector consulting firm gathered data on a subset of FPA rules with a focus on protection of water resources during harvesting operations and the construction and maintenance of forest roads. Reports on the results of data collection and analysis for individual years between 2013 and 2018 were published by ODF.

Concerns were raised in 2019 by members of the Board of Forestry and stakeholders from the environmental community about the verity of some of the published results, with respect to sampling method and statistical process. In 2020, the study procedures were reviewed by a third-party consultant who in turn provided recommendations for a detailed assessment of methods used in the 2013-2018 study to be carried out by another independent third party. ODF acted on the recommendations, contracting with an environmental consulting firm to conduct a thorough review of the sampling process and methodology, resulting in specific recommendations for improving process as well as an assessment of limitations that are the result of a variety of factors that bear on the compliance monitoring effort.

Throughout the process of engaging outside review of the agency study protocols, ODF engaged external stakeholders as contract specifications and priorities were developed. Stakeholders represent varied interests for whom good data regarding FPA compliance has value. They include industrial and family timberland owners, environmental groups, and other state agencies such as the Department of Environmental Quality.

In July 2021, the assessment of the process will be complete, and a report delivered to ODF. This information will be provided to the Board of Forestry and others.

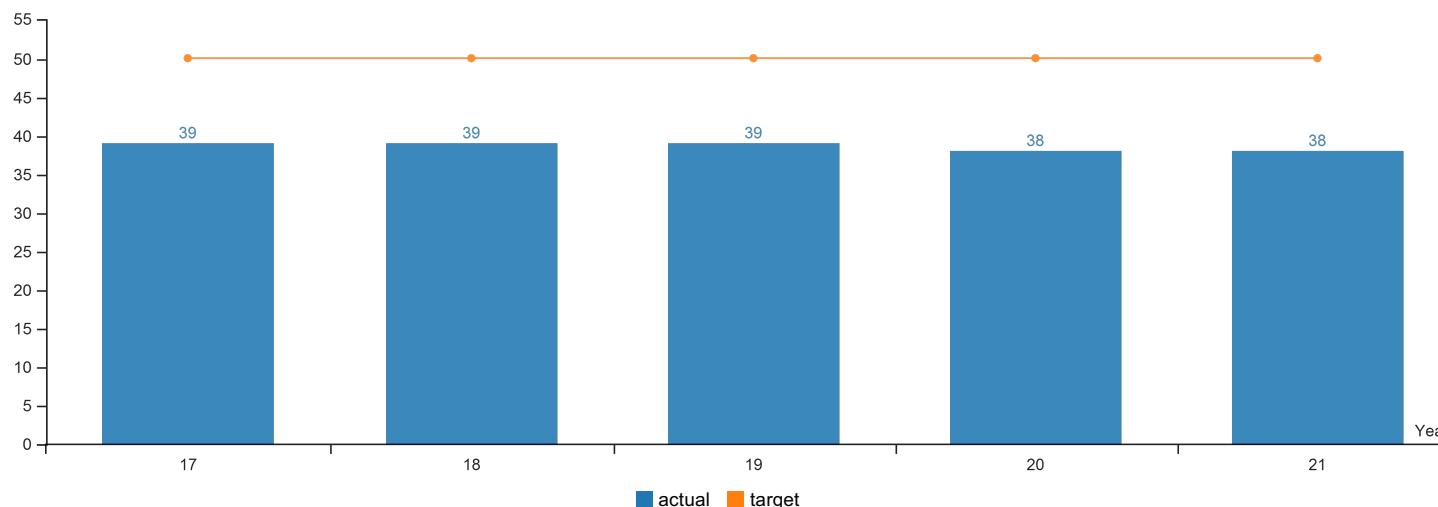
In 2019 work began on a pilot study to develop sampling protocols to measure compliance with the FPA rules for reforestation. Some field work was carried out prior the disruption caused by COVID-19, and very large forest fires in 2020. Due to staff capacity, that project remains on the docket but is currently not underway while staff addresses concerns for the 2013-2018 study results. This project will be available for resumption in the future.

#### **Factors Affecting Results**

Before, during, and after active forest operations it is customary for ODF to visit logging sites and assess compliance with statute and rule. Once operations have concluded, landowners may or may not prefer to allow ODF access to the same lands for the purpose of studying rule compliance. This has led to one of the major concerns raised with measuring FPA compliance on properties where permission to access was not granted (typically due to non-response by non-industrial landowners).

KPM #4	URBAN AND COMMUNITY FOREST MANAGEMENT - Percent of Oregon cities actively managing their urban and community forest resources.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Percent of Oregon cities actively managing their urban and community forest resources</b>					
Actual	39%	39%	39%	38%	38%
Target	50%	50%	50%	50%	50%

#### How Are We Doing

The ODF Urban and Community Forestry Assistance Program has spent the last few years "ground truthing" the urban forestry (UF) components we track for Federal reporting purposes. Our goal is to update the information we have on 20 percent of Oregon cities each year over five years. The components we track are whether cities have (1) trained UF staff, such as an International Society of Arboriculture-certified arborist on staff; (2) a tree ordinance; (3) a tree board or advisory committee; and (4) an inventory-based urban forest management plan. KPM #4 tracks how many Oregon cities have at least two of these four attributes. Over time, we expect to find changes in cities abilities to meet these components. Based on our most recent federally reported data, we see the percentage of cities with two UF components -- indicating that they are actively managing their urban forests -- has dropped slightly to 37.7 percent (from 92 to 91 cities). These percentages and city counts can be misleading as indicators of program effectiveness, however. The population of these 91 cities comprises 88.7% of the total population residing Oregon's incorporated cities (2010 Census data). This means that close to 89% of Oregon's city residents live in cities that are intentionally managing their city trees.

We were pleased to see the state gain two more Tree City USAs by the end of 2020. One city (Rivergrove) returned to the TCUSA program after a short hiatus, and the newest city to be recognized is Donald, taking the statewide total to 69. The colleges and universities recognized as a "Tree Campus Higher Education," a program similar to Tree City USA sponsored by the Arbor Day Foundation, remained at seven, which was gratifying to see given that many college campuses shut down in March due to Covid-19, thereby limiting access to students and other resources with which to garner this recognition.

For the first time in nearly 20 years, the Oregon Annual Urban and Community Forestry Conference could not be held due to pandemic restrictions. Nonetheless, the UCF Assistance program along with many of the directors of its advisory committee, Oregon Community Trees, "doubled-down" to produce eight successful instructional webinars during the summer of 2020. Despite our inability to travel and provide onsite technical assistance as we have in the past, we assisted nearly half of Oregon's incorporated cities (116). These cities are home to over 91% of Oregon's urban and community population.

### **Factors Affecting Results**

The Department receives no state funds for its UCF Assistance Program and thus relies solely on federal funds to achieve our mission and this KPM. Based on the availability and uses of federal sources, the Department has a very limited staff to serve the entire state (1.75 FTE). A statewide survey conducted in 2014 clearly shows that if cities receive assistance from the Department of Forestry, they were more likely to have components of an actively managed urban forest program.

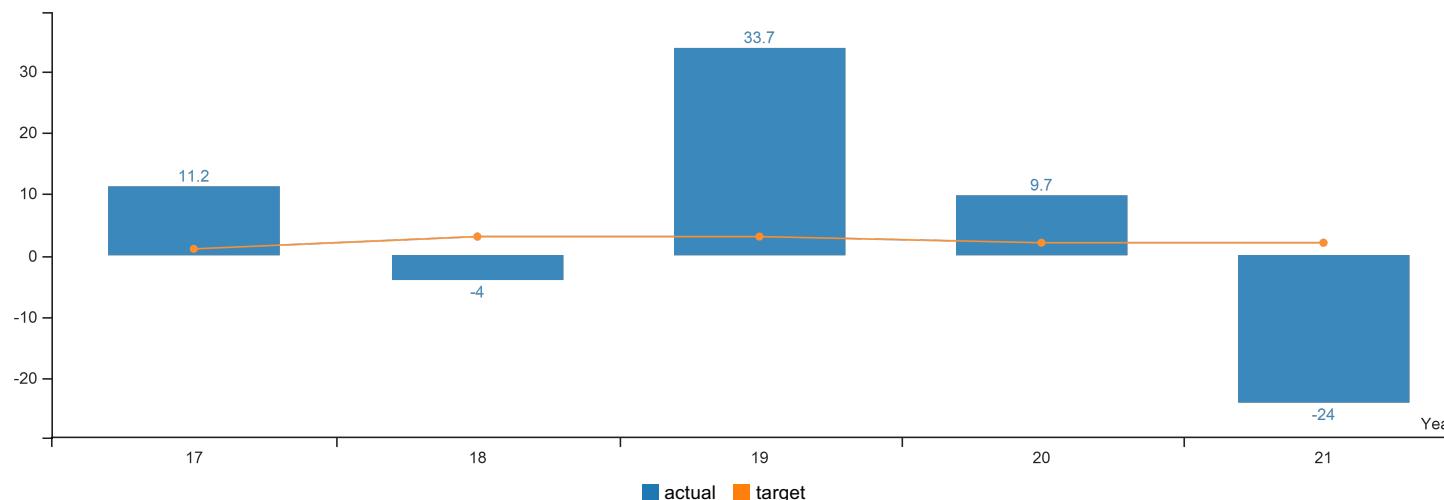
For the second year in a row, this time due to the worldwide pandemic restrictions, travel and onsite visits were severely limited for UCF program staff. However, this year, as all became more familiar with videoconferencing, UCF staff was able to establish good communication with cities in need of assistance. In addition, the Green Legacy Hiroshima Peace Tree project turned out to be a particularly meaningful way for UCF staff to connect with cities and communities.

A couple years ago, UCF staff noticed that many cities have new, young municipal employees who are not familiar with urban forestry management concepts or the mission of the program. Also, throughout Oregon very few urban forestry professionals are people of color, or representative of underserved groups. These areas need more focused attention than UCF program staff is currently able to provide, especially when travel is limited. In 2020, Oregon Community Trees established a Diversity, Equity, and Inclusion (DEI) committee that is reviewing the organization's by-laws and providing guidance in organizational outreach to marginalized groups. UCF staff has focused more on its DEI outreach as well.

The UCF Assistance Program continues to promote TreePlotter™ INVENTORY software, with a total of about 15 cities beginning to use the software. (The goal is to engage at least 25 cities in using the inventory over the 5-year grant life). In Oregon, urban and community forestry professionals continue to expand their interest in using urban-grown lumber, grapple with fire-preparedness in cities and suburbs, improve the use of trees in storm-water mitigation, and increase the awareness of the role trees play in urban resident health. The UCF Assistance program is a recognized hub that provides, guides, and manages information on these UCF trends in Oregon.

KPM #5	STATE FORESTS TOTAL REVENUE - Percent increase in total revenue produced by State Forests
	Data Collection Period: Jul 01 - Jun 30

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Percent increase in revenue produced by State Forests compared to the previous year</b>					
Actual	11.20%	-4%	33.70%	9.70%	-24%
Target	1%	3%	3%	2%	2%

#### How Are We Doing

The FY 2020 data show a 24 percent decrease in total revenues from the previous year, down to \$108,343,540. The amount of revenue distributed to counties decreased 20.4 percent from the previous year, \$86,909,447 to \$69,204,678. This KPM focuses on the percent change in total revenue produced from the sale of timber from State Forests. The Oregon Department of Forestry is committed to sustainable management of these lands. Harvest levels that contribute to the revenue flow for this measure are set annually by the Division at the direction of the State Forester.

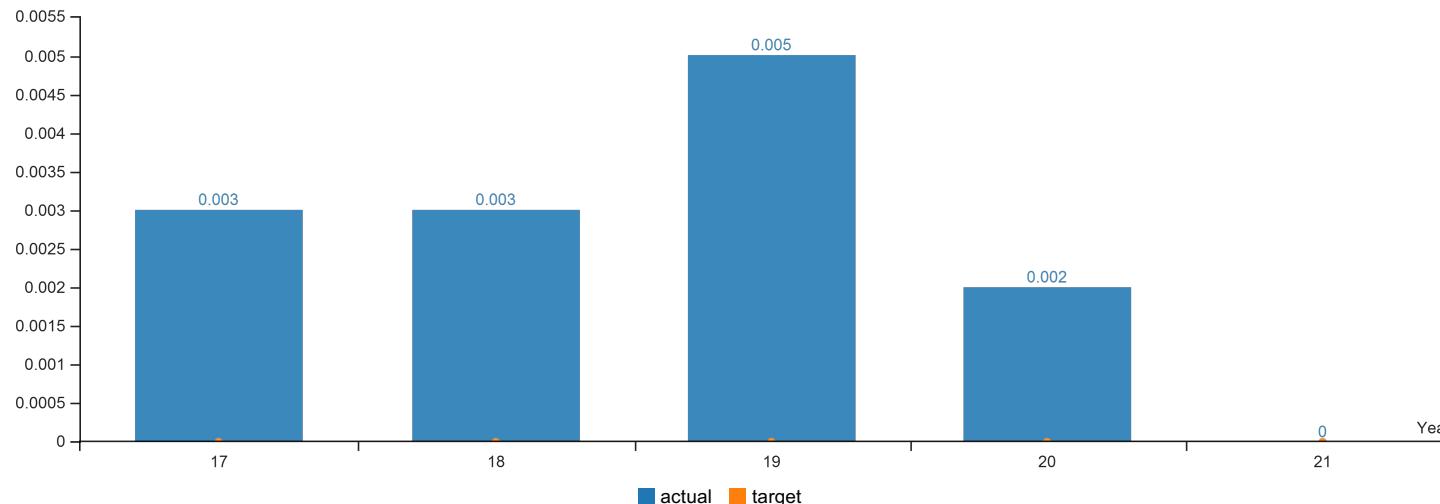
The KPM targets establish an objective for management activities to predictably generate revenue for the State. The Division is implementing business improvements to increase revenue while continuing to provide a balanced range of social and environmental values.

#### Factors Affecting Results

The major factor affecting FY 2020 decrease in timber sale revenue was that FY 2019 timber sale revenue was a record high for the Oregon Department of Forestry. FY 2019 timber sale revenue was a result of the remarkable log demand outpacing supply. FY 2020 timber sale revenue was 10.9 percent above the 10-year average of \$96,448,543.

KPM #6	AIR QUALITY PROTECTION - Total number of smoke intrusions into designated areas per total number of units burned.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = negative result



Report Year	2017	2018	2019	2020	2021
<b>Total number of smoke intrusions into designated areas per total number of units burned</b>					
Actual	0.003	0.003	0.005	0.002	0
Target	0	0	0	0	0

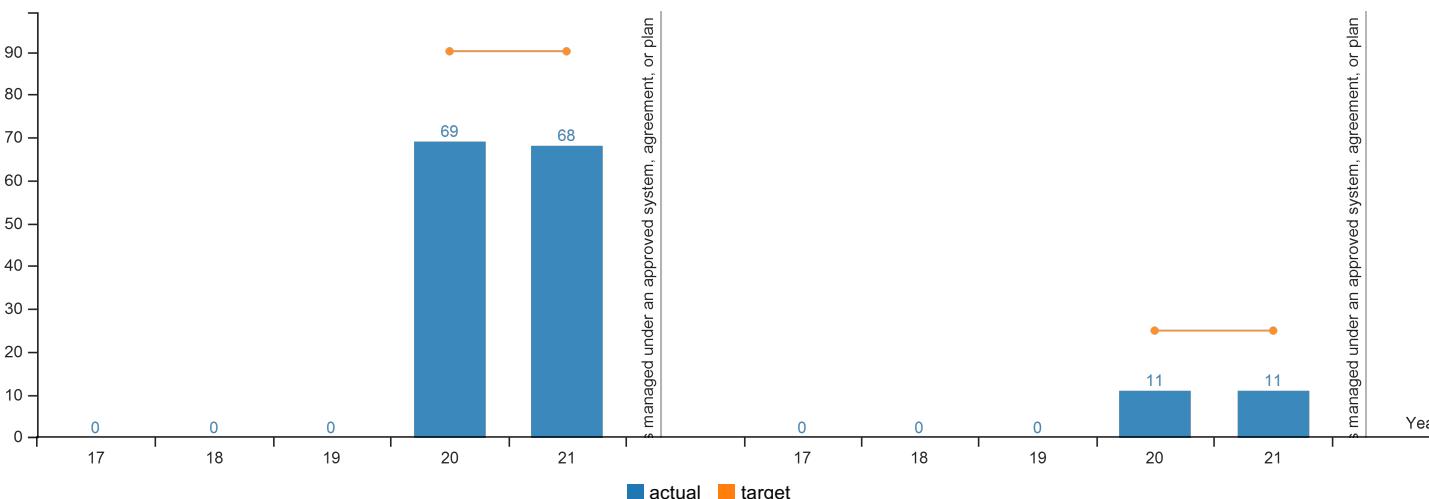
#### How Are We Doing

The Smoke Management Program is doing a good job of protecting Oregon's air quality while, at the same time, allowing forest landowners to dispose of unwanted accumulations of forest fuel. The inclusion of the entire state into the measurement target beginning in 2008 precludes any comparison with previous year's data. 0 intrusions occurred from 2926 units burned. The intrusion definition changed in 2019 to allow for some smoke to enter Smoke Sensitive Receptor Areas at a level that remained below 75 percent of the National Ambient Air Quality Standards. This change will allow for the increase in prescribed burning to eventually reduce the size and damage created by catastrophic wildfire.

#### Factors Affecting Results

In addition to restoration burning, weather variations and economic market conditions can also influence the outcome, by substantially increasing or decreasing the number of units available for burning. In 2020, Covid-19 had a direct effect in reduction of the number of units burned, decreasing the units from 3,312 units in 2019 to 2,926 units in 2020.

KPM #7	PERCENTAGE OF PRIVATE FORESTLAND MANAGED AT OR ABOVE FOREST PRACTICES ACT STANDARDS. - Percentage of industrial private forestlands managed under an approved certification system, stewardship agreement, or other approved management plan including wildlife habitat conservation and management plans
	Data Collection Period: Jul 01 - Jun 30



Report Year	2017	2018	2019	2020	2021
<b>a. Percentage of total industrial private forestlands managed under an approved system, agreement, or plan</b>					
Actual				69%	68%
Target				90%	90%
<b>b. Percentage of non-industrial private forestlands managed under an approved system, agreement, or plan</b>					
Actual				11%	11%
Target				25%	25%

#### How Are We Doing

Key Performance Measure #7 was modified during the 2019 Legislative Session to report as a percentage of forestland compared to previously reporting on acreage. With previously set legislative targets reporting by acres, prior year acreage data has been omitted from this report table. Results for the 2019 reporting year are reflected in the following narrative. The legislatively approved target for this measure in 2020 is 90 percent of industrial private forestlands and 25 percent of non-industrial private forestlands managed under an approved system, agreement, or plan.

a. Three certification systems operate in Oregon. The American Tree Farm System (ATFS) provides certification endorsed by the Program for the Endorsement of Forest Certification schemes (PEFC). The PEFC is an international, independent, non-profit, non-governmental organization, founded in 1999, which promotes sustainably managed forests through independent third-party certification. Forest Stewardship Council (FSC U.S.) provides certification verified by Accreditation Services International, an independent accreditation body offering international, third-party accreditation for voluntary certification schemes. The Sustainable Forestry Initiative (SFI) provides certification endorsed by the PEFC.

The Department of Forestry (ODF) approves and monitors management plans, under the USDA-Forest Service's State and Private Forestry Program, and enters into Stewardship Agreements (ORS 541.423) with forestland owners, who agree to manage beyond FPA standards.

ODF requested information on acres of industrial private forestland certified or approved under each system, and 68 percent (4.4 of the 6.5 million acres) of industrial private forestlands are managed under an approved certification system or stewardship agreement, as summarized below:

• Sustainable Forestry Initiative, Inc.	3,750,990 acres
• American Tree Farm System	485,978 acres
• Forest Stewardship Council U.S.	159,930 acres
• ODF Stewardship Agreements	29,395 acres
• <b>Total</b>	<b>4,426,293 acres</b>

b. ODF requested information on acres of non-industrial private forestland certified or approved under each system and 11 percent (0.4 of the 3.7 million acres) of non-industrial private forestlands are managed under an approved certification system, stewardship agreement, or forest management plan, as summarized below:

• ODF; USDA-FS Forest Stewardship Plan	113,627 acres
• ODF Stewardship Agreements	3,131 acres
• American Tree Farm System <sup>1</sup>	236,759 acres
• Forest Stewardship Council U.S.	30,615 acres
• <b>Total</b>	<b>384,132acres</b>

[1] The reduction in Forest Stewardship Plan reported acres is consistent with the trend over the last several years and is a function of a steadily declining amount of funds that are awarded to the state from the USDA-FS through this program.

#### **Factors Affecting Results**

a. Along with forestry-related agencies and organizations, the market place encourages forest certification. Forestland owners wanting to sell timber increasingly find that milling facilities are requiring their log supply come from certified forests. This market access requirement is motivating landowners to obtain certification from recognized third-party systems. Industrial forestland owners generally have the capacity to develop procedures to maintain certification.

Domestically and internationally, voluntary forest certification systems are used as a mechanism to recognize forest products originating from lands meeting specific management and harvesting requirements. Certification involves observation of management and harvesting requirements and is validated through third-party review. Costs are incurred by landowners to certify lands. In turn, certified forest products are able to access certain markets, which are otherwise closed and/or differentiated from uncertified competing goods. Regardless of certification status, all of Oregon's private and state forestlands are subject to the requirements of the Oregon Forest Practices Act and comprehensive land use plans and as such, are held to standards that in many respects are similar to those of certification systems.

In 2018, Oregon achieved certification with the American Society for Testing and Materials (ASTM standard on forest certification systems D7612-10 for wood grown and harvested under the Oregon Forest Practices Act and compliance of subject wood to the 2012 and 2015 International Code Council (ICC International Green Construction Code (IgCC). The recognition from ASTM will provide opportunities for private and state forestlands to access additional markets for their forest products.

In 2019, the KPM was modified to reflect the percentage of industrial and non-industrial acres whose land is under an approved certification or management system. The percentage is based upon the total acres of forestland in either the industrial or non-industrial classification. This revised reporting measure may improve understanding of the overall importance of this measure.

b. Along with forestry-related agencies and organizations, the market place encourages forest certification. Forestland owners wanting to sell timber increasingly find that milling facilities are requiring their log supply come from certified forests. This market access requirement is motivating landowners to develop management plans, since forest certification systems require forest management planning.

Non-industrial forestland owners often need assistance in developing inventory data and management documentation needed for certification. The cost of certification may represent a barrier for smaller ownerships. Approximately 133 thousand owners hold forestland between 1 and 9 acres in size, accounting for 328,000 acres of forests. Another 27 thousand owners have forestland holdings between 10 and 99 acres in size, accounting for 887,000 acres of family forests. The large number of owners with smallholdings creates a significant challenge to achieving certification on all non-industrial forestlands.

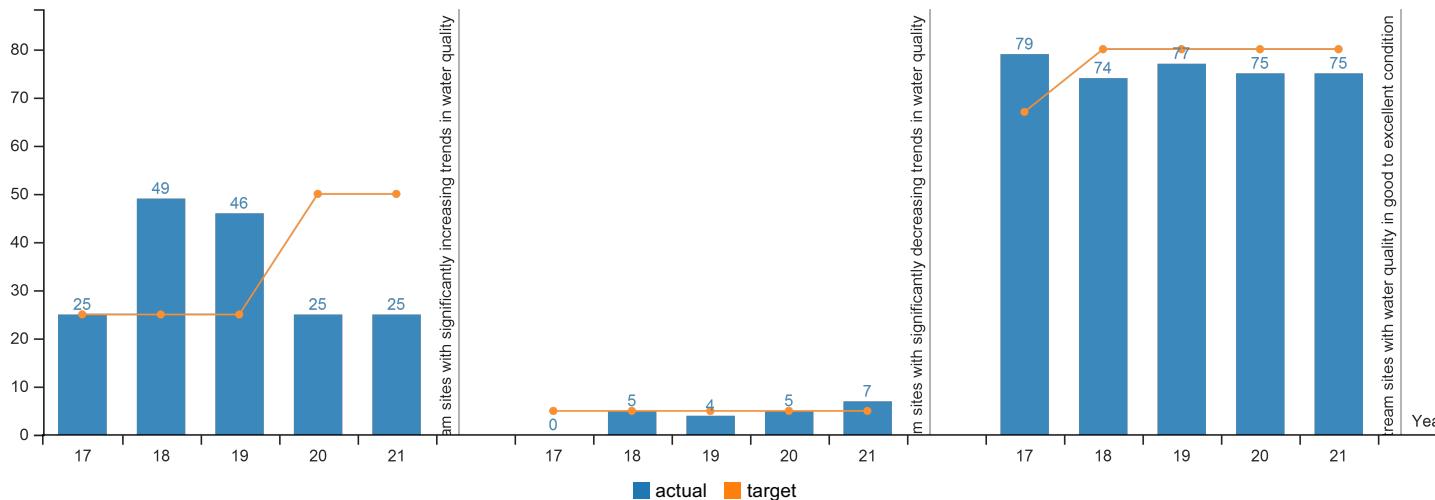
To increase certification on non-industrial forestlands, ODF needs to provide additional technical and financial assistance to landowners for development of management plans and procedures. ODF does not receive any state support for this effort, and relies solely on federal funding to conduct this work. ODF works with multiple organizations to promote the development of forest management plans and the mutual recognition of approved plans.

In 2019, the KPM was modified to reflect the percentage of industrial and non-industrial acres whose land is under an approved certification or management system. The percentage is based upon the total acres of forestland in either the industrial or non-industrial classification. This revised reporting measure may improve understanding of the overall importance of this measure.

NOTE: Collection dates varied for KPM 7 as follows:

- SFI and America Tree Farm data collected - June 30, 2020
- FSC data collected - May 2020 (IND) and June 2021(NIPF)
- ODF; USDA-FS Forest Stewardship Plan data collected - June 2021

KPM #8	FOREST STREAM WATER QUALITY - Percent of monitored stream sites associated predominately with forestland with significantly increasing trends in water quality.
	Data Collection Period: Oct 01 - Sep 30



Report Year	2017	2018	2019	2020	2021
<b>a. Percent of monitored forested stream sites with significantly increasing trends in water quality</b>					
Actual	25%	49%	46%	25%	25%
Target	25%	25%	25%	50%	50%
<b>b. Percent of monitored forested stream sites with significantly decreasing trends in water quality</b>					
Actual	0%	5%	4%	5%	7%
Target	5%	5%	5%	5%	5%
<b>c. Percent of monitored forested stream sites with water quality in good to excellent condition</b>					
Actual	79%	74%	77%	75%	75%
Target	67%	80%	80%	80%	80%

#### How Are We Doing

a. In 2020, 25 percent of monitored forest stream sites showed increasing trends in water quality. While the percent of forested streams with increasing trends in water quality has remained higher than all other land uses (16% of all land uses show increasing trends in water quality) the target for monitored forest streams was not attained this year. However, most forested stream sites continue to remain in good or excellent condition (75%). No increasing or decreasing trend was observed on about 68 percent of monitored forest stream sites.

The performance is based on the Oregon Water Quality Index (OWQI). The OWQI describes general stream water quality status and trends. The OWQI also shows the general effectiveness of water quality management activities. No industry standards exist. However, 2020 data for agricultural lands in Oregon indicate 7 percent of monitored agricultural stream sites with increasing trends in water quality. Statewide data for 2020 for all land uses, including agricultural and forest lands indicate 16 percent of monitored stream sites with increasing trends in water quality.

b. In 2020, four monitored sample points (7 percent) showed significantly decreasing trends in water quality. Compared to last year, when three monitored sampled points (5 percent) indicated significantly decreasing trends in water quality, this represents a slight decrease in overall water quality. This year the target was not met, however the target had been met for the previous six years. It is important to note that about half of the ambient sites statewide, and the majority (75%) of forest monitoring sites continue to have "good" or "excellent" water quality and that has remained consistent over the last eleven years. No increasing or decreasing trend was observed on about 68 percent of monitored forest stream sites.

The performance is based on the Oregon Water Quality Index (OWQI). The OWQI describes general stream water quality status and trends. The OWQI also shows the general effectiveness of water quality management activities. No industry standards exist. However, 2020 data for mixed land use in Oregon indicate one monitored stream site with decreasing trends in water quality. Statewide, data for 2020 for all land uses, including agricultural and forest lands indicate 13 monitored stream sites (8 percent) with decreasing trends in water quality, which is an overall improvement to stream water quality.

c. In 2020, 75 percent of monitored forest stream sites showed "good" to "excellent" water quality, which is just below the target of 80 percent. Except for the past 4 years, monitored sites on forestland have met or exceeded the target (which increased in 2018) every year since 2009 when this measure was established. About half of the ambient sites statewide continue to have "good" to "excellent" water quality and that has remained consistent over the last ten years.

The performance is based on the Oregon Water Quality Index (OWQI). The OWQI describes general stream water quality status and trends. The OWQI also shows the general effectiveness of water quality management activities. No industry standards exist. However, 2020 data for agricultural lands in Oregon indicate about 31 percent of monitored agricultural stream sites with water quality in good to excellent condition. Statewide data for 2020 for all land uses, including agricultural and forest lands indicate about 51 percent of monitored stream sites with water quality in good to excellent condition. These comparisons demonstrate that maintaining forestlands in forest use is an effective and efficient way to maintain water quality.

#### **Factors Affecting Results**

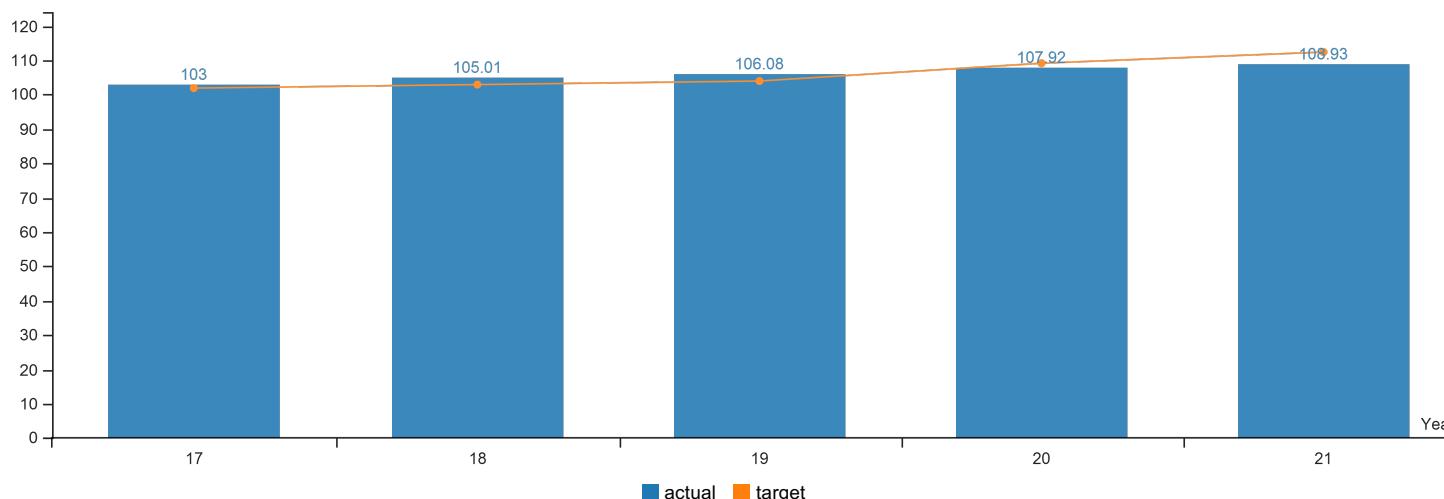
Due to travel restrictions associated with the COVID-19 pandemic and numerous wildfires in September of 2020, the number of samples that DEQ was able to collect was significantly reduced. Further analysis and continued monitoring after major wildfires in 2020 is required to fully understand the effects on the OWQI scores and water quality.

Additionally, statewide targets were revised in 2019. Where sites show significant improvement not affected by point source discharges, such improvements may be attributed to reduced levels of non-point source activity, increased education about water quality impacts, and watershed restoration efforts. Underlying all of these factors is stream flow, as Oregon transitions between drought and wet years, changes in stream flows and, indirectly, water quality are typically observed. A variety of activities occurring on forestlands, including forest management (timber harvesting and road construction and use), fire suppression, recreation, and livestock grazing, can affect soil and water resources. Disturbances that trigger large erosion events can produce important changes in aquatic conditions. These episodic changes are critical in maintaining aquatic habitat over time, even though they may temporarily decrease water quality.

Disclaimer: The OWQI used in this KPM is one many tools to understand Oregon water quality conditions statewide. The ambient network is not a randomly selected, statistically valid sample of water quality conditions statewide. Sampling sites were selected to reflect the integrated effects of land use, and point source discharges upstream of them. The data is representative of just the sampling site and does not represent the water quality conditions of other locations in the same basin or of the whole river (DEQ, 2019).

KPM #9	VOLUNTARY PUBLIC AND PRIVATE INVESTMENTS MADE TO CREATE HEALTHY FORESTS - Cumulative public and private forest landowner investments made in voluntary projects for the Oregon Plan for Salmon and Watersheds or for the Oregon Conservation Strategy.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Private forestland owner investment in Oregon Plan habitat restoration projects - \$ in millions</b>					
Actual	\$103.00	\$105.01	\$106.08	\$107.92	\$108.93
Target	\$102.00	\$103.03	\$104.06	\$109.25	\$112.50

#### How Are We Doing

Private forestland owners have made significant investments in improving water quality and fish habitat. Reported cumulative investments for 2020 was \$109 million compared to a target of \$112.5 million. The 2020 accomplishment level represents just the second year out of seven, that cumulative private investments in Oregon Plan for Salmon and Watersheds (Oregon Plan) did not meet the target. In 2020, private forestland owners invested \$1.01 million which continues to show the high level of contribution private forestland owners provide to improve water quality and fish habitat through voluntary restoration measures. The Department had expected the rate of expenditures to decline over time as more projects were completed and opportunities for restoration decreased. The great recession caused a steep drop in investment, corresponding with the decline in timber harvest. However, during 2013-2020 period, restoration activities showed a slight increase and are approximately \$1.7 million average investment per year. At this time, data is not available for investments under the Conservation Strategy.

Private forestland owners are the major contributor to the Oregon Plan accomplishments, providing over 70 percent of reported private land accomplishments. Oregon is unique among western states in its focus on voluntary measures, which work in concert with regulatory approaches to achieve additional habitat protection and restoration.

Voluntary restoration activities by landowners, combined with continued regulatory compliance, provide a foundation for the success of the Oregon Plan in protecting and restoring water quality and fish habitat on forestland. The Oregon Conservation Strategy provides an analogous voluntary framework for restoration of all habitat types. The Conservation Strategy emphasizes proactively conserving declining species and habitats to reduce the possibility of future federal or state listings. The strategy presents issues and opportunities and recommends voluntary actions that will improve the efficiency and effectiveness of conservation in Oregon. The Department revised its stewardship agreement program to improve efficacy of encouraging forestland owners to self-regulate to meet and exceed applicable regulatory requirements and achieve conservation, restoration and improvement of fish and wildlife habitat and water quality. The Department continues to implement

programmatic Safe Harbor Agreement for Northern Spotted Owls to provide regulatory certainty and encourage voluntary enhancement of owl habitat for landowners who choose to participate. In 2019, the stewardship agreement tool had increased interest and resulted in nearly 32,000 acres enrolled because of a new agreement with one large landowner in Northwest Oregon who focused on aquatic and terrestrial conservation strategies for listed species.

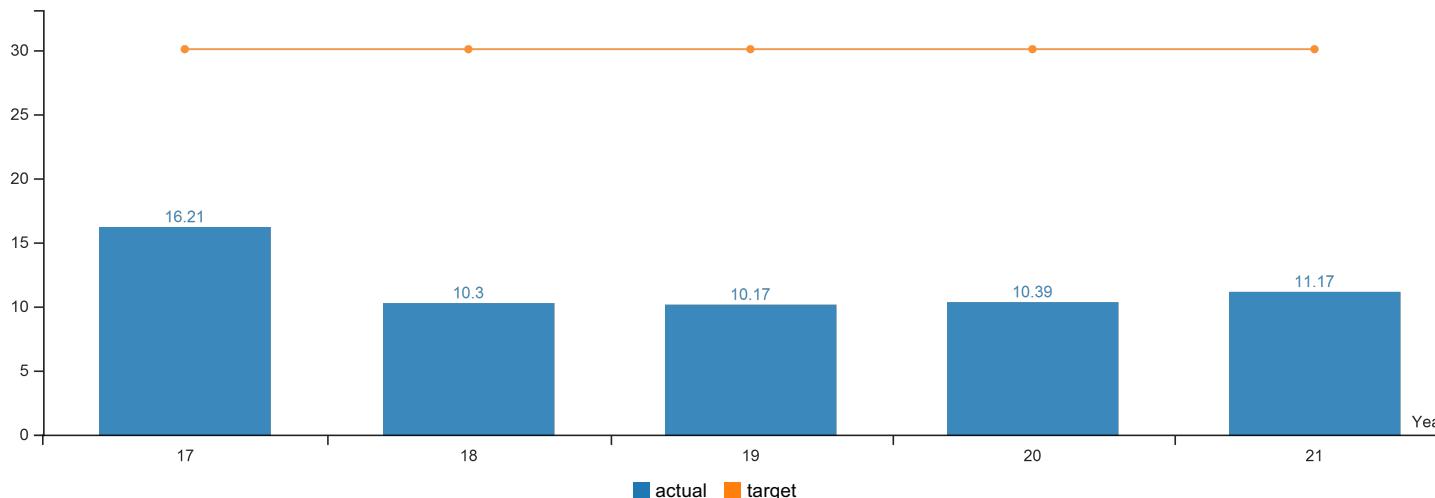
#### **Factors Affecting Results**

The Oregon Plan has been successful because of the strong forestland owner community who work with watershed councils and the Department to achieve restoration and protection goals for natural resources. There continues to be broad support for voluntary measures coupled with regulatory mandates. ODF Stewardship Foresters provide education and technical assistance to landowners in support of restoration activities. The previous economic downturn significantly affected the housing market and corresponding demand for wood products. Timber harvests, the primary forest operation during which restoration activities occur, dropped by one billion board feet from 2007 to 2009. In addition, 2009-11 department budget reductions eliminated Oregon Plan funding and about 40 percent of stewardship foresters (from 60 to 30 field foresters) who encourage and provide technical assistance for these types of projects including encouraging reporting. The Department has seen some additional reductions and increases in funding over the last few biennia, however resources are still limited for this work. The Oregon Plan funding supports coordination with watershed councils and other groups that encourage restoration.

The Department is aware that reporting and implementation of voluntary restoration projects is not occurring at a high enough percentage to capture a comprehensive view or encourage additional investments by private forestland owners. Given the current resources and priorities the Department is challenged to accomplish further work on this topic.

KPM #10	STATE FORESTS NORTH COAST HABITAT - Complex forest structure as a percent of the State Forests landscape.
	Data Collection Period: Jul 01 - Jun 30

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Complex structure as a percent of the State Forests landscape</b>					
Actual	16.21%	10.30%	10.17%	10.39%	11.17%
Target	30%	30%	30%	30%	30%

#### How Are We Doing

The amount of complex structure on State Forests demonstrates a steady or slightly increasing trend since 2018. The decrease from 2017 to 2018 was largely a result of a change in how the amount of complex structure is estimated. When considered by District, the fiscal year 2020 data show that 17.2% of Astoria district, 10.3% of Forest Grove district, and 8.3% of Tillamook district are in complex forest structure.

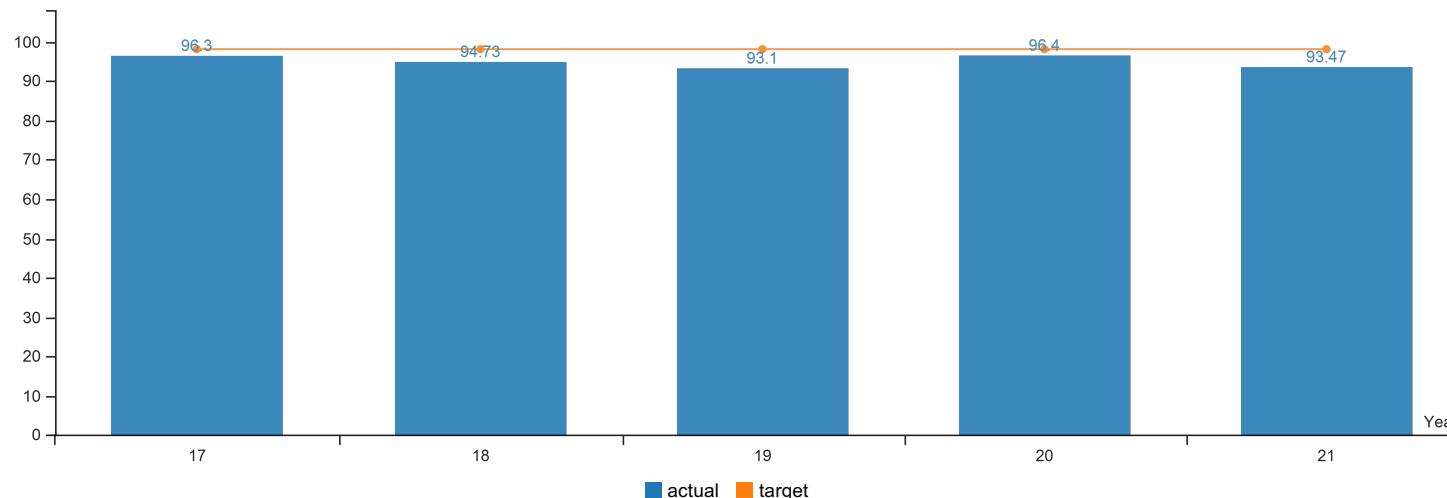
#### Factors Affecting Results

Complex forest structure develops very slowly, and it is anticipated to take decades to achieve the range of 30 to 50% complex structure now described in the forest management plans. ODF's Stand Level Inventory (SLI) system is not designed to report on year-to-year difference but rather indicate longer term trends.

The year-to-year changes in complex structure are the result of updates to SLI data as well as active management designed to enhance the development of complex forest structure over time. Following an external expert review, ODF adopted a new growth model in 2018 to improve consistency of inventory estimates. The new growth model provides improved estimates of stand growth and development; however, further refinements are needed to accurately estimate complex forest structure. As a result the estimates may change as the refinements are implemented and new information becomes available.

KPM #11	FIRE SUPPRESSION EFFECTIVENESS - Percent of wildland forest fires under ODF jurisdiction controlled at 10 acres or less.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Percent of wildland forest fires controlled at 10 acres or less</b>					
Actual	96.30%	94.73%	93.10%	96.40%	93.47%
Target	98%	98%	98%	98%	98%

#### How Are We Doing

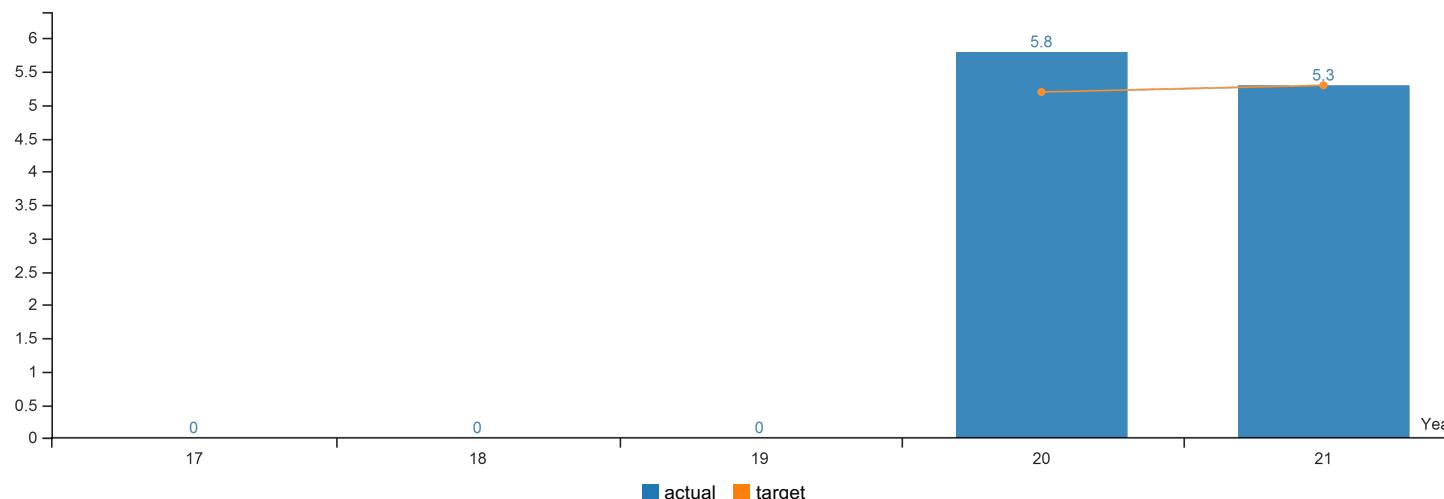
The Department was not able to meet the target of suppressing 98 percent of all wildfires at ten acres or less in size for the 2020 fire season. We were 4.5% under target at 93.5%.

#### Factors Affecting Results

Influencing factors: In 2020, Oregon experienced its most intense and challenging wildfire season in modern times. Early in the year, numerous wildfires broke out in a very dry southern Oregon as early as April. By mid-summer, human-caused wildfires were up slightly but fewer lightning-caused fires were seen until mid-August. ODF firefighters across the state showed excellent success in keeping most fires small, with only 3,191 acres burned by August 10. That's 26,000 fewer acres burned compared to the 10-year average, an 89% reduction. A lightning event in August heightened large fire activity to some extent, but on Labor Day, against a backdrop of drought and historically low fuel moistures and humidity, a region-wide east-wind event produced some of the largest fires in Oregon history. A strong cold front brought east-northeast winds at sustained speeds of 20 to 30 mph and gusts to 50 to 60 mph. This was the strongest three-day east wind event during fire season since at least 1950. Fourteen fires prompted evacuations and were approved FEMA FMAGs. Five fires in the Cascade mountains spread west alarmingly rapidly to become megafires (over 100,000 acres), almost as many as occurred in Oregon in the entire 20th century. All five moved into Oregon's top 20 wildfires by size since 1900. Combined, the fires burned just over a million acres. The largest single share was in national forests protected by USFS. A smaller share - roughly 400,000 – was on private, state and local government lands protected by ODF. Also burned was a little over 100,000 additional acres of BLM land, for which ODF has an initial attack responsibility. Comparing 2020 with our 10-year average, there were only 3% more fires but nearly 13 times more acres burned due to the Labor Day wildfires. There were 16% more human-caused fires, but due to the Labor Day fires, there were 46 times more protected acres burned. Lightning fires in 2020 compare very favorably to our 10-year average - there were 34% less lightning fires and 60% less acres burned. Even with the extraordinary Labor Day fires, early detection and initial attack success kept 93% of ODF fires at less than 10 acres.

KPM #12	PREVENTION OF HUMAN-CAUSED WILDLAND FOREST FIRES - Number of Oregon residents per human-caused wildland forest fires. (population expressed in thousands of residents)
	This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases. An upward trend indicates a positive result.
	Data Collection Period: Jan 01 - Dec 31

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Number of Oregon residents per human-caused wildland fire</b>					
Actual				5.800	5.300
Target				5.200	5.300

#### How Are We Doing

Key Performance Measure #12 was modified during the 2019 Legislative Session to report as a number of Oregon residents per human-caused wildland forest fire compared to previously reporting the number of human-caused wildland forest fires per 100,000 Oregon residents. With previously set legislative targets reporting on the number of fires, prior year data has been omitted from the report table. Results for the 2020 reporting year are reflected in the following narrative. The legislatively approved target for this measure in 2020 is 5.2 thousand Oregon residents per human-caused wildland forest fire (population expressed in thousands of residents).

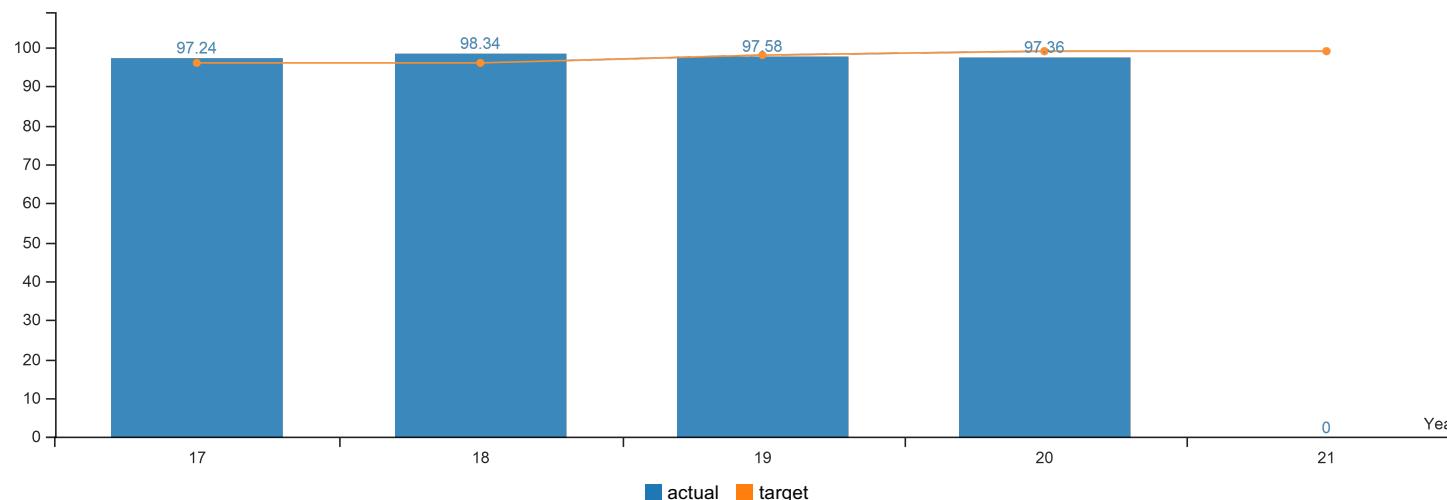
The fire prevention program continues to examine new and effective approaches to prevent human-caused wildland fires. There were 806 human-caused wildland fires in 2020. With Oregon's population increasing one percent to 4,236,400 the resulting fire prevention rate of 5.3 thousand Oregon residents per human-caused wildland forest fire exceeded the target. The 10-year average of human-caused wildland fires is 694 fires annually.

#### Factors Affecting Results

Steady increase in Oregon's population and the use of forestland for recreation as well as increasing rural residential home sites are key components for these results. Heavily populated areas of the state, where weather and fuel conditions are aided by public activities, such as debris burning, equipment use, and forest recreation, drive the data. While the number of human-caused wildfires were above average in 2020, the favorable rate can be attributed to aggressive fire prevention campaigns and excellent messaging with our partners from Keep Oregon Green, Oregon Office of the State Fire Marshal and many others under the Pacific Northwest Wildfire Coordination Group umbrella.

KPM #13 DAMAGE TO OREGON FORESTS FROM INSECTS, DISEASES, AND OTHER AGENTS - Percent of forest lands without significant damage mortality as assessed by aerial surveys.
Data Collection Period: May 01 - Oct 31

\* Upward Trend = positive result



Report Year	2017	2018	2019	2020	2021
<b>Percent of Oregon forestlands without significant damage from insects, diseases and other agents</b>					
Actual	97.24%	98.34%	97.58%	97.36%	
Target	96%	96%	98%	99%	99%

#### How Are We Doing

The percent of Oregon forestlands without significant damage from insects, diseases and other agents has consistently aligned with the KPM targets but could not be verified in a comparable manner in 2020 due to COVID-19 restrictions. We did not complete an aerial survey and switched to visual scanning of aerial imagery to measure damage. This was the first year the department completed a visual scan only. Because of this change in data collection methods we had the following complications:

1. Visual scanning cannot tell us how total much damage was present across the state because we were not able to survey the entire state due to time constraints and not obtaining imagery until very late in the year.
2. Visual scanning is not comparable to previous years because of differing methodology. In visual scanning, pest identification was less accurate (and recorded "unknown damage") due to lower resolution in the imagery versus close-up observation from the plane, although georeferencing was more accurate and we could study the area of damage longer than when in a plane.

We conducted ground checks in known problem areas and areas damaged by disturbance events such as recent storms, wildfire and chronic drought. From ground checks and visual observations it was clear the trend from the last decade continues, and the majority of tree mortality detected has been due to a combination of climate change impacts and secondary attack by bark beetles. Storm and wildfire damage, drought stress exacerbated by overstocking, unsuitable site selection for drought-intolerant species, and unchecked root disease are other major primary stressors that were often paired with secondary attack by bark beetles. Some pest agents are on the rise such as the non-native, sap-sucking insect balsam woolly adelgid which attacks true firs and remains an ongoing and untreated problem primarily on higher elevation U.S. Forest Service ownerships. Management is often not feasible in these remote areas and the number of fir trees continues to diminish. Smaller

cyclical outbreaks continue for Douglas-fir tussock moth in scattered areas of eastern Oregon. In 2020, an effort to map and monitor pockets of Western redcedar dieback was initiated. The cause of this dieback is assumed to be from drought stress and redcedar are dying in specific locations due to differences in microclimate, soil type, etc. Further investigation is being done by collaborating researchers to determine exact causes. Cooperative statewide trapping surveys and monitoring for high-priority, non-native insects continued in 2020 and resulted in the detection of two European gypsy moths and one Asian gypsy moth.

#### **Factors Affecting Results**

Over the last decade, an average of over 1 million acres of forest lands have been designated as having been significantly affected by insects, diseases, and other damaging agents during aerial surveys. Thousands more acres are unhealthy and under-producing due to being overstocked, planted with off-site species, exposed to environmental stresses such as drought, and stagnating from the suppression of natural fire cycles. These acres are becoming increasingly susceptible to damage by environmental stressors, insects and diseases. While the statewide aerial survey data provides valuable information about key forest damaging agents, aerial surveys are just an estimate and are not able to evaluate the impact of many forest diseases, nor indicate the current or future risk of forests to damage by environmental stressors, insects and diseases. In Oregon, thousands of acres of forests need active management to reduce the risk of insect outbreaks and catastrophic wildfires to produce resilient and sustainable forests. A century of fire suppression and inconsistent forest management has resulted in thousands of acres of Oregon's forests becoming overstocked and unhealthy. In addition, changing climatic conditions that contribute to drought directly cause damage or increase susceptibility to insects and disease. Thinning stands to reduce competition, promote tree health and vigor, and increase age and species diversity, have been shown to reduce the risk associated with many damaging insects and diseases. Federal bark beetle mitigation grants, administered by the Department's stewardship foresters, provide cost share funds to landowners to implement activities to improve forest health and increase stand resistance to bark beetles. Federal National Fire Plan funds also provide cost-share to landowners to improve forest health and prevent damage within the wildland-urban interface. However, as limited funds are available each year, the total acres of private forest lands treated annually is relatively limited and is unlikely to affect overall statewide trends.

## **STAFF REPORT**

Agenda Item No:	E
Work Plan:	Administrative
Topic:	Financial Dashboard
Presentation Title:	Department Financial Report for June 2021
Date of Presentation:	July 21, 2021
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a>

### **SUMMARY AND CONTEXT**

An executive financial report and summary will be submitted monthly to ensure the Board of Forestry (Board) has up-to-date information for oversight of the Department's financial condition. This report will include the financial and budgetary status of the Department as well as other ancillary topics as appropriate.

### **BACKGROUND AND ANALYSIS**

This consent item is a transparent publishing of the Department's transmittal of monthly financial reports to the Board of Forestry. While executive-level in nature, the financial report provides information on various topics that are either germane, or direct impacts to the financial status of the agency, or other administrative functions of the organization during any given month.

This financial report will continue to evolve over time. As the Department's reporting ability matures and insights into its operational and administrative work improve, this financial report will reflect those improvements. These improvements could include operational or process improvements or the introduction of new systems and technologies that enhance the Department's administrative capabilities. In addition, Board input will be factored in as the report evolves.

### **NEXT STEPS**

The Board will receive the Department's Financial Report the third week of every month, whether a Board meeting is occurring or not. This will allow the Department to report on the previous month while allowing for the fiscal month closing process to conclude.

### **ATTACHMENTS**

- 1) Department of Forestry Financial Report for June 2021



# Memorandum

## Oregon Department of Forestry

**Date:** June 23, 2021  
**To:** Board of Forestry Members  
**From:** Bill Herber, Deputy Director for Administration  
**Subject:** Department Financial Report

### Department Financial Report

The department's cash balances had a good rebound this month, with several large payments from our federal partners as well as State Forests timber revenue allowing our cash balances to exceed \$40 million. This is excellent news as the department begins to experience increasing costs in fire as well as preparing for the next county timber disbursement at the end of July. Large fire cost reimbursements included a \$6.6 million payment from the United States Forest Service for a previous year fire as well as \$6.8 million in Federal Emergency Management Agency (FEMA) claims for fires in 2018 and 2020. State Forests timber revenue posted \$11 million this month, which is slightly higher than we saw last year at this time. In addition, we received a \$3.6 million agreement payment from the Bureau of Land Management.

As for expenditures with large fires, as of June 14, gross costs were \$3.6 million, with our net costs coming in at \$2.9 million. Certainly, costs have increased significantly since then due to the additional fires we have incurred, as well as the recent deployment of ODF Incident Management Team 1 to the Cutoff Fire in Klamath County.

Budgetarily, the department remains within its Legislatively Approved Budget and is tracking as expected as the biennium nears its close (Appendix A).

## **Main Cash Account and Fire Protection General Fund Balances**

Slightly increased revenue allows cash balances to rebound slightly, while General Fund balances spend out towards the end of the biennium (Figure 1).

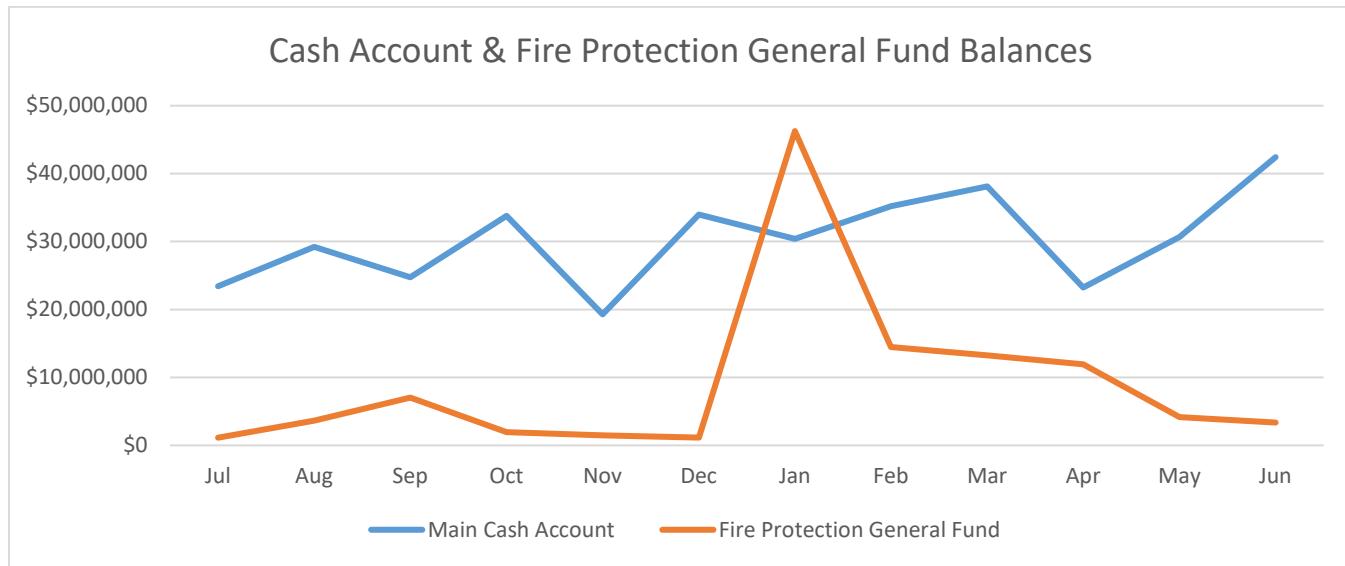


Figure 1, Monthly Balance for Main Cash Account and Fire Protection General Fund, Jun through Jun 22, 2021

## **Large Fire Cost Recoveries**

For Other Agency Billings, the department made significant progress in invoicing its non-FEMA partners, (Table 1). While not indicative in the table below due to the timing of this report, significant progress has been made on the FEMA billing. The timing of processes has been adjusted to better facilitate the data for inclusion in this report.

Typically, the department's FEMA billings fall within the Fire Management Assistance Grant (FMAG) program of FEMA, where assistance is made for the mitigation, management, and control of fires on publicly- or privately-owned forests or grasslands. Unique to 2020, the majority of the FEMA fires (all but two) were within the guidelines of FEMA's Public Assistance (PA) program. This program provides federal funding to help communities respond to and recover from disasters, including wildfire. The cost recovery process for the two programs is different and ultimately managed by different agencies within the State of Oregon. The Department of Forestry has authority for FMAG assistance, while the Oregon Office of Emergency Management (OEM) is responsible for facilitating PA assistance. This is most notable due to how the cost recoveries will appear in our Accounts Receivables. For FMAGs, an invoice is generated, and a payment is received months later. For PA costs, funding is drawn from a FEMA funding project based on the submittal of actual cost expenditures. The department is still working through the details on how to best record these efforts according to Generally Accepted Accounting Principles standards.

As for the progress of our 2020 FEMA billings, the two FMAG fires have been invoiced and we are now awaiting those payments. For the remaining PA fires, all of the estimates have been submitted to FEMA to allow them to setup projects within their grants portal, paving the way for the drawing of funds.

*Table 1, Outstanding Large Fire Cost Recoveries, as of May 25, 2021*

Fire Season	Other Agency Billings			FEMA		
	May (Current Month)	Apr (Last Month)	Difference	May (Current Month)	Apr (Last Month)	Difference
2015	-	-	-	104,253.00	104,253.00	-
2017	-	-	-	79,013.21	27,013.00	52,000.21
2018	70,974.91	75,043.85	(4,068.94)	1,021,965.00	989,788.00	32,177.00
2019	339,976.82	318,785.89	21,190.93	153,675.00	153,675.00	-
2020	6,835,836.44	13,797,961.88	(6,962,125.44)	66,692,920.28	67,504,240.00	(811,319.72)
All Years	7,246,788.17	14,191,791.62	(6,945,003.45)	68,051,826.49	68,778,969.00	(727,142.51)

As most the numbers above are estimates, movement can occur as reconciliations happen. Typically, large reductions between months indicate that costs were invoiced to the appropriate partner and will show up in Accounts Receivables (Table 2). A one-to-one correlation between these tables is not always possible due to timing and that the above billings are only a subset of the department's AR.

### **Accounts Receivables**

In addition to large fire billings, the department receives revenue from many streams across its service channels, such as State Forest timber, grants, forest patrol assessments and smaller sources such as map sales and fire permits. As of last week, the department has nearly \$46 million of AR (Table 2).

*Table 2, Current Accounts Receivables, as of June 21, 2021*

Vendor Type	0 to 30 Days	31 to 60 Days	61 to 90 Days	91 to 120 Days	Over 120 Days	Total
Federal	18,342,102.14	546,167.56	857,643.72	412,376.98	5,417,323.15	25,575,613.55
Local Govt	35,773.65	98,246.11	9,568.06	-	264,035.76	407,623.58
Private	11,305,460.15	326,930.44	1,656,233.02	725,165.53	3,956,162.85	17,969,951.99
State	103,377.85	157,125.06	53,091.35	30,147.83	1,472,051.36	1,815,793.45
<b>Grand Total</b>	<b>29,786,713.79</b>	<b>1,128,469.17</b>	<b>2,576,536.15</b>	<b>1,167,690.34</b>	<b>11,109,573.12</b>	<b>45,768,982.57</b>
Last Month	14,477,350.80	4,400,182.04	1,244,999.50	3,368,545.20	9,106,364.98	32,597,442.52
Difference	15,309,362.99	(3,271,712.87)	1,331,536.65	(2,200,854.86)	2,003,208.14	13,171,540.05

### **Accounts Payables**

Even with the current fires on the landscape, the costs they are experiencing to-date have not impacted AP staffs' ability to process payments quickly. Although, a large majority of those costs have not yet made it to central HQ yet. Currently the department is showing \$11.6 million in posted AP, with \$11.2 million of that being three invoices due to state or federal partners that are currently being held from payment due to preexisting agreements with those partners.

There has been much discussion about the inability of the department to track its entire obligation of liabilities at every level of the organization. To address that information gap, a Statewide Outstanding Assets and Liabilities tracker has been created and is currently rolling out to all districts. Data from this tracker will be available in the next couple of weeks and this report should show a better picture of the department's outstanding liabilities next month.

### **MGO Recommendations and Implementation Management Plan Status Update**

Following the June 9<sup>th</sup> Board of Forestry meeting with the approval of the department's approach to addressing the recommendations outlined by MGO, work continued as outlined by the department's Implementation Management Plan (IMP). The primary focus has been on the four recommendations slated for completion by June 30, 2021. All four of the recommendations are on course to be completed on time, and most will be moving into an enhanced continuation phase of the work, as it was identified by the department that further improvements to their scope could be realized through additional effort.

As this is the first update following the initial release of the IMP, the attached status report (Appendix B) provides an overview of the recommendations' initial status organized by estimated completion date. Board input on our reporting as we move through implementation to completion is welcomed to inform presentation of this status update. Additionally, as discussed during the board meeting, the IMP will be periodically updated with subsequent versions as work is further defined.

### **Facilities and Deferred Maintenance**

The department currently manages 388 structures located at various field offices throughout the state. These structures consist of buildings (e.g., office space, shops, and storage) as well as lookout towers, communication sites, fueling stations, kiosks, and vault toilets. The combined Current Replacement Value (CRV) of these structures is estimated at \$251 million. \$166 million of this CRV is carried by our 34 largest structures; buildings that have replacement values of over \$1 million, which mostly consist of ODF's administrative buildings located statewide. The remaining structures, the 354 that have a CRV of less than \$1 million, have a combined CRV estimated at \$85 million.

With a quarter of a billion in structural assets, deferred maintenance (DM) and capital improvement (CI) are a significant need statewide. This is exacerbated by the fact that many of our facilities are nearly 50 years old. Our 10-year maintenance priority projections based on currently known conditions is \$45.4 million. This amount would allow the structures to be maintained or improved over a 10-year period to a condition considered well-maintained. Projected DM costs for the 21-23 biennium are \$4.9 million. The department has submitted a Policy Option Package through our current budgetary process for funding in this amount, but that effort is still awaiting legislative approval.

These maintenance projections are created by the department's Facilities Capital Management Program (FCMP) based on a tracked metric called the Facility Condition Index (FCI). The FCI is a standard facility management benchmark that is used to objectively assess the current and projected condition of a building asset and provide a means for comparisons of facility or building conditions as well as allowing for renewal funding needs and comparisons. The FCI is the ratio of current year required

renewal cost to current building replacement value. Based on this index, a structure's condition can be ranked as Good (0-5% FCI), Fair (5-10%), Poor (>10%) or Very Poor (>50%). An FCI of 60% or greater usually indicates that the structure should be replaced rather than renewed. Statewide, based on facilities current condition data, our department's FCI is 11.7%, meaning as a whole the department's structures are beginning to show a Poor condition. The department's 388 structures range from having a condition of fair to poor.

There are many issues facing the department in addressing its DM and CI needs. The lack of a comprehensive, statewide, and holistic vision focused on capital renewal needs compounded by inconsistent funding streams to invest into this work are certainly significant drivers. Given the department's diverse revenue streams, some funds are unable to be committed to certain DM or CI efforts, for example, federal funds acquired under contracts. In addition, even though SB1067 dictates that departments submit 2% DM POPs every biennium, the department has not received General Fund investments through this mechanism.

Fortunately, the department has made efforts to mitigate many of these issues and begin addressing facility investment needs. The FCMP has developed the Facilities Operations and Capital Investment Account (FOCIA) program. This program consists of data acquisition on structures, strategic visioning on maintenance implementation and provides a funding mechanism through an administrative rental rate system. This rental rate can be applied to the department's own facilities and imposes a rent to occupying department programs. The revenue generated by this rental rate is deposited into a FOCIA account that can be used for recurring operational costs, as well as current and future maintenance needs. Not only does the FOCIA program support long-term strategic capital planning efforts, but it also enables the utilization of all funding sources, and this revenue can carry over through biennia while accruing interest. Currently the FOCIA program is optional within the districts, with six districts taking advantage of the opportunities it provides; however, we anticipate more districts coming on board as the benefits are demonstrated.

The FCMP is currently managing two capital projects. The first being the relocation of the Toledo Unit Office in the West Oregon District, where property has been selected and price negotiations are occurring. Due diligence is to follow which will determine constructability. The second capital project is the replacement of the North Cascades District office lost to the wildfires last year. A comprehensive Master Planning effort to determine district needs is currently underway to outline and support next steps. In addition, the FCMP is committed to sustainable facilities through its Strategic Energy Management, with active engagement in maximizing building operations and use and electric vehicle charging station infrastructure is slated to be installed on the Salem headquarters' campus this year.

**OREGON DEPARTMENT OF FORESTRY**  
**AGENCY-WIDE EXPENDITURES BY PROGRAM AND APPROPRIATION**  
**2019-2021 BIENNIIUM TO DATE THROUGH MAY 2021**

		Percentage of Biennium Elapsed 96%			
Program Title	Fund Type	Legislatively Approved Budget	Actuals as of MAY 2021	Budget Balance	Percentage of Budget Spent
<b>AGENCY ADMINISTRATION</b>	General Fund	10,623,310	4,614,190	6,009,120	43.43%
	Other Funds	37,642,908	35,785,828	1,857,080	95.07%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	4,666,940	3,518,616	1,148,324	75.39%
	<b>AGENCY ADMINISTRATION TOTAL</b>	<b>52,933,158</b>	<b>43,918,634</b>	<b>9,014,524</b>	<b>82.97%</b>
<b>CAPITAL IMPROVEMENT</b>	General Fund	0	0	0	0.00%
	Other Funds	4,783,787	687,648	4,096,139	14.37%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>CAPITAL IMPROVEMENT TOTAL</b>	<b>4,783,787</b>	<b>687,648</b>	<b>4,096,139</b>	<b>14.37%</b>
<b>DEBT SERVICE</b>	General Fund	16,418,449	16,418,414	35	100.00%
	Other Funds	603,234	603,207	27	100.00%
	Lottery Funds	2,543,451	2,543,445	6	100.00%
	Federal Funds	0	0	0	0.00%
	<b>DEBT SERVICE TOTAL</b>	<b>19,565,134</b>	<b>19,565,066</b>	<b>68</b>	<b>100.00%</b>
<b>EQUIPMENT POOL</b>	General Fund	0	0	0	0.00%
	Other Funds	18,033,946	13,800,759	4,233,187	76.53%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>EQUIPMENT POOL TOTAL</b>	<b>18,033,946</b>	<b>13,800,759</b>	<b>4,233,187</b>	<b>76.53%</b>
<b>FAMADA OPERATIONS</b>	General Fund	0	0	0	0.00%
	Other Funds	5,642,619	2,220,842	3,421,777	39.36%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	0	0	0	0.00%
	<b>FAMADA OPERATIONS TOTAL</b>	<b>5,642,619</b>	<b>2,220,842</b>	<b>3,421,777</b>	<b>39.36%</b>
<b>PRIVATE FORESTS</b>	General Fund	20,581,904	17,791,413	2,790,491	86.44%
	Other Funds	13,699,474	9,629,487	4,069,987	70.29%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	14,246,693	9,030,532	5,216,161	63.39%
	<b>PRIVATE FORESTS TOTAL</b>	<b>48,528,071</b>	<b>36,451,432</b>	<b>12,076,639</b>	<b>75.11%</b>
<b>PROTECTION FROM FIRE</b>	General Fund	116,677,862	112,587,420	4,090,442	96.49%
	Other Funds	205,132,034	186,012,792	19,119,242	90.68%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	17,924,645	8,378,334	9,546,311	46.74%
	<b>PROTECTION FROM FIRE TOTAL</b>	<b>339,734,541</b>	<b>306,978,545</b>	<b>32,755,996</b>	<b>90.36%</b>
<b>STATE FOREST LANDS</b>	General Fund	5,000	5,000	0	100.00%
	Other Funds	109,117,608	85,766,660	23,350,948	78.60%
	Lottery Funds	0	0	0	0.00%
	Federal Funds	928,679	799,687	128,992	86.11%
	<b>STATE FOREST LANDS TOTAL</b>	<b>110,051,287</b>	<b>86,571,348</b>	<b>23,479,939</b>	<b>78.66%</b>
<b>AGENCY-WIDE</b>	All General Funds	164,306,525	151,416,437	12,890,088	92.15%
	All Other Funds	394,655,610	334,507,222	60,148,388	84.76%
	All Lottery Funds	2,543,451	2,543,445	6	100.00%
	All Federal Funds	37,766,957	21,727,169	16,039,788	57.53%
	<b>Total All Fund Types / Programs</b>	<b>599,272,543</b>	<b>510,194,273</b>	<b>89,078,270</b>	<b>85.14%</b>

<b>Oregon Department of Forestry, MGO Implementation Management Plan Status Report – June 2021</b> Sorted by Completion Date, by Risk						
#	Recommendation (Type)	Risk Rating	Completion Date	Current Status	Status from Previous	Internal Notes
#1	Cost Share Agreements (Consistency) (Policies & Procedures)	High	06/30/2021	Active	N/A	On-track for completion by the due date. Will move to Enhanced post 06/30/21.
#2	Cost Share Settlements (Signature Authority) (Policies & Procedures)	High	06/30/2021	Active	N/A	On-track for completion by the due date. Will move to maintenance post 06/30/21.
#3	Cost Share Collections (Policies & Procedures)	High	06/30/2021	Active	N/A	On-track for completion by the due date. Will move to maintenance post 06/30/21.
#27	OregonBuys (Information Technology)	Low	06/30/2021	Active	N/A	On-track for completion with alternative mitigation deliverables. Moving to Enhanced post 06/30/21.
#16	Board of Forestry Oversight (Oversight)	Medium	10/31/2021	Pending	N/A	
#5	Accounts Receivable Collections (Policies & Procedures)	High	12/31/2021	Initiated	N/A	
#17	District Finance / Accounting Oversight (Oversight)	Medium	12/31/2021	Not Started	N/A	
#19	Invoicing (Policies & Procedures)	Medium	12/31/2021	Initiated	N/A	
#26	FEMA Claim Status (Policies & Procedures)	Low	12/31/2021	Active	N/A	
#12	ACC Rate Assessments (Budgeting)	High	06/30/2022	On Hold	N/A	On hold for project team phasing outside of fire season
#6	Policy & Procedure Storage (Information Technology)	High	06/30/2022	Pending	N/A	
#7	Cost Estimates (Information Technology)	High	06/30/2022	On Hold	N/A	On hold for capacity to support IT deliverables
#8	BRIO Real-Time (Information Technology)	High	06/30/2022	Not Started	N/A	
#10	Electronic Records (Information Technology)	High	06/30/2022	Not Started	N/A	
#4	Cash Flow Projections (Policies & Procedures)	High	06/30/2022	Initiated	N/A	
#9	Accounts Payable (Policies & Procedures)	High	06/30/2022	Active	N/A	
#23	Budgeting Requirements (Budgeting)	Medium	06/30/2022	On Hold	N/A	On hold for project team phasing outside of fire season

#	Recommendation (Type)	Risk Rating	Completion Date	Current Status	Status from Previous	Internal Notes
#24	Budgeting Requirements (Budgeting)	Medium	06/30/2022	On Hold	N/A	On hold for project team phasing outside of fire season
#22	OFRS (Information Technology)	Medium	06/30/2022	On Hold	N/A	On hold for capacity to support IT deliverables
#13	Oversight Reports (AP and AR systems) (Oversight)	Medium	06/30/2022	Not Started	N/A	
#14	Training for finance personnel (Salem and Field) (Oversight)	Medium	06/30/2022	Not Started	N/A	
#15	Field Protection Districts Oversight (Oversight)	Medium	06/30/2022	Not Started	N/A	
#18	Change Management (Incident Finance Audits) (Oversight)	Medium	06/30/2022	On Hold	N/A	On hold for fire season and administrator transition
#25	Operating Association Advances (Policies & Procedures)	Low	06/30/2022	Not Started	N/A	
#11	I.T. Systems (Information Technology)	High	06/30/2023	Not Started	N/A	
#20	Finance / Accounting (Org Structure) (Finance/Accounting Resources)	Medium	06/30/2023	Pending	N/A	
#21	Finance Skillsets (Finance/Accounting Resources)	Medium	06/30/2023	Not Started	N/A	
#28	Encumbrances (Budgeting)	Low	06/30/2023	Not Started	N/A	

Not Started Work for this recommendation has not started

Pending Work is beginning to be queued up and/or resources assembled

Initiated Work is in a preliminary phase, typically inventorying and/or documenting current products/processes

Active Work is actively being completed against the recommendation

On Hold Some work has been completed, but progress has been temporarily halted due to resource constraints or work phasing

Complete Recommendations have been implemented and observed risk mitigated

Enhanced Work has moved beyond the initial scope of the recommendation to further business value

Agenda Item No.:	F
Work Plan:	Administrative
Topic:	Board Governance Performance Self-Evaluation
Presentation Title:	2021 Board Governance Performance Self-Evaluation
Date of Presentation:	July 21, 2021
Contact Information:	Sabrina Perez, Senior Strategy Manager (503) 945-7311 <a href="mailto:sabrina.perez@oregon.gov">sabrina.perez@oregon.gov</a>

## **SUMMARY**

The Board of Forestry has completed its annual self-evaluation for 2021 using its adopted governance performance measure.

## **CONTEXT**

The governance performance measure for state boards and commissions, “percent of total best practices met by the board” was enacted by the Oregon State Legislature and adopted by the Board in 2006. The measure includes fifteen standard best practices criteria tailored to meet the Board’s specific needs and interests. The Board added an additional criteria relating to public involvement and communications, and open-ended summary questions to the evaluation. The measure is included in the agency’s annual Key Performance Measures and has been conducted every year since 2008.

In May 2021, Board members completed individual self-evaluations utilizing the Board Governance Performance Measure Best Management Practices Self-Evaluation Criteria. A summary of the 2021 self-evaluation is attached. The Board is asked to consider the alternatives in their review of the evaluation and agree upon a rating for submission in our agency’s *Annual Performance Progress Report*. Further discussion on the Board’s annual performance review is also planned as an annual topic at the October planning retreat.

## **ANALYSIS**

Five of the seven Board members serving in the 2020 calendar period completed the evaluation. Results of the evaluation suggests that current and former Board members have a minor level of disagreement within the individual best-practices criteria. Therefore, the Board did not reach the Board’s performance measure target of 100% for 2021, and instead found common agreement in reaching 84% of their best-practices. In the prior year’s evaluation the Board reached 89%.

Areas for improvement within specific criteria include: an update to the State Forester’s position description within the current recruitment process, continued interest in updating the high-level goals within the *Forestry Program for Oregon* to include proactive integration of climate change strategies and other priorities expressed by Oregonians, a desire for greater review and involvement in key policy communications, repeated interest in training or field tours and holding meetings outside of Salem as Covid-19 protocols allow to facilitate greater involvement in policy-making discussions with statewide impacts, and continued attention on the agency’s finances and enhancing the Board’s oversight role, while gaining trust in the Legislature.

Overall, the Board had positive reflections on their progress, improved relationships within the agency, and optimism in working with incoming Board members to foster a shared vision in forest management to benefit all Oregonians.

## **ALTERNATIVES**

There are two alternatives to be considered for the Board's completion of this year's self-evaluation process:

- 1) Approve the self-evaluation summary report as-is, agreeing to a performance rating of 84% in meeting best practices criteria, with further discussions to be held at the annual planning retreat.
- 2) Remove this item from the consent agenda and discuss the areas of concern prior to approving a performance rating. Results of this discussion could lead to the same approval and agreeing to the 84% rating as-is, or could lead to changes in their agreed-upon collective rating. Further discussion on the criteria will be held at the annual planning retreat.

## **RECOMMENDATION**

The Department recommends the Board proceed with alternative one and approve the summary evaluation report as the conclusion of the 2021 self-evaluation process.

## **NEXT STEPS**

The Board will further discuss this year's collective self-evaluation at the annual planning retreat in October 2021. Results of the collective self-evaluation will be included in the Department's *2021 Annual Performance Progress Report* submitted to the Department of Administrative Services and Legislative Fiscal Office.

## **ATTACHMENT**

- (1) 2021 Summary of Best Practices Performance Evaluations (*Oregon Board of Forestry*)

**Oregon Board of Forestry**  
**Governance Performance Measure**  
**2021 Summary of Best Practices Performance Evaluations**

**Performance Measure:** Percent of total best practices met by the Board.

**Target:** 100%

**Period:** Annual

**ODF Key Performance Measure:** #2

**Board Adopted:** September 6, 2006

**Summary of Individual Board Member Evaluations – July 21, 2021**

**Key:** Within Each Criteria:

#’s		= Board member tally count = range of ratings
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Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<p><b>1. Executive Director’s performance expectations are current.</b>  <i>The Board understands this to mean that the State Forester’s Position Description is current.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• Some changes will need to be made however generally the performance expectations are current.</li> <li>• It is current for the position when he was hired, but the PD needs to be updated.</li> <li>• We will be in active conversations shortly as we update the State Forester’s job description in anticipation of initiating the search.</li> </ul>	0	4	1	0
<p><b>2. Executive Director’s performance has been evaluated in the last year.</b> <i>The Board understands this to mean that the State Forester’s Position Description is current and that the annual performance appraisal has been completed.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• The State Forester annual performance appraisal was completed. As said, the position description is about to be updated.</li> </ul>	1	4	0	0

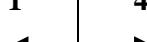
**Oregon Board of Forestry**  
**Governance Performance Measure**  
**2021 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<p><b>3. The agency's mission and high-level goals are current and applicable.</b> <i>The Board understands this to mean that the Board's <u>Forestry Program for Oregon</u> and Oregon Forest Practices Act/Rules are current.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• The strategic initiatives are current, but the approach to achieve them need to align better with expectations of the governor around climate actions and around priorities described by the majority of Oregonians (e.g., drinking water protection, use of chemicals).</li> <li>• The Forestry Program for Oregon should be updated every eight years. We will begin that process later this year.</li> <li>• Several need review and update, especially to reflect proactive response to climate change.</li> </ul>	0	3	2	0
<p><b>4. The Board reviews the <u>Annual Performance Progress Report</u>.</b> <i>The Board understands this to mean that the Board reviews the report annually as a meeting agenda item.</i></p> <p><u>Comments:</u> n/a</p>	0	5	0	0
<p><b>5. The Board is appropriately involved in review of agency's key communications.</b> <i>The Board understands this to mean agency and Board communications at a policy level, versus a day-to-day operating level.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• Oftentimes communications are sent out without board review although they may have been discussed in a board meeting. Final language was not reviewed.</li> <li>• The board should be more involved in policy communications with the legislature.</li> </ul>	0	3	2	0
<p><b>6. The Board is appropriately involved in policy-making activities.</b> <i>The Board understands this to mean those policy activities that particularly have a statewide perspective, including holding Board meetings at different geographic locations around the state.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• The Board should be an active participant in the discussions between industry and the environmental community regarding modifying policies (e.g., the Siskiyou Rules, private lands, HCP</li> </ul>	1	0	4	0

**Oregon Board of Forestry**  
**Governance Performance Measure**  
**2021 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
possibilities, etc.) Covid-19 prevented holding meetings across the state.				
<ul style="list-style-type: none"> <li>• We have not had a Board meeting outside of Salem in at least three years.</li> <li>• Covid limitations precluded holding Board meetings at different geographic locations around the state during 2020. Hope this is rectified “post COVID.”</li> </ul>				
<b>7. The agency's policy option packages are aligned with their mission and goals. <i>The Board understands this to mean the packages included in the biennial budget process as part of the Agency Request Budget.</i></b>	1	4	0	0
<u>Comments:</u>				
<ul style="list-style-type: none"> <li>• Yes, in general but ODF POPs should align with and leverage POPs requested by other agencies to develop more collaborative approaches to policy development and day to day management.</li> <li>• Although, packages to reflect some Board priorities were not advanced (e.g., diversifying State Forest finances), presumably due to assessment of political realities.</li> </ul>				
<b>8. The Board reviews all proposed budgets. <i>The Board understands this to mean the Department of Forestry's biennial budget at the Agency Request Budget level.</i></b>	1	4	0	0
<u>Comments:</u>				
<ul style="list-style-type: none"> <li>• Yes at a very high level. The detailed review by MGO revealed a need for more regular and more detailed review than the Board has been engaged with.</li> </ul>				
<b>9. The Board periodically reviews key financial information and audit findings. <i>The Board understands this to mean significant financial issues and as audits are released.</i></b>	1	3	1	0
<u>Comments:</u>				
<ul style="list-style-type: none"> <li>• Not regularly enough.</li> <li>• While the Board does review financial information, past history indicates that the communication/review process is not adequate to prevent major problems.</li> <li>• This received greater attention during 2020 than previously, however, oversight still could be improved.</li> </ul>				

**Oregon Board of Forestry**  
**Governance Performance Measure**  
**2021 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<b>10. The Board is appropriately accounting for resources.</b> <i>The Board understands this to mean critical issues relating to human, financial, material and facilities resources by providing oversight in these areas. This means that the Board receives briefings on such issues as succession management, vacancies, the budget, and financial effects of the fire program.</i>	0	5 	0	0
<u>Comments:</u> <ul style="list-style-type: none"> <li>• At a very high level.</li> <li>• But, see comment under previous item.</li> </ul>				
<b>11. The agency adheres to accounting rules and other relevant financial controls.</b> <i>The Board understands this to mean the receipt of the annual statewide audit report from Secretary of State which highlights any variances in accounting rules or significant control weaknesses.</i>	0	4 	1	0
<u>Comments:</u> <ul style="list-style-type: none"> <li>• MGO report documents major deficiencies that need to be corrected.</li> </ul>				
<b>12. Board members act in accordance with their roles as public representatives.</b> <i>The Board understands this to mean that they follow public meeting rules, the standard of conduct for Board members, and the public input process. Members received training and information from the Governor's Office upon appointment.</i>	1 	4	0	0
<u>Comments:</u> n/a				
<b>13. The Board coordinates with others where responsibilities and interests overlap.</b> <i>The Board understands this to mean other public agencies and boards with statutory authority connections or overlaps, e.g. the Forest Trust Land Counties, the Oregon Environmental Quality Commission/Department of Environmental Quality; the Oregon Fish and Wildlife Commission/Department of Fish and Wildlife; the State Land Board; local fire districts; the United States Forest Service; the Bureau of Land Management..</i>	1 	4	0	0
<u>Comments:</u> <ul style="list-style-type: none"> <li>• We continue to push for more collaboration and coordination among state agencies.</li> <li>• For the most part this is true, however interagency/interboard coordination could be improved with the OFWC/ODFW particularly with respect to endangered/sensitive species management, and climate change.</li> </ul>				

**Oregon Board of Forestry**  
**Governance Performance Measure**  
**2021 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<b>14. The Board members identify and attend appropriate training sessions.</b> <i>The Board understands this to mean the workshops, symposia, and field tours that accompany some Board meetings, and that the Board receives adequate technical information.</i>	0	3	1	0
<u>Comments:</u>  • This has been true generally, however the COVID year conditions inhibited availability of and participation in training sessions.				
<b>15. The Board reviews its management practices to ensure best practices are utilized.</b> <i>The Board understands this to mean carrying out this self-evaluation on an annual basis, conducting the annual Board work plan status check, and by conducting the periodic scan of issues on a biennial basis.</i>	0	5	0	0
<u>Comments:</u>  • Special attention should be given to this item during 2021 due to the high turnover in Board membership.				
<i>Listed below is an additional best practice for the Board of Forestry; not included in calculating the percentage adherence to best practices.</i>				
<b>16. The Board values public input and transparency in conducting its work through outreach to and engagement of stakeholders and by using its work plan communication tools. The Board also values input and communications with its standing advisory committees, special ad hoc committees and panels and external committees with board interests.</b>	1	4	0	0
<u>Comments:</u> n/a				
<b>Total Number (Criteria 1-15)</b>	<b>7</b>	<b>55</b>	<b>12</b>	<b>0</b>
<b>Percentage of Total in Each Evaluation Category (Criteria 1-15)</b>	<b>9.46%</b>	<b>74.32%</b>	<b>16.22%</b>	<b>0%</b>
<b>Percentage of Total in “Agree” and “Disagree” (Criteria 1-15)</b>	<b>84%</b>		<b>16%</b>	

**Oregon Board of Forestry  
Governance Performance Measure  
2021 Summary of Best Practices Performance Evaluations**

**Summary Questions for Consideration:**

**1. How is the Board doing?**

- With significant changes of Board Members this year it is too early to tell.
- I am hopeful that the new Board members will lead us to be a more functional and decisive board.
- Much better!
- The Board was significantly more functional during 2020 than the previous year.

**2. What factors are affecting the Board's results?**

- Too much focus on process and not enough on actions.
- Lack of trust of the Department and the Board, primarily in the Legislature, is potentially affecting funding and the willingness to delegate appropriate authority to the Board and Department to deal with emerging issues.
- Board and Staff paid more attention to basic principles of respect during 2020 than the previous year.

**3. What needs to be done to improve future performance?**

- The Board Chair needs to set the agendas and the agendas need to lead us in a timely manner to real improvements in forest management to benefit all Oregonians.
- Hire a strong and capable State Forester, first and foremost. Continue to work together to foster strong relationships and a shared vision. Have a meeting outside of Salem and a field trip or two.

## **STAFF REPORT**

Agenda Item No.:	G
Work Plan:	Private Forests
Topic:	Committee Appointments
Presentation Title:	Committee for Family Forestlands Chair/Appointments
Date of Presentation:	July 21, 2021
Contact Information:	Josh Barnard, Private Forests Deputy Chief 503-945-7493, Josh.W.Barnard@oregon.gov

### **SUMMARY**

This agenda item includes an update on the chair and appointments for members of the Committee for Forestlands (CFF). Wendy Gerlach is the CFF's citizen-at-large representative and has expressed interest in serving as the committee chair. Three nominations have been submitted to fill the Southern Oregon position (Gary Jensen), the Eastern Oregon position (Maurizio Valerio), and the landowner-at-large position (Kate McMichael).

### **CONTEXT**

The CFF, a standing committee to the Board, provides advice to the Board and the State Forester on methods to help improve the vitality of family forestlands, including improving owners' ability to manage and market their timber and other forest products. The CFF continues to evaluate the impact of policy and regulatory changes on family forestland owners.

### **BACKGROUND AND ANALYSIS**

CFF members serve three-year appointments that generally run from July through June (Attachment 1). There are seven voting members, including four family forestland owners, one forest industry representative, one conservation community representative, and one citizen-at-large. The CFF currently has six ex-officio members representing Oregon State University College of Forestry, the State Forester, Oregon Forest Resources Institute, public land managers, logging/forestry consulting interests and small forestland owner groups.

As of July 1, the CFF has three open positions including the family forestland representatives from Southern and Eastern Oregon, and a landowner-at-large representative. In addition, the departing Southern Oregon representative served as the chair of the CFF. To fill the chair position, the CFF charter notes that the citizen-at-large is the preferable member to serve as chair.

### **RECOMMENDATION**

The Department recommends the appointment of citizen-at-large member Wendy Gerlach as the chair of the CFF. The Department also recommends appointing Gary Jensen as the Southern Oregon representative, Maurizio Valerio as the Eastern Oregon representative, and Kate McMichael as the landowner-at-large representative of the CFF. The biographies are noted in Attachment 2.

**ATTACHMENTS**

- (1) Proposed CFF Voting Members Appointment Schedule
- (2) CFF Chair and New Member Nomination Biographies
- (3) CFF Chair, Letter to the Board of Forestry

## **Proposed Committee for Family Forestlands Voting Members Appointment Schedule**

**July 21, 2021**

Proposed schedule for CFF members' appointments / reappointments. New Voting Members, Chair and Vice Chair to be appointed by the Board of Forestry.

<b>Voting Member</b>	<b>Appointed</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Citizen at Large <b>Wendy Gerlach</b> (Chair)	2020			June 30	
Conservation Community <b>Kaola Swanson</b> (Vice Chair)	2019		June 30		
Forest Industry <b>Mark Vroman</b>	2017			June 30	
Southern Oregon Area <b>Gary Jensen</b>	2021				June 30
Landowner at Large <b>Kate McMichael</b>	2021				June 30
Eastern Oregon Area <b>Maurizio Valerio</b>	2021				June 30
Northwest Oregon Area <b>Barrett Brown</b>	2019		June 30		

X = have or will have served two terms, not eligible for reappointment, and a new member must be nominated.

## **Biography for Wendy Gerlach**

Wendy Gerlach is a lawyer in private practice with experience including forest-based conservation finance and nonprofits advising. She has advised clients on conservation easements, land acquisitions, carbon projects, and land trust operational issues. She also spent many years as a corporate, estates, and tax lawyer advising on finance and business issues. In that capacity, she worked with firms such as Thede, Culpepper in Portland, Novartis Pharmaceuticals AG in Switzerland, Ernst & Young affiliate ATAG AG in Switzerland, and Ropes & Gray in Boston. She is a graduate of Princeton University and the University of Washington School of Law, and is a board member of Columbia Land Trust, the Oregon League of Conservation Voters, and the Coalition of Oregon Land Trusts. Wendy's interest in forests ranges from her early experiences studying botany, to research on the relationship of forests to public welfare, to pharmaceutical licensing of forest compounds, to recreational time spent in the forests of Oregon. As a 5th generation Oregonian, she has a deep connection to the state and commitment to its welfare.

## **Biography for Gary Jensen**

Upon graduating from Humboldt State University Gary's professional career in forestry was deferred by service in the Marine Corps. He ended up serving 30 plus years between active and reserve duty as an engineering officer. After returning from active duty in 1972 Gary began his industrial forestry career working for various companies in the Northwest and eventually ended up with Lane Plywood Inc. where he spent his career working with forest resources in Lane County, Oregon. Following his industrial forest experiences, he expanded his life experiences by teaching high school forestry at Pleasant Hill High School. During this time, he also provided forestry consulting services to landowners of the northwest. Today he and his wife oversee the stewardship of their family tree farm in Lane County. Along the way Gary has seen it appropriate to give back to the community by serving on various resource-oriented committees and boards. Currently he represents Zone 3 of the Upper Willamette Soil and Water Conservation District. He also represented the central/southern Willamette Valley Basin on the Oregon Soil and Water Conservation Commission under ODA, until 2019. He also serves as the chair of the Lane County Small Woodland Association. Through these life experiences he has built a strong background in the dynamics and impact public input can have on the utilization of our region's natural resources, both good and bad.

## **Biography for Kate McMichael**

My name is Kate McMichael. Long-time hikers and back-packers, my wife and I were thrilled when, in 2019, after years of saving and dreaming, we were able to purchase a small F-2 property in Vida. Former educators, we knew that loving mountains and forests did not make us knowledgeable enough to manage even a small woodland without learning a lot—a LOT—more. So...we bought books and watched YouTube videos. We discovered the wealth of resources available through OFRI, met our Lane County Extension Forester and took every Extension forestry and natural resource course we could. We spent time getting to know our Stewardship Forester. We explored ways for our tributary streams to contribute to the ongoing health of the McKenzie River watershed. We learned how to use a chain saw and began working on fuels mitigation in our healthy but slightly overgrown forest. We got to know our neighbors,

consulting foresters and other woodland owners. We became part of Oregon Small Woodlands Association, Women Owning Woodlands Network (WOWNet), Oregon Women and Timber and, most recently, Lane Families for Farms and Forests. We wrote a management plan and took nearly every TreeSchool Online class. Mostly we fell in love with our every one of our 39 acres.

Then the Holiday Farm Fire happened. The trees we had dreamed of growing old with are mostly gone now—either salvage harvested to make replanting possible or charred skeletons. But our classes had taught us that forest management is a long-term venture—and that forests begin and end in disturbance—and so we have rolled up our sleeves, revised our management plan and grown accustomed to charcoal on everything. It has been—and continues to be—hard, heartbreaking work. And yet, woven through the loss and heartache, has been overwhelming gratitude for the extraordinary love and support from the forestry and timber community. It has not mattered that we are newcomers; the outpouring of concern and compassion, experience and expertise was immediate. The generosity—from seedlings to site visits—has been a constant. In many ways, this experience of genuine community has impacted us as much as the fire: we cannot be simply passive (if grateful) recipients of other people's kindness and care; we must embody our appreciation by being active participants in the community that has so rallied around us—whether that means planning to become Master Woodland Managers or signing up to testify before the legislature or showing up to meetings when we're dirty and tired or saying yes to the opportunity to serve on committees. I am proud and humbled to be entrusted with the care of a piece of Oregon's forest landscape. Even on the hardest day, I look at my trees, at the mountains around us and am filled with awe and wonder and the certain knowledge that even the worst day in the woods is still better than the best day anywhere else.

### **Biography for Maurizio Valerio**

My name is Maurizio Valerio, and I am interested in serving as one of the members of the Committee for Family Forestlands. My wife and I own circa 483 acres of land in Union County on the western side of the Wallowa Mountains.

We have been managing our lands for 30 years during which we worked to maintain and enhance the general forest ecosystem, optimize the production of timber, water, range, and wildlife. We are actively conduct different activities aimed to mitigate the fire risk and enhance the multi-use recreational potential of the property.

Our entire family is involved in the active management of our forest land. We are keeping a stewardship plan which help us track and manage all we do. Some of our forest stewardship activities include:

- selective commercial cut
- pre-commercial thinning via Masturbation, mulching, and slashing forest health and for fire reduction
- planting several thousands of trees and experimenting with tree spade transplanting of DF, PP and WL.
- hosting forest tours, OSU Firewise Program (2018), and Youth Leadership camp.
- hiring HS Interns for the second year as part of a program with Baker Resource Coalition
- we received the Forest Steward Award from Union County in 2019, and we are one of the nominees for the Outstanding Tree Farmers of the Year Award in 2020.

I have a doctoral degree in Natural Science (University of Parma – Italy), a master's degree in Zoology (University of California – Berkeley). I work for The Ford Family Foundation, and I am currently serving as one of the Trustees for Eastern Oregon University Board of Trustees.

## The Committee for Family Forestlands



July 21, 2021

Oregon Board of Forestry  
2600 State Street  
Salem, Oregon 97310

Dear Chair Kelly and Members of the Board of Forestry:

Subject: Committee for Family Forestlands Chair

On behalf of the Committee for Family Forestlands (CFF), and as the outgoing Chair of the committee, I am pleased to offer a recommendation that the Board of Forestry appoint Wendy Gerlach as the next Chair of the CFF.

Since joining the CFF in 2020 as the “citizen-at-large” representative, Wendy has demonstrated curiosity around the topics brought before the committee and has shown enthusiasm for learning the issues. Undoubtedly honed by her experience serving on non-profit boards, Wendy asks thoughtful, clarifying questions to better understand the nuances surrounding the complex issues that family forestland owners are facing. All that in addition to her background in forest-based conservation finance, Wendy brings a unique skillset to the CFF that assists the committee in thinking through new and emerging topics that the committee is addressing.

Wendy is well poised to help facilitate the CFF’s work on the critical issues stemming from the 2020 wildfires, as family forestland owners across the fire-impacted landscapes are facing several obstacles, including stabilizing sites and assistance in acquiring tree seedlings to reforest burned over areas.

I am confident that Wendy will bring all of her diplomatic assets to the table in helping lead the CFF to address these topics, and more, in the coming years.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evan Barnes".

Evan Barnes

## **STAFF REPORT**

Agenda Item No.:	H
Work Plan:	Administrative
Topic:	2021 Legislative Session Overview
Date of Presentation:	July 21, 2021
Contact Information:	Lena Tucker, Deputy State Forester (503) 945-7205, lena.l.tucker@oregon.gov

### **SUMMARY**

The purpose of this agenda item is to provide a brief overview of the 2021 legislative session. The following summary is not all-inclusive of legislative matters affecting Oregonians or state agencies but is intended to be a succinct view of bills the agency tracked through the session and are most impactful to Oregon Department of Forestry processes.

### **BACKGROUND AND ANALYSIS**

The agency prepared for legislative bill review, analysis, and testimony preparation by designating legislative coordinators and bill managers for each division and program. An internal training and coordination session was held in early January. Our agency utilizes the BillTracker software program, provided by the Department of Administrative Services for all state agencies to track bills and conduct bill analysis.

The agency reviewed and prioritized approximately 2519 bills at the beginning of the session. Engaging in weekly meetings with natural resource agencies and all executive branch agencies for information gathering and coordination on bills that affected multiple agencies were essential for staying connected during the fast pace of the session.

This year's session added new complexities with all meetings, hearings, and work sessions organized to be virtual as the capitol was closed to the public due to the Covid pandemic.

Attachment one summarizes the agency's priority bills that were still alive at the end of the session and their status. In addition, the Legislative Policy and Research office (LPRO) updated its website to allow a bill search by topics of interest, those with public hearings, and the outcome of the bill. The session summaries can be found at the following link, <https://www.oregonlegislature.gov/lpro/Pages/summary-of-legislation.aspx>.

The key themes from the 2021 legislative session were tracked by the agency and included with this report.

**Wildfire:** The agency was tracking approximately 50 bills relating to wildfire and that would impact the agency. Early in the session, two omnibus wildfire bills emerged, and this is where the agency focused its attention. Senate Bill 762 ultimately became the main wildfire bill towards the end of the session.

Senate Bill 762 captured many of the recommendations of the Governor's Council on Wildfire Response, providing legislative direction to the Board of Forestry regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire; directed the Department to review and clarify the enforcement of rules pertaining to forestland; and baseline standards for unprotected and under-protected lands in Oregon. Details of the work required under Senate Bill 762 will be discussed in Agenda Item 4.

**Other fire related bills:**

House Bill 2571 directs the Department of Business and Consumer Services to consult with the agency and others to study liability for prescribed fires and report back to the legislature by July 1, 2022.

Senate Bill 590 includes land used primarily for cultivating crops within the definition of rangeland, for the purposes of organizing rangeland protection associations and providing fire protection for rangeland. Funding for the capacity to administer the additional rangeland protection associations was received in the agency's budget.

**Fire Recovery:**

House Bill 3127 was an omnibus bill relating to wildfire recovery and appropriated funding to state agencies and local governments. While this bill did not pass, the legislature agreed to appropriate funding for projects directly into agency budgets.

As a result, our agency received \$5 million to provide grant funding to increase nursery capacity and seedling supply.

**Clean Energy bills:**

There were approximately 17 carbon and climate bills that our agency was monitoring this session. In the end, House Bill 2021 passed. This bill sets requirements that 100% of electrical energy used in Oregon be from renewable sources by 2040 with interim targets. Biomass is included as a renewable source; however, this bill does not mention forestry or the agency.

Senate Bill 333 also passed and requires a renewable hydrogen study at the Oregon Department of Energy, due to Legislature by September 15, 2022.

**Harvest Tax**

Approximately seven harvest tax bills were in motion this session, including House Bill 2070, the agency's standard harvest tax bill which sets the rate for the next calendar years and renews the sunset date. Harvest tax discussions were contentious this session and, in the end, our agency bill was amended to increase the harvest tax rate in the Senate, however, the bill did not pass on the House floor. As a result, no harvest tax bills were passed this session. The current harvest tax will sunset on 12/31/2021. The agency received a letter from the President of the Senate and Speaker of the House that provides assurances that legislative leadership would work on the issue of harvest tax and will also address any gaps in funding for the agency in February 2022 session.

Of note, there were two bills that would have renewed the sunset date for the reforestation tax credit program to help landowners impacted by last year's fires with reforestation efforts, and these bills did not pass.

**Racial Justice:** House Bill (HB) 2167 established the Racial Justice Council within the Office of the Governor with a generalized purpose to design strategies to institutionalize racial justice into the conduct of state business, collect data and provide recommendations on all matters pertaining to dismantling systemic and institutional racism. The bill modifies the biennial budget process with a new requirement to develop a statement on racial impact of the department's programs, policies, and budget modifications on Oregonians who are Black, Indigenous, or other people of color, in consultation with the Racial Justice Council. House Bill 2993 modifies the Oregon Administrative Rulemaking process to include an added statement on how the proposed rule will affect racial equity in the state and expanded participation in rulemaking advisory or fiscal impact committees. Several other bills honored contributions to Oregon's history, culture, and social fabric, with Juneteenth or June 19<sup>th</sup> established as a legal holiday in recognition of African Americans and emancipation from slavery (HB 2168), Indigenous People's Day designated for the second Monday in October of each year recognizing tribal nations and original inhabitants of the Americas (HB 2526), and April of each year designated for recognition of Arab American Heritage Month (HB 2914).

**Environmental Justice:** There were many discussions regarding environmental justice, this session. Senate Concurrent Resolution 17 strengthens legislative intent around environmental justice to provide greater public participation, ensure that all persons affected by natural resource decisions have a voice, and clarify resolutions on the vision for natural resource policy in Oregon. Senate Bill 286 would have reorganized the Environmental Justice Taskforce and created this body as a council under the Department of Environmental Quality, but this bill did not pass this session.

**Board of Forestry:** A few bills passed related to the Board's operations including, increased compensation for members electing to receive compensation for official duties (HB 2992), the inclusion of executive sessions in the topics of purview for the Oregon Government Ethics Commission providing the Board with an additional resource relative to advice or opinion (SB 61), and a requirement to continue providing real-time access for the public to watch or listen to meetings of the Board while allowing virtual, electronic or written opportunities to provide testimony (HB 2560).

**Statewide Enterprise Bills:** House Bill 2027 implements new zero-emission vehicle standards for light-duty vehicles while retaining an exclusion for fire vehicles and requires installation of electrical infrastructure at each district office. Our procurement practices will see an adjustment in public improvement contract thresholds (HB 3082) and new reporting requirements for contract preference application (HB 2374). Human Resources will be implementing changes in application of the Oregon Family Leave Act (HB 2474), a new hiring process relative to eastern Oregon positions and residents of Malheur County (HB 2026), and two bills that will modify eligibility and hiring processes for veterans (HB 2231 and SB 184). The State Forester will now serve on the Oregon Homeland Security

Council (HB 2927). The current increase in Aviation Fuel Tax will no longer sunset in 2022 (HB 2434). And agencies are now required to send mail to an individual's post office box if one is defined (SB 636).

**Agency Budget:** The details of our agency budget will be discussed in Agenda Item 7, while legislative actions can be found in Senate Bill 5518 for the 2021-23 biennial budget, Senate Bill 5506 for 2021-23 Capital Construction Projects, Senate Bill 5505 for 2021-23 Bond Authorizations, House Bill 5006 for 2021-23 E-Board Budget Reconciliation, and House Bill 5042 for 2019-21 E-Board Budget Reconciliation.

#### **ATTACHMENT**

- (1) 2021 Legislative Session – ODF End of Session Priority Bill Status Report



## Custom Report

Report Date: July 20, 2021

Bill Number	Last Action	Status
HB 2026	07/19/21 - Governor signed.  Relating to resident preferences in employment; and declaring an emergency.  Requires public employers to give preferences to residents of Malheur County for civil service positions if majority of work of position will be performed within Eastern Oregon Border Economic Development Region.	Passed
HB 2027	06/10/21 - Chapter 107, (2021 Laws): Effective date January 1, 2022.  Relating to state-owned assets.  Defines "parking facility." Allows Oregon Department of Administrative Services to establish boundaries in Salem where department manages parking facilities.	Passed
HB 2167	06/26/21 - President signed.  Relating to state entities.  Creates Racial Justice Council within Office of Governor.	Pending
HB 2231	06/10/21 - Chapter 62, (2021 Laws): effective on the 91st day following adjournment sine die.  Relating to reemployment rights for servicemembers; and prescribing an effective date.  Exempts certain types of voluntary service in uniformed service from five-year limit on eligibility for reemployment rights in private and public sectors.	Passed
HB 2289	06/30/21 - Chapter 217, (2021 Laws): Effective date June 11, 2021.  Relating to building in areas affected by wildfires; and declaring an emergency.  Establishes alternative process for alteration, restoration or replacement of certain uses affected by 2020 wildfires.	Passed
HB 2298	06/10/21 - Chapter 63, (2021 Laws): Effective date May 21, 2021.  Relating to voluntary stream restoration; and declaring an emergency.  Directs State Department of Fish and Wildlife to adopt by rule and administer program for authorizing voluntary projects for stream restoration and habitat improvement through construction of environmental restoration weirs.	Passed
HB 2374	06/10/21 - Chapter 153, (2021 Laws): Effective date June 3, 2021.  Relating to preferences in public contracting; and declaring an emergency.  Requires state contracting agency that awards certain types of public contracts to report number of procurements state contracting agency solicited, general nature of each procurement and estimate of contract price, which contract preferences set forth in statute or administrative rule state contracting agency applied in evaluating bids or proposals for procurement and why state contracting agency applied or did not apply contract preferences.	Passed
HB 2434	07/19/21 - Governor signed.  Relating to revenue; prescribing an effective date; and providing for revenue raising that requires approval by a three-fifths majority.  Removes sunset of increase in aircraft fuel taxes made by House Bill 2075 (chapter 700, Oregon Laws 2015).	Passed
HB 2474	06/15/21 - Chapter 182, (2021 Laws): Effective date January 1, 2022.  Relating to family leave.  Expands eligibility for protected leave under Oregon Family Leave Act to all employees of covered employer during public health emergency unless employee was employed for fewer than 30 days prior to commencing leave or worked average of less than 25 hours per week in 30 days prior to commencing leave.	Passed
HB 2531	05/25/21 - Chapter 29, (2021 Laws): Effective date January 1, 2022.  Relating to pollinator health.  Adds State Forestry Department, Department of Transportation and State Department of Fish and Wildlife as consulting agencies for state pollinator health outreach and education plan.	Passed



## Custom Report

Report Date: July 20, 2021

Bill Number	Last Action	Status
HB 2560	06/30/21 - Chapter 228, (2021 Laws): Effective date January 1, 2022.  Relating to expanding remote participation of public in self-government through use of technology.  Requires governing body of public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony .	Passed
HB 2571	06/30/21 - Chapter 230, (2021 Laws): Effective date September 25, 2021.  Relating to liability for prescribed fires; and prescribing an effective date.  Directs Department of Consumer and Business Services, in consultation with State Forestry Department, Oregon Forest and Industries Council, Oregon Small Woodlands Association, Oregon State University, Oregon Prescribed Fire Council and representative of insurance industry, to study liability for prescribed fires.	Passed
HB 2927	07/19/21 - Governor signed.  Relating to emergency management; and declaring an emergency.  Renames Office of Emergency Management as Oregon Department of Emergency Management.	Passed
HB 2992	06/26/21 - President signed.  Relating to payments to members of certain public entities; and prescribing an effective date.  Modifies amount of compensation paid to members of state boards and commissions.	Pending
HB 2993	07/14/21 - Governor signed.  Relating to administrative rules.  Provides that advisory committees appointed by agency as part of rulemaking must represent interests of persons and communities likely to be affected by rule.	Passed
HB 3082	06/10/21 - Chapter 127, (2021 Laws): effective on the 91st day following adjournment sine die.  Relating to the contract price required for an exemption from competitive bidding requirements for public improvement contracts; and prescribing an effective date.  Raises contract price at which public improvement contract solicitations are exempt from competitive bidding requirement from \$5,000 to \$10,000.	Passed
HB 3126	07/19/21 - Governor signed.  Relating to wildfire recovery; and declaring an emergency.  Directs county board to annex to domestic water supply district, upon petition, land surrounded by district where water supply has become inadequate or contaminated due to wildfire, if district or independent water supply source of district has water supply sufficient to provide water to land.	Passed
HB 5006	06/30/21 - President signed.  Relating to state financial administration; and declaring an emergency.  Appropriates moneys from General Fund to Emergency Board for allocations during biennium.	Pending
HB 5042	05/03/21 - Chapter 4, (2021 Laws): Effective date April 15, 2021.  Relating to state financial administration; and declaring an emergency.  Modifies certain appropriations from General Fund to specified state agencies and Emergency Board for biennium ending June 30, 2021.	Passed
SB 61	06/30/21 - Effective date, January 1, 2022.  Relating to advice offered by Oregon Government Ethics Commission.  Authorizes Oregon Government Ethics Commission to provide written commission advisory opinions, staff advisory opinions and oral or written staff advice on application of executive session provisions of Oregon public meetings law.	Passed
SB 184	06/15/21 - Effective date, January 1, 2022.  Relating to preference given to veterans in public employment.  Modifies laws relating to preference given to veterans in public employment.	Passed

7/20/2021 - Page: 2



## Custom Report

Report Date: July 20, 2021

Bill Number	Last Action	Status
<a href="#">SB 590</a>	06/26/21 - Speaker signed.  Relating to rangeland protection associations.  Includes land used primarily for cultivating crops within definition of "rangeland" for purposes of organizing rangeland protection association and providing fire protection for rangeland.	Pending
<a href="#">SB 636</a>	06/10/21 - Effective date, January 1, 2022.  Relating to mailing of notices.  Provides that when state agency is required by statute to mail certain notice to individual, and agency has on file post office box address for individual, agency must mail notice to post office box address if address is individual's last known address on file or address to which individual has requested that notices be sent.	Passed
<a href="#">SB 762</a>	07/01/21 - Speaker signed.  Relating to wildfire; and declaring an emergency.  Directs Public Utility Commission to convene workshops.	Pending
<a href="#">SB 863</a>	06/26/21 - Speaker signed.  Relating to rural fire protection districts; and declaring an emergency.  Authorizes rural fire protection district to acquire real property or easement for purpose of establishing fire evacuation route, to construct or maintain fire evacuation route or to participate in agreement related to fire evacuation route.	Pending
<a href="#">SB 5505</a>	07/01/21 - Speaker signed.  Relating to state financial administration; and declaring an emergency.  Establishes amounts authorized for issuance of general obligation bonds, revenue bonds, certificates of participation and other financing agreements for biennium.	Pending
<a href="#">SB 5506</a>	07/01/21 - Speaker signed.  Relating to state financial administration; and declaring an emergency.  Limits for six-year period beginning July 1, 2021, payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by various state agencies for capital construction.	Pending
<a href="#">SB 5518</a>	07/01/21 - Speaker signed.  Relating to the financial administration of the State Forestry Department; and declaring an emergency.  Appropriates moneys from General Fund to State Forestry Department for certain biennial expenses.	Pending
<a href="#">SCR 17</a>	06/15/21 - Filed With Secretary of State.  Establishing environmental justice framework of principles for State of Oregon.  Establishes environmental justice framework of principles for State of Oregon.	Passed

**Acting State Forester, Board Member, and Public Comments**

## **STAFF REPORT**

Agenda Item No.:	2
Work Plan:	Administrative
Topic:	State Forester Recruitment
Presentation Title:	State Forester Recruitment and Selection Process Discussion
Date of Presentation:	July 21, 2021
Contact Information:	John Paschal, Department of Administrative Services <a href="mailto:john.paschal@oregon.gov">john.paschal@oregon.gov</a> Anika Marriott, Department of Justice <a href="mailto:anika.e.marriott@doj.state.or.us">anika.e.marriott@doj.state.or.us</a> Sylvia Van Dyke, Department of Justice <a href="mailto:sylvia.vandyke@doj.state.or.us">sylvia.vandyke@doj.state.or.us</a> Tricia Kershaw, Oregon Department of Forestry <a href="mailto:patricia.e.kershaw@oregon.gov">patricia.e.kershaw@oregon.gov</a>

### **SUMMARY**

The Board of Forestry (Board) will meet to discuss the recruitment and selection process for a new State Forester, the chief executive officer for the Oregon Department of Forestry (ODF).

### **CONTEXT**

Former State Forester Peter Daugherty stepped down effective May 31, and pursuant to ORS 526.031, the Board of Forestry shall appoint a new State Forester. The Board will discuss the desired attributes for a State Forester and commence development of (1) a recruitment plan; (2) an explanation of job position: duties, minimum qualifications, and desired attributes; and (3) generate a job announcement. More documents may be produced to describe the Board's intent, goals, and processes, as necessary, following this discussion. The Department of Administrative Services Executive Recruiter and Department of Justice General Counsel will be present to answer any questions from the Board.

The intent for this discussion is to formally initiate the process of recruitment for the Oregon State Forester and request public comment on same. The Board will discuss desired attributes for the position, job search materials, and appointment process. Oral public testimony is available for this decision item and will be considered by the Board.

All documents provided as attachments will be provided to the public, and open for public comment through August 4, 2021. Submit all written comment to the Board by email, [BoardofForestry@oregon.gov](mailto:BoardofForestry@oregon.gov) or by mail, 2600 State Street, Salem, OR 97310.

### **RECOMMENDATION**

The Board approve the final versions of attachment 1 and 2.

### **ATTACHMENTS**

- (1) Skills and Attributes for next State Forester DRAFT
- (2) State Forester Position Description DRAFT
- (3) State Forester Job Announcement DRAFT
- (4) State Forester Recruitment Plan DRAFT

## STATE FORESTER SKILL AND ATTRIBUTES v4

### Required Skills

1. Familiarity with western forests, forestry, climate change adaptation and mitigation, fire management and fire ecology, and natural resource protection.
2. A solid track record of fostering personal development, accountability, and a culture of service and inclusivity in the workforce.
3. Deep experience with managing and providing oversight over complex finances and budgets. Proven ability to identify the need for structural financial management change due to changing circumstances, and the proven ability to lead that change.
4. Experience in the development, implementation and periodic evaluation of strategic initiatives, policies, and long- and short-range plans.
5. A record that shows a deep commitment to science and data-based decision making. Demonstrated skill at open and transparent decision making, managing conflict, and successful dispute resolution. Willing to make difficult or unpopular decisions.

### Desired Skills

1. Outstanding communicator who naturally cultivates relationships, and who is widely considered to be forthright, honest, fair, and responsive among employees, government partners, and stakeholders. Timely and professional.
2. Experience in engaging with legislators, stakeholders, boards and staff to develop and implement policy, statute, and administrative rule.
3. Proven experience leading a complex agency or organization. Proven experience anticipating future challenges and ensuring that the agency/organization is well-positioned to adapt to change.
4. Proven leadership, vision and commitment to forests and forest ecosystems, the development and implementation of forest policy, and the various communities that depend upon the social, economic, and environmental resources associated with forests.
5. A leader who can deftly facilitate the often difficult and imperfect decisions faced by the Board of Forestry, and do so with respect for both science and values.

### Desired Attributes

1. Deep personal commitment to significantly increase workforce diversity.
2. Will thrive in an environment of unparalleled change, and will lead the Department through very significant challenges including addressing climate change and increasing wildfire, changes in timber land ownership patterns, declining biodiversity, and increasing urbanization.
3. A leader who recognizes that the stakes have never been higher and that our forests are no longer just a source of wood products, jobs, recreation and ecosystem services. Today, with fire, those forests also represent a threat to life, the places we live, public health, and the greater Oregon economy.
4. A visionary leader who will work cooperatively with our federal and state partners and stakeholders to make Oregon the recognized leader in climate-smart forestry, without sacrificing our rural communities.

5. A leader who acknowledges and sees the need for new models of forestry that lead to public and private forests that are both ecologically complex and economically viable.
6. Broad worldview informed by direct experience in various parts of the county and world.
7. Has sense of humor and curiosity. An eager learner who is open minded and questions dogma.
8. Strong, grounded understanding (scientific, historical, political, economic) of evolving relationships between people and forests. Understands and respects historic legacy of forestry and forest culture, while also acknowledging the need to evolve and address present day issues.
9. An “out of the box” thinker who is never trapped by “this is how it has always been done,” and instinctually visualizes new approaches to solving old problems.

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STATE OF OREGON  
POSITION DESCRIPTION

Agency: Oregon Department of Forestry

Division:

New  Revised

AGENDA ITEM 2

Attachment 2

Page 1 of 6

Position Revised Date: July 8, 2021

This position is:

- Classified  
 Unclassified  
 Executive Service  
 Mgmt Svc - Supervisory  
 Mgmt Svc - Managerial  
 Mgmt Svc - Confidential

## SECTION 1. POSITION INFORMATION

- a. Classification Title: Principal Executive/Manager H  
c. Effective Date: September 19, 2016  
e. Working Title: State Forester  
g. Section Title: State Forester's Office  
i. Employee Name:  
k. Work Location (City-County): Salem-Marion  
l. Supervisor Name (optional):

- b. Classification No: Z7014  
d. Position No: 0000001  
f. Agency No: 62900  
h. Budget Auth. No:  
j. REPR Code:

m. Position:	<input checked="" type="checkbox"/> Permanent <input checked="" type="checkbox"/> Full Time	<input type="checkbox"/> Seasonal <input type="checkbox"/> Part Time	<input type="checkbox"/> Limited duration <input type="checkbox"/> Intermittent	<input type="checkbox"/> Academic Year <input type="checkbox"/> Job Share
n. FLSA:	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt	If Exempt: <input checked="" type="checkbox"/> Executive <input type="checkbox"/> Professional <input type="checkbox"/> Administrative	o. Eligible for Overtime:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## SECTION 2. PROGRAM AND POSITION INFORMATION

- a. Describe the program in which this position exists. Include program purpose, who's affected, size, and scope. Include relationship to agency mission.

The State Forester is appointed by and reports to the Oregon State Board of Forestry; no other position reports directly to the Board. The Forester also fulfills the role of Secretary to the Board, setting agendas and following up to ensure that action is taken on Board decisions. The Board meets approximately every six weeks. In the area of timber sales, the State Forester does not report to the Board, but has independent and sole authority, subject to legislative direction. The State Forester is responsible to the Board for the agency meeting the Board's mission and objectives. Approximately 1,217 positions (864 FTE and a budget of \$499 million are managed biennially.

- b. Describe the primary purpose of this position, and how it functions within this program. Complete this statement: The primary purpose of this position is to:

Carry out the goals and objectives of the Board of Forestry through executive leadership of the Department of Forestry in accordance with the Board of Forestry's strategic plan, the Forestry Program for Oregon. In general the Board provides overall policy and direction that serves as a framework within which the Department develops and administers its programs. The State Forester assures agency operations are in alignment with the Board of Forestry vision, and develops collaborative working relationships with stakeholder groups, the legislature, and other state, national, international and tribal governments.

The primary duties of the State Forester are outlined as directed by Oregon Revised Statutes (ORS) 526.041 these include, but are not limited to: 1) Promulgate rules for the enforcement of the state laws relating to the protection of forestland and the conservation of forest resources; 2) Appoint and instruct fire wardens; 3) Direct the improvement and protection of forestland owned by the State of Oregon; 4) Collect data relative to forest conditions; 5) Take action authorized by law to prevent and extinguish forest, brush and grass fires; 6) Enforce all laws pertaining to forestland and prosecute violations of such laws; 7) Cooperate with landowners, political subdivisions, private associations and

**SECTION 2. PROGRAM AND POSITION INFORMATION**

agencies and others in forest protection; 8) Advise and encourage reforestation; 9) Publish such information on forestry as the forester determines to be in the public interest; 10) Enter into contracts and cooperative agreements pertaining to experiments and research in forestry; 11) Sell, exchange or otherwise dispose of any real property acquired by the board for administrative purposes and no longer needed; 12) Coordinates with other participants any activities of the Department related to a watershed enhancement project approved by the Oregon Watershed Enhancement Board; and 13) Set uniform state standards for certification of wildland fire training courses and educational programs.

The Department of Forestry administers three principal programs: 1) Fire Protection; 2) Private lands assistance and regulation; and 3) State Forests, management. There are also two smaller program areas: 1) Resources Planning; and 2) Urban and Community Forests. The Department supports its programs with these additional functions: 1) Information Technology; 2) Planning and Policy Development; 3) Business Services; 4) Human Resources; 5) Equipment and Capital Improvements; 6) Agency Affairs; and 7) Partnership Development/Grant Management.

All of these programs are vital to the economic, social, and environmental well-being of the Oregonians. Lack of appropriate and responsible program planning and administration in any of these areas would result in substantial financial, social and/or environmental losses to the State.

**SECTION 3. DESCRIPTION OF DUTIES**

List the major duties of the position. State the percentage of time for each duty. Mark "N" for new duties, "R" for revised duties or "NC" for no change in duties. Indicate whether the duty is an "Essential" (E) or "Non-Essential" (NE) function.

% of time	N/R/NC	E/NE	DUTIES
10%		E	<b>Secretary to Board of Forestry:</b> Advises the Board in setting priorities, apprises the Board of emerging issues, and ensures that the Board functions in compliance with state law. Reviews and submits minutes for Board approval. Assists and represents the Board in identifying and resolving policy issues and in working with interest groups, the state legislature and others.
30%		E	<b>Policy Administration and Direction:</b> Directs all activities of the Department. Determines policy, priorities, and the utilization of resources in order to carry out the goals and objectives mandated by Oregon law and policies of the Board of Forestry. These decisions potentially have significant consequences. The State Forester is regularly faced with major fire emergencies, mismanagement could result in catastrophic resource and economic loss, and threats to public safety. Improper harvest management on state-owned forestland would impact funds available to schools and/or counties and could cause loss of valuable forest resources. Determines Department policy. Analyzes all pertinent issues and information, assesses the impact of proposed policy, and determines the resources necessary to implement such policy in order to ensure the efficient and effective delivery of services. Reviews national forestry issues, keeps current on potential impacts to forestry in Oregon, and coordinates mitigating measures as necessary. Sets Department program priorities. Evaluates the needs of forest landowners and the general public and assesses the availability of human, fiscal and capital resources in order to implement policy effectively.
20%		E	<b>Program Administration and Direction:</b> Directs the administration of Department programs: a) evaluates the quality of services provided through review of reports and conferences with reporting staff, landowners, legislators, interest groups, and the Governor's Executive Staff; b) considers the input of statutorily formed and ad hoc advising groups; c) explores solutions to problems and selects the best alternatives; d) authorizes the redistribution of available resources to meet changing program needs; e) resolves conflicts between Areas and Divisions on matters of shared responsibilities; f) establishes reporting relationships and administrative controls over program operations; and g) coordinates activities with other agencies in areas of mutual concern in order to ensure compliance with established policies, objectives, program priorities and applicable laws, rules and regulations. Maintains adequate administration support (Business Services, Human Resources, Information Technology, and Facilities) to support the business of the agency.

**SECTION 3. DESCRIPTION OF DUTIES**

% of time	N/R/NC	E/NE	DUTIES
10%		E	<b>Agency Budget Management:</b> Directs, reviews and approves, through subordinate managers, the preparation of the Department's biennial and fiscal budgets. Determines priorities among requests from Areas and Divisions. Champions the needs for additional resources with appropriate parties such as the Department of Administrative Services, the Governor, and the Legislature in order to effectively implement programs and carry out legal mandates. Implements and manages, through subordinate managers, the agency's legislatively-approved budget.
15%		E	<b>Agency Relations and Leadership:</b> Establishes, cultivates and maintains relationships with key Department stakeholders. Leads, participates in, or coordinates interagency or interstate committees and task forces; provides expert consultation to the Governor, the Legislature or other high-level officials; addresses professional organizations and citizen groups to advocate and explain policy and the needs of target populations served; conducts and/or attends meetings and conferences.
15%		E	<b>Supervision:</b> Directly supervises the agency executive team. Provides leadership direction for agency strategic planning, performance management, decision-making, and communications. Establishes the agency's policies to select, train, develop, motivate and/or assign people so that the agency's mission is achieved in a cost-effective manner. Oversees the progressive discipline process in conjunction with Human Resources. Completes and reviews performance appraisals and position descriptions for direct report staff. Serves as the Department's primary appointing authority.
100%			<p>Because the Department's highest priority work is a forest fire emergency, this position may be utilized during those emergencies to provide assistance in a variety of ways. That assistance may be directly aiding the emergency effort in the field or at the Salem headquarters. It also may be in providing backup to fill in for another position that is being used in direct aid to the emergency, or it may be in performing an essential function in some capacity either within this Program or elsewhere in Salem or in the field.</p> <p>Create a working environment which encourages all employees to achieve their full potential. This includes addressing career development opportunities, developing individual learning plans and by reviewing employee training and career plans to determine appropriate developmental assignments.</p> <p>Maintain a professional attitude and an inclusive work environment, free of intimidation, harassment and other forms of discrimination that enhances employee perception of ODF as their "employer of choice."</p> <p>Responsible for achieving the Department's Affirmative Action goals through recruitment, selection and retention of protected class individuals. Promote and support the value the Department places on Equal Employment Opportunity (EEO), Affirmative Action (AA), Diversity and Working Guidelines through individual actions and interactions with employees, applicants, stakeholders, community partners, and landowners.</p>

**SECTION 4. WORKING CONDITIONS**

Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.

Position requires frequent overnight travel within Oregon and the United States, and occasional international travel to attend meetings and conferences. Frequently requires long work days under stressful situations and tight deadlines. Strives for collaboration among public interest and stakeholder groups with conflicting interests related to politically sensitive, complex and controversial topics and issues. Requires decision making under stressful circumstances.

**SECTION 5. GUIDELINES**

- a. List any established guidelines used in this position, such as state or federal laws or regulations, policies, manuals, or desk procedures.

The State Forester position uses state laws, administrative rules and policy, federal law and regulations, the Forestry Program for Oregon, collective bargaining agreements, and generally accepted principles of executive leadership.

- b. How are these guidelines used?

To assure the Department is well run, serves the citizens of Oregon, and has the trust and credibility of Oregonians. These are used daily to conduct business, provide direction to assure compliance. They are also used to review, analyze, develop and execute policy recommendations or draft legislation for the Board of Forestry and Governor.

**SECTION 6. WORK CONTACTS**

With whom, outside of co-workers in this work unit, must the employee in this position regularly come in contact?

Who contacted	How	Purpose	How Often?
Board of Forestry – Chair	Person/Telephone	Information sharing/check-in/update	Daily/Weekly
Board of Forestry	Person/Telephone	Receive direction/information sharing	Weekly/Monthly
Governor & Staff	Person/Telephone	Receive direction/information sharing	Daily/Weekly
Other State Foresters	Person/Telephone	Information sharing/coordination	As needed
Federal Executives	Person/Telephone	Information sharing/coordination	Monthly
Agency Personnel	Person/Telephone	Give direction/coordination	Daily
Legislators	Person/Telephone	Coordination/testify (during Session)	Weekly/Monthly
Members of Congress	Person/Telephone/Written	Information sharing/coordination	As needed
Interest Group Leaders	Person/Telephone/Written	Information sharing/coordination	Daily/Weekly
Other State Agency Directors	Person/Telephone/Written	Information sharing/coordination	As needed
Media and Press Leaders	Person/Telephone	Information sharing	As needed

**SECTION 7. POSITION RELATED DECISION MAKING**

Describe the typical decisions of this position. Explain the direct effect of these decisions.

In addition to directing the agency, the State Forester makes decisions that assure the stewardship management of forest land in Oregon through effective coordination, management, and delivery of Department programs. Effective leadership decisions ensure maintaining public support for the Agency, viable and effective relationships with legislators and stakeholders, and effective policy direction for the Board and the Agency. Effective management decisions ensure appropriate and efficient expenditure of funds, management of operational risk, setting appropriate tone and expectations for the Agency, and maintaining high morale of Department employees.

Decisions impact statewide human, financial and physical assets for operations required to protect and manage forest resources. Fire, and insect and disease plans and allocation decisions impact timber supply, local economies, recreation and business access, risk of fire, loss of resource values and growth. Timber sale plans and allocations impact state and local government revenues, private business operations, and management of forest resources over time. Human resource plans and allocations impact effectiveness of the agency work force and program accomplishments on a statewide basis. Environmental plans and allocations impact livability and environmental values on a statewide basis.

In addition to interpreting laws, rules, regulations, and policies, makes decisions that assure that department policies allow a decentralized organization to operate in a legal, cost-effective manner that yields a high level of quality service to the public and department customers.

**SECTION 8. REVIEW OF WORK**

Who reviews the work of the position?

AGENDA ITEM 2

Attachment 2

Classification Title	Position Number	How	How Often	Purpose of Review	Page 5 of 6
Board of Forestry		Formally/ Informally	Annually and as needed	Reviews are made during meetings to needed check progress and annually one- on- one to discuss overall performance.	

## SECTION 9. OVERSIGHT FUNCTIONS

- a. How many employees are directly supervised by this position? 3  
How many employees are supervised through a subordinate supervisor? 1,217

- b. Which of the following activities does this position do?

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Plan work               | <input checked="" type="checkbox"/> Coordinates schedules                    |
| <input checked="" type="checkbox"/> Assigns work            | <input checked="" type="checkbox"/> Hires and discharges                     |
| <input checked="" type="checkbox"/> Approves work           | <input checked="" type="checkbox"/> Recommends hiring                        |
| <input checked="" type="checkbox"/> Responds to grievances  | <input checked="" type="checkbox"/> Gives input for performance evaluations  |
| <input checked="" type="checkbox"/> Disciplines and rewards | <input checked="" type="checkbox"/> Prepares & signs performance evaluations |

## SECTION 10. ADDITIONAL POSITION-RELATED INFORMATION

ADDITIONAL REQUIREMENTS: List any knowledge, skills, certificates and licenses needed at time of hire that are not already required in the classification specification: Must wear adequate field boots when working outdoors and agency uniform when appropriate and is eligible for boot reimbursement. Must possess a valid driver's license with an acceptable driving record.

ORS 526.031 specifies that the Board of Forestry shall appoint a State Forester, who must be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires.

The State Forester directs the Department of Forestry in carrying out the policies of the State of Oregon and directives of Oregon forest laws, serves as Secretary to the Board of Forestry, and manages State of Oregon forest lands in accordance with the legislature's direction. ORS 526.041 establishes general duties of the State Forester in compliance with ORS 183.

BUDGET AUTHORITY: If this position has authority to commit agency operating money, indicate the following:

The State Forester has authority to commit all monies appropriated by the Legislative Assembly. Current biennial limitation and appropriation total approximately \$499 million of General Funds, Other Funds, Federal Funds, and Lottery Funds.

Operating Area	Biennial amount (\$00000.00)	Fund type
Statewide	\$499,000,000	All Types

## SECTION 11. ORGANIZATIONAL CHART

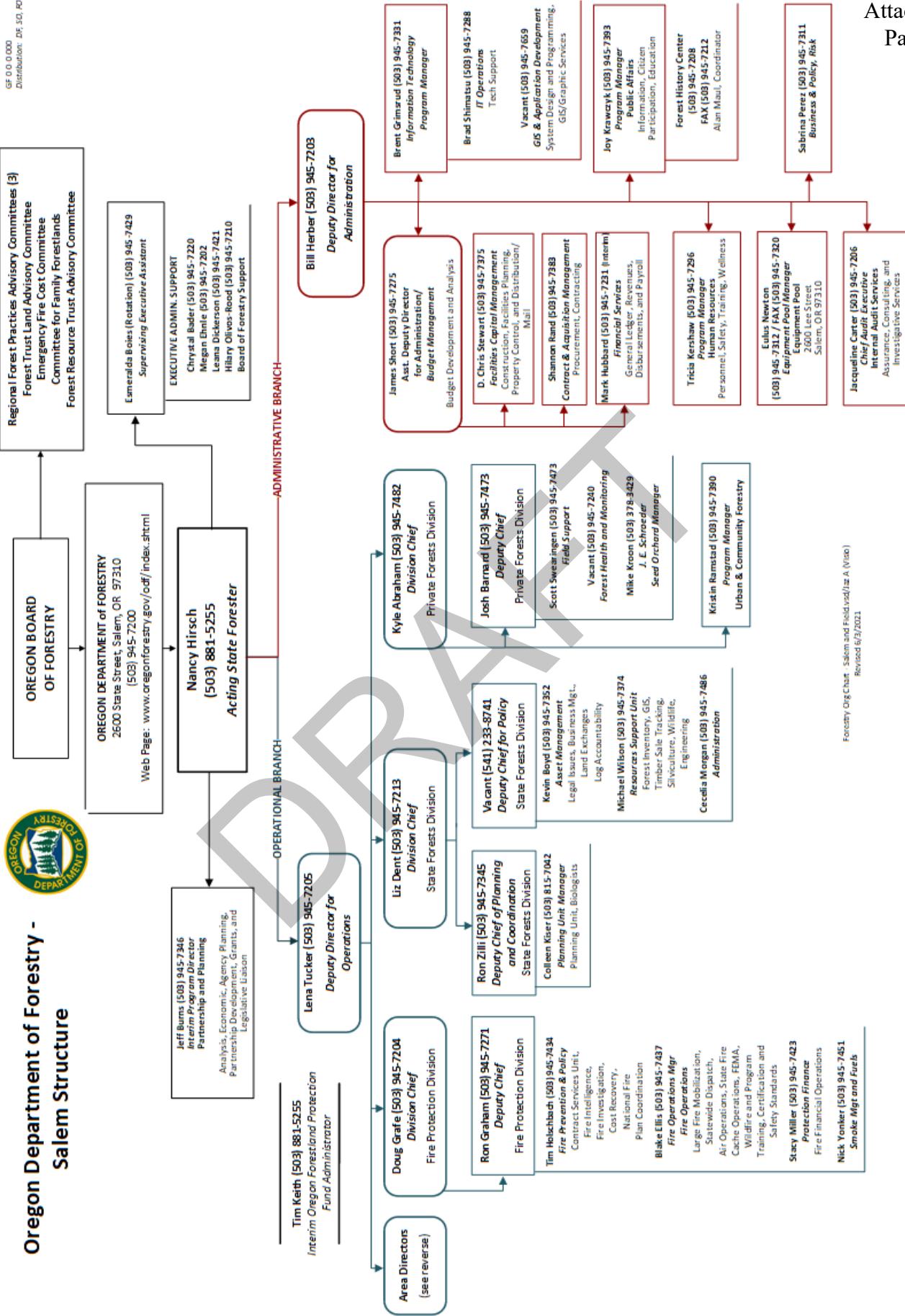
Attach a current organizational chart. Be sure the following information is shown on the chart for each position: classification title, classification number, salary range, and employee name and position number.

## SECTION 12. SIGNATURES

Employee Signature Date

Supervisor Signature Date

Appointing Authority Signature Date





GOVERNOR KATE BROWN



## STATE FORESTER

### Principal Executive Manager H

#### Office of Governor Kate Brown

Salem, Oregon

#### Salary:

\$109,980.00 - \$170,268.00 Annually

#### Opportunity:

The state of Oregon is seeking an experienced leader with extensive knowledge of western forestry, to serve as the **State Forester at the Oregon Department of Forestry**. This position is also the Department's Chief Executive Officer, and will be appointed by and shall serve at the pleasure of the seven-member Board of Forestry.

#### The Community and the City:

Oregon's landscape ranges from the windswept Pacific coastline to the Cascade Mountains. Between dense evergreen forests are unique cities where individuality and creative expression are celebrated.

Salem, Oregon, is a growing community located in the heart of the Willamette Valley. The Willamette Valley is one of the most fertile and agriculturally productive regions in the world. The area is dotted with cities, farms, and forests and is considered one of the most livable areas of the country, offering a low cost-of-living, quality schools, and mild weather. Salem, the state capital, is one of the valley's oldest cities and the second largest city in Oregon.

#### The Agency:

The [Oregon Department of Forestry](#) (ODF) was established in 1911. The Department's mission, under the direction of the State Forester, who is appointed by the Oregon Board of Forestry, is to serve the people of Oregon by protecting, managing, and promoting stewardship of Oregon's forests to enhance environmental, economic, and community sustainability. Oregon's Revised Statutes (ORS) direct the State Forester to act on all matters pertaining to forestry, including collecting and sharing information about the conditions of Oregon's forests, protecting forestlands and conserving forest resources.

This is an executive service position and not represented by a union. Employees in the executive service serve in an "at will status".

**THE OREGON GOVERNOR'S OFFICE IS AN EQUAL OPPORTUNITY, AFFIRMATIVE ACTION  
EMPLOYER COMMITTED TO WORKFORCE DIVERSITY.**

**Minimum Qualifications:**

You must be a practical forester familiar with western conditions and experienced in an organization for the prevention of forest fires as required by ORS 526.031.

And no less than:

Eight years of management experience in a public or private organization which included responsibility for each of the following:

- Development of program rules and policies
- Development of long- and short-range goals and plans
- Program evaluation and
- Budget preparation

In the "Work History" section on your application, you must clearly describe your experience in each of the a), b), c), d) areas listed. Failure to provide this information may result in eliminating your application from further consideration.

**Required Skills:**

- Familiarity with western forests, forestry, climate change adaptation and mitigation, fire management and fire ecology, and natural resource protection.
- A solid track record of fostering personal development, accountability, and a culture of service and inclusivity in the workforce.
- Deep experience with managing and providing oversight over complex finances and budgets. Proven ability to identify the need for structural financial management change due to changing circumstances, and the proven ability to lead that change.
- Experience in the development, implementation and periodic evaluation of strategic initiatives, policies, and long- and short-range plans.
- A record that shows a deep commitment to science and data-based decision making. Demonstrated skill at open and transparent decision making, managing conflict, and successful dispute resolution. Willing to make difficult or unpopular decisions.

**Desired Skills:**

- Outstanding communicator who naturally cultivates relationships, and who is widely considered to be forthright, honest, fair, and responsive among employees, government partners, and stakeholders. Timely and professional.
- Experience in engaging with legislators, stakeholders, boards and staff to develop and implement policy, statute, and administrative rule.
- Proven experience leading a complex agency or organization. Proven experience anticipating future challenges and ensuring that the agency/organization is well-positioned to adapt to change.
- Proven leadership, vision and commitment to forests and forest ecosystems, the development and implementation of forest policy, and the various communities that

- depend upon the social, economic, and environmental resources associated with forests.
- A leader who can deftly facilitate the often difficult and imperfect decisions faced by the Board of Forestry, and do so with respect for both science and values.

#### **Desired Attributes:**

- Commitment to significantly increase workforce diversity.
- Will thrive in an environment of unparalleled change, and will lead the Department through very significant challenges including addressing climate change and increasing wildfire, changes in timber land ownership patterns, declining biodiversity, and increasing urbanization.
- A leader who recognizes that the stakes have never been higher and that our forests are no longer just a source of wood products, jobs, recreation and ecosystem services. Today, with fire, those forests also represent a threat to life, the places we live, public health, and the greater Oregon economy.
- A visionary leader who will work cooperatively with our federal and state partners and stakeholders to make Oregon the recognized leader in climate-smart forestry, without sacrificing our rural communities.
- A leader who acknowledges and sees the need for new models of forestry that lead to public and private forests that are both ecologically complex and economically viable.
- Broad worldview informed by direct experience in various parts of the county and world.
- Has sense of humor and curiosity. An eager learner who is open minded and questions dogma.
- Strong, grounded understanding (scientific, historical, political, economic) of evolving relationships between people and forests. Understands and respects historic legacy of forestry and forest culture, while also acknowledging the need to evolve and address present day issues.
- An “out of the box” thinker who is never trapped by “this is how it has always been done,” and instinctually visualizes new approaches to solving old problems.

#### **General Statement of Duties:**

- Adopt rules related to enforcement of the state forest laws relating directly to the protection of forestland and the conservation of forest resources.
- Appoint and instruct fire wardens.
- Direct the improvement and protection of State forest lands.
- Collect data relative to forest conditions.
- Take legally-authorized actions to prevent and extinguish forest, brush and grass fires.
- Enforce and prosecute violations of all laws pertaining to forestland.
- Cooperate with landowners, political subdivisions, private associations and agencies and others in forest protection.
- Advise and encourage reforestation.
- Publish such information on forestry as the forester determines to be in the public interest.
- Enter into contracts and cooperative agreements pertaining to experiments and research in forestry.

- Sell, exchange or otherwise dispose of any real property acquired for administrative purposes that is no longer needed.
- Coordinate any activities of the Department related to Oregon Watershed Enhancement Board projects that include activities of other states and federal agencies.
- Prescribe uniform state standards for certification of wildland fire training courses and educational programs.
- Serve as the Governor's authorized representative for the purpose of initiating the fire management assistance declaration process with the Federal Emergency Management Agency and administering Federal Emergency Management Agency fire management assistance grants.

**In addition to the above-paraphrased obligations, the State Forester is authorized within his or her discretion to carry out the following actions:**

- Protect the lands from fire, disease and insect pests, cooperate with the counties and with persons owning lands within the state in the protection of the lands and enter into all agreements necessary or convenient for the protection of the lands.
- Enter into and administer contracts for the sale of timber from lands owned or managed by the State Board of Forestry and the State Forestry Department.
- Enter into and administer contracts for activities necessary or convenient for the sale of timber under subsection (2) of this section, either separately from or in conjunction with contracts for the sale of timber, including but not limited to activities such as: timber harvesting and sorting, transporting, gravel pit development or operation, and road construction, maintenance or improvement.
- Permit the use of the lands for other purposes, including but not limited to fish and wildlife environment, landscape effect, protection against flood and erosion, recreation and production and protection of water supplies when the use is not detrimental to the purpose for which the lands are dedicated.
- Contract with other governmental bodies for the protection of water supplies to facilitate the multiple use of publicly owned water supplies for recreational purposes as well as a source of water for domestic and industrial use.
- Grant permits and licenses on, over and across the lands.
- Reforest the lands and cooperate with persons owning timberlands within the state in the reforestation and make all agreements necessary or convenient for the reforestation.
- Establish a forestry carbon offset program to market, register, transfer or sell forestry carbon offsets. In establishing the program, the forester may execute any contracts or agreements necessary to create opportunities for the creation of forestry carbon offsets.
- Negotiate prices that are at, or greater than, fair market value for the transfer or sale of forestry carbon offsets.
- Do all things and make all rules and regulations, not inconsistent with law, necessary or convenient for the management, protection, utilization and conservation of the lands.
- Require such undertakings as in the opinion of the State Forester are necessary or convenient to secure performance of any agreement authorized in ORS 530.450 to 530.520.

**Working Conditions:**

Fast paced office environment with multiple competing projects, tasks, and deadlines to Conventional office environment. Frequent overnight in-state and out-of-state and occasional international travel. Frequently requires working extended hours in the evening and on weekends under stressful conditions. Required to drive an assigned vehicle, obeying all traffic laws.

**Benefits:**

You will receive comprehensive medical (with vision), dental and basic life insurance; other optional insurance with group-based premiums; flexible spending accounts; membership in the Oregon Public Employees Retirement System; and an optional deferred compensation retirement program; and generous leave benefits including 10 hours of vacation a month, 8 hours of sick leave per month, and 24 hours personal leave per fiscal year. Leave, other than sick leave, is available after 6 full months of service.

***When you become PERS eligible, your base salary will increase by 6.95% and you will pay the 6% employee contribution to PERS.***

**How to Apply & Helpful Information:**

**How to Apply:**

- Current State of Oregon employees (excluding temporary employees) - You must apply through your employee [Workday](#) account
- External candidates create a [Workday](#) profile

**Current Cover Letter and Resume are required**

**Help Your Application Rise to the Top:**

Your candidate profile, cover letter, and resume are the perfect opportunity to highlight your interest in the position and showcase the amazing skills and experience, making you the best candidate for the position. Candidates whose training and/or experience most closely match the requirements and needs of the position and who attach all necessary documents will be eligible for an interview. Submissions will be screened for consistency of information and communication skills at the professional level (attention to detail, spelling, grammar, etc.).

**Special Information:**

- To receive Veterans' Preference, you must complete the required Task that will be sent to you after successfully submitting your application. This Task will prompt you to provide the appropriate documentation for your Veterans' Preference point selection, and will be located on your Workday account. For questions about documentation, please visit: [Veterans Resources](#), or call the Oregon Department of Veterans' Affairs at: 1-800-692-9666
- Understanding the State Application Process:  
<https://www.oregon.gov/jobs/Pages/support.aspx>
- Reasonable Accommodations:  
<https://www.oregon.gov/employ/Agency/Pages/Reasonable-Accommodation.aspx>

- Resources for Job Seekers: <https://www.oregon.gov/jobs/Pages/index.aspx>
- Finalists will be subject to a computerized criminal history check. Adverse background data may be grounds for immediate disqualification
- This position requires you to possess and maintain a current valid, unrestricted, license to drive issued by the state of residence
- Workday related information & resources are available at:  
[https://www.oregon.gov/jobs/Pages/index.aspx.](https://www.oregon.gov/jobs/Pages/index.aspx)

Applicants must be authorized to work in the United States. Applicants who require VISA sponsorship will not be considered at this time.

For questions about the job duties or application process, please contact,  
[John.Paschal@Oregon.gov](mailto:John.Paschal@Oregon.gov) or 971.666.9560. Please be sure to include the job requisition number.

**The State of Oregon commits to equity and diversity in all that we do. We are an affirmative Action/Equal Opportunity employer and encourage applications from members of historically underrepresented racial/ethnic groups, women, and individuals with disabilities, veterans, LGBTQ community members, and others to help us achieve our vision of a diverse and inclusive community.**

DRAFT

# Oregon Department of Forestry

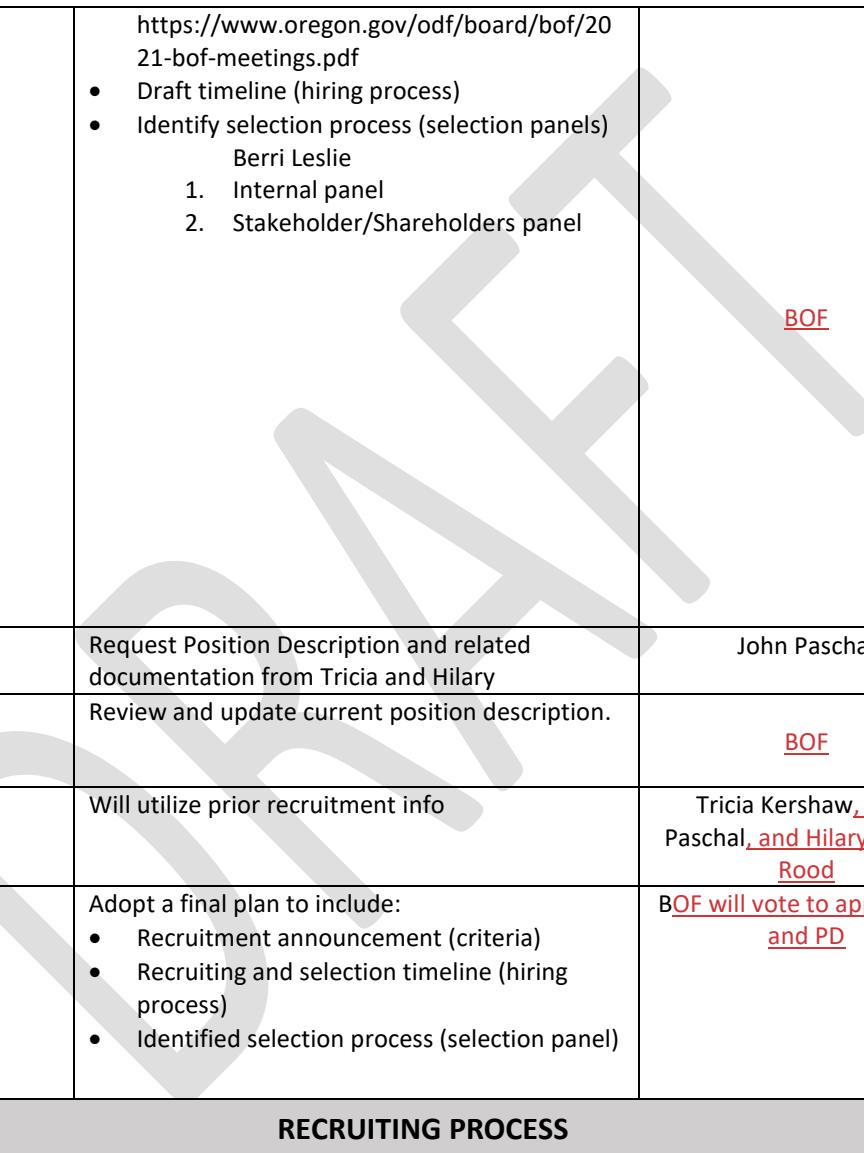
## 2021 Forester Recruitment (PEM H)

Recruitment Plan – Approved on \_\_\_\_\_

<b>Scope of Search:</b> National - Open/Competitive Process <b>Announcement Date:</b>		<b>Timeline:</b> <u>60</u> days		
<b>CONTACT INFORMATION</b>				
<b>Board of Forestry Members (BOF):</b> Board Chair Jim Kelly <u>Jim.Kelly@oregon.gov</u> Member Karla Chambers <u>Karla.S.Chambers@oregon.gov</u> Member Ben Deumling <u>Ben.Deumling@oregon.gov</u> Member Chandra Ferrari <u>Chandra.Ferrari@oregon.gov</u> Member Joe Justice <u>Joe.Justice@oregon.gov</u> Member Brenda McComb <u>Brenda.McComb@oregon.gov</u>	<b>Governor's Office Contact</b> Berri Leslie <u>Berri.Leslie@oregon.gov</u>  <b>Oregon Department of Forestry</b> <b>Tricia Kershaw</b> Human Resources Manager 503.945.7296 <u>patricia.e.kershaw@oregon.gov</u> <b>Hilary Olivos-Rood</b> Board of Forestry Administrator 503. 945.7210 <u>hilary.olivos-rood@oregon.gov</u> <b>Joy Krawczyk</b> Public Affairs Manager 503.945.7487 <u>joy.p.krawczyk@oregon.gov</u>	<b>DAS Chief Human Resources Office</b>  <b>Executive Recruiter</b> John Paschal 155 Cottage Street NE Salem, OR 97301 Email: <u>John.Paschal@oregon.gov</u>  <b>Department of Justice Contact</b> <b>GC Anika Marriott</b> 503.947.4801 <u>anika.e.marriott@doj.state.or.us</u> <b>L&amp;E Sylvia Van Dyke</b> <u>sylvia.vandyke@doj.state.or.us</u>		
<b>DRAFT RECRUITMENT PLAN AND PROFILE PREPARATION</b>				
	Activity	Notes	Assigned	Dates
1	Scheduled Recruitment meetings	Meeting begins at 2:00 p.m. (PST) URL Link: <a href="https://odf.zoom.us/j/97139363808">https://odf.zoom.us/j/97139363808</a>  Meeting ID: <b>971 3936 3808</b> Dial-In: <b>1-669-900-6833 or 1-253-215-8782</b> One tap mobile: <b>+12532158782,,97139363808#</b>  <b>ODF Headquarters, Tillamook Room - 2600 State St. Salem, OR 97310</b>	Hilary Olivos-Rood to schedule meetings	Pre-Boards for June 9, 2021 BOF meeting.  June 9, 2021 Board of Forestry Meeting 9-5pm

**Oregon Department of Forestry**  
**2021 Forester Recruitment (PEM H)**

Recruitment Plan – Approved on \_\_\_\_\_

2	<b>Board of Forestry Meetings</b>  <b>Draft recruitment plan development</b>	<a href="https://www.oregon.gov/odf/board/bof/2021-bof-meetings.pdf">https://www.oregon.gov/odf/board/bof/2021-bof-meetings.pdf</a> <ul style="list-style-type: none"> <li>• Draft timeline (hiring process)</li> <li>• Identify selection process (selection panels) Berri Leslie           <ol style="list-style-type: none"> <li>1. Internal panel</li> <li>2. Stakeholder/Shareholders panel</li> </ol> </li> </ul>	 <span style="font-size: 2em;">BOF</span>	<u>First discussion and public testimony on recruitment</u> <u>Completed June 9th</u>  <u>Special Meeting to discuss recruitment materials and take public testimony</u> <u>Scheduled July 12th</u>  <u>Final opportunity for public input and adoption of recruitment materials</u> <u>July 21st</u>  <u>So the formal adoption of the plan is on July 21st and that should be noted under #2 Board of Forestry meetings.</u>
3	<b>Profile preparation</b>	Request Position Description and related documentation from Tricia and Hilary	John Paschal	Sent to board for approval/Edits completed
4	<b>Update current position description</b>	Review and update current position description.	BOF	Completed
5	<b>Announcement preparation</b>	Will utilize prior recruitment info	Tricia Kershaw, John Paschal, and Hilary Olivos-Rood	draft announcement completed 6/27/21
6	<b>Adopt Final Plan</b>	Adopt a final plan to include: <ul style="list-style-type: none"> <li>• Recruitment announcement (criteria)</li> <li>• Recruiting and selection timeline (hiring process)</li> <li>• Identified selection process (selection panel)</li> </ul>	<u>BOF will vote to approve JA and PD</u>	7/21/21
RECRUITING PROCESS				

**Oregon Department of Forestry**  
**2021 Forester Recruitment (PEM H)**

Recruitment Plan – Approved on \_\_\_\_\_

	Activity	Notes	Assigned	Dates
1	Announcement distribution and advertising strategy	<p><i>Specific Individuals and Organizations:</i></p> <p><a href="#">State Foresters Association Annual Meeting 9/10/21 Pittsburg, PA</a></p> <p>To submit a job announcement, please send a summary of the position (two paragraph limit), a link to the full announcement and/or full job description, and a closing date to <a href="mailto:nasf@stateforesters.org">nasf@stateforesters.org</a>.</p> <p><a href="#">SAF- CEO Terry Baker, terryb@safnet.org</a>  <a href="#">In the last 4 months, open positions for State Foresters: UT, TN, FL, CO, WI, NV, NC</a></p> <p>I will call these <a href="#">State Foresters Association</a> and ask who came in their #2 and reach out directly.</p> <p><a href="#">Utah VACANT, State Forester</a> Utah FFSL Director Brian Cottam resigned last week. Cottam, who previously served as Deputy Director, took over the Director role in late 2013. Brian Cottam resigned last week. There has been no indication into the reasoning behind Cottam's resignation.  Tel: (801) 538-5504</p> <p><a href="#">Council of Western State Foresters</a>  <a href="https://www.westernforesters.org/contact/member-directory">https://www.westernforesters.org/contact/member-directory</a></p> <p><a href="#">Tom Claeys, North Dakota State Forester.</a>  <a href="#">Christine Camacho Fejeran, Forestry Division Chief, Forestry and Soil Resources Division, Guam Department of Agriculture.</a></p>	John Paschal	7/9/21

**Oregon Department of Forestry**  
**2021 Forester Recruitment (PEM H)**

Recruitment Plan – Approved on \_\_\_\_\_

Craig Foss, Idaho State Forester- appointed State Forester in February 2020. In addition to being State Forester, I am also the Division Administrator for Forestry & Fire

Thom Porter, CAL FIRE Director and California State Forester.

David Tenney, Director of the Department of Forestry and Fire Management and Arizona State Forester.

George Geissler, State Forester and Deputy Supervisor of Wildland Fire and Forest Health with the Washington State Department of Natural Resources

Sonya Germann, State Forester with the Montana Department of Natural Resources and Conservation.

Jeff Whitney, Arizona State Forester with the Arizona Department of Forestry and Fire Management

Mike Lester, Director and State Forester for the Colorado State Forest Service and CWSF Chair.

Kacey KC, State Forester and Firewarden for the Nevada Division of Forestry.

**Oregon Department of Forestry**  
**2021 Forester Recruitment (PEM H)**

Recruitment Plan – Approved on \_\_\_\_\_

	<p><b>Suggested distribution channels:</b></p> <ul style="list-style-type: none"> <li>• Oregon Jobs at <a href="http://www.oregonjobs.org">www.oregonjobs.org</a></li> <li>• Non-fee internet websites (i.e., <a href="http://www.indeed.com">www.indeed.com</a>) list-serves and email lists maintained by DAS</li> <li>• DAS LinkedIn</li> <li>• Minority list-servers and e-mail lists professional associations and potential interest groups</li> <li>• Partners in Diversity</li> <li>• <b>Potential advertising (fees billed to BOF):</b> <b>Provide cost estimate</b> Governmentjobs.com</li> </ul>		
2	Announcement Posted (60 days)	<ul style="list-style-type: none"> <li>• Post and distribute announcement including all distribution and advertising channels identified and agreed upon.</li> </ul>	John Paschal  7/22/21 or after board meeting
3	Application Processing and Pre-Screening	<ul style="list-style-type: none"> <li>• Applicant Tracking System - Workday to maintain and track submission of applications</li> <li>• Confirmation notices to applicants following the closing date</li> <li>• Pre-Screening of applications for minimum qualifications</li> </ul>	John Paschal  initial pull of list 9/16/21
	Application Processing and Pre-Screening	<ul style="list-style-type: none"> <li>• Screening of applications for desired attributes Identify, recommend and rank semi-finalists Submit to Board Chair, Tricia Kershaw</li> </ul>	John Paschal  9/21/21
<b>INTERVIEW AND SELECTION</b>			
	<b>Activity</b>	<b>Notes</b>	<b>Assigned</b>
1	First Round Interview via VidCruiter Compile Vidcruiter ratings	First round scoring of Vidcruiter video interviews	BOF Tricia Kershaw  9/24/21 9/28/21

**Oregon Department of Forestry**  
**2021 Forester Recruitment (PEM H)**

Recruitment Plan – Approved on \_\_\_\_\_

			Coordinated by Hilary Olivos-Rood	
<b>2</b>	Second Round <u>Interviews</u> <u>Compile notes from panel</u>	Session 1: Internal Panel	Tricia Kershaw Coordinated by Hilary Olivos-Rood and Esmeralda Boies	<u>10/4/21</u> <u>10/7/21</u>
<b>3</b>	Third Round meet and Greet Third Round (If necessary) Interviews via Zoom  Questions provided by HR	Session 2: Stakeholders	Board, Tricia Kershaw, and Joy Krawczyk Coordinated by Hilary Olivos-Rood and Esmeralda Boies	<u>10/12/21</u>
<b>4</b>	Meet and Greet	Session 3: Governor's office	Berri Leslie	<u>10/15/21</u>
<b>5</b>	Meet and Greet	Final session: Board and public panel	<u>BOF</u>	<u>10/19/21</u>
<b>6</b>	Appointment Decision and Announcement	Board vote	<u>BOF</u> Announcement coordinated by Joy Krawczyk <u>and Hilary</u> <u>Olivos-Rood</u>	<u>10/29/21</u>

**RECRUITMENT CLOSURE**

	<b>Activity</b>	<b>Notes</b>	<b>Assigned</b>	<b>Dates</b>
<b>1</b>	Recruiting Process Evaluation and Debrief	Identify what went well and opportunities for improvement	John Paschal, Tricia Kershaw, Hilary Olivos-Rood, and Board Chair	11/1/2021
<b>2</b>	File Closure	Consolidate and ensure all appropriate communication and documentation is maintained in recruitment file.	John Paschal	<u>11/4/2021</u>

## **STAFF REPORT**

Agenda Item No.:	3
Work Plan:	Private Forests
Topic:	Board of Forestry Updates
Presentation Title:	Committee for Family Forestlands Annual Report
Date of Presentation:	July 21, 2021
Contact Information:	Evan Barnes, Southern Oregon Area Voting Member, Chair <a href="mailto:brranchlreb@gmail.com">brranchlreb@gmail.com</a> Josh Barnard, Private Forests Deputy Chief (503) 945-7493 <a href="mailto:Josh.W.Barnard@Oregon.gov">Josh.W.Barnard@Oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to provide a report on activities of the Committee for Family Forestlands (CFF), discuss progress on key issues, and make recommendations on policy topics affecting family forestland.

### **CONTEXT**

The CFF, a standing committee of the Oregon Board of Forestry, provides advice to the Board of Forestry and the State Forester on methods to help improve the vitality of family forestlands, including improving owners' ability to manage and market their timber and other forest products. The Committee for Family Forestlands continues to evaluate the impact of policy and regulatory changes on family forestland owners.

### **BACKGROUND AND ANALYSIS**

Over the past year, the Committee focused on the objectives / issues identified in their 2020-2021 work plan. The annual report informs the Board of the committee's progress on addressing issues affecting family forestland (Attachment 1).

### **RECOMMENDATION**

The Committee for Family Forestland recommends the Board accept the CFF annual report.

### **ATTACHMENTS**

(1) Committee for Family Forestlands Annual Report to the Board Fiscal Year 2020-2021

# Committee for Family Forestlands Annual Report to the Board

## Fiscal Year 2020-2021

*Annual Report presented to the Board of Forestry July 21, 2021  
By Evan Barnes, Chair, Committee for Family Forestlands*



The Committee for Family Forestlands is a standing committee established by the Oregon Board of Forestry (BOF) to assist the State Forester and the Board on issues relevant to some 70,000 family forestland owners in the state on the formulation of policy and evaluation of effects that changes in forest policy have or will have on those lands.

The Committee for Family Forestlands (CFF) is pleased to provide a report of their activities over the past year (July 2020– June 2021). This report outlines the work of the Committee in gaining a thorough understanding of the issues at hand before the Board. Understanding filtered through their personal experiences enable members to feel confident in their ability to act in an advisory role and to be deserving of the Board's trust that any recommendations made are backed up with considerable discussion and critical thought.

### **The 2020-2021 voting members:**

Evan Barnes, (Southern Oregon Family Forestland Owner) Chair, Voting Member  
Barrett Brown, (Northwest Oregon Family Forestland Owner) Voting Member  
John Peel, (Eastern Oregon Family Forestland Owner), Voting Member  
Kaola Swanson, (Conservation Community Representative) Voting Member/Vice Chair  
Mark Vroman, (Industry Representative) Voting Member  
Wendy Gerlach, (Citizen at Large), Voting Member  
*Vacant*, (Landowner At Large) Voting Member

### **CFF Membership Changes**

- Amanda Astor is the new ex-officio member (and new Forest Policy Manager) for Associated Oregon Loggers (AOL) as Rex Storm was promoted to Executive Vice President.
- Amy Jahnke took over for Jim James as the ex-officio member for Oregon Small Woodland Association (OSWA) their new Executive Director and Oregon Tree Farm System (OTFS) new Administrator.
- The Landowner-At-Large position remains vacant.
- Evan Barnes, CFF Chair and Southern Oregon landowner representative and John Peel, Eastern Oregon landowner representative completed their terms at the end of June.

### **Acknowledgments**

CFF's efforts would not be as well-informed without the Ex-Officio members whom are vital to the Committee. Voting members want to thank them for their contributions:

- Glenn Ahrens, OSU College of Forestry and Extension Ex-Officio.
- Janelle Geddes, Public Land Management/USFS State and Private Forestry Ex-Officio.
- Julie Woodward, Oregon Forest Resources Institute (OFRI) Ex-Officio.
- Amanda Astor, Associated Oregon Loggers (AOL) Ex-Officio.
- Amy Jahnke, Oregon Small Woodlands Association (OSWA) & Oregon Tree Farm System (OTFS) Ex-Officio.

Members acknowledge the support received from the Department as a whole, but specifically the Private Forests Division staff, Protection from Fire Division staff, Partnership and Planning Division staff, the State Forester, Board Chair, and members of the Board of Forestry.

In particular, members would like to thank:

- Andrew Owen, NRCS State Forester, for coming to present an overview of federal programs that provide fire recovery assistance.
- Blake Ellis, Fire Operations Manager, Fire Protection Division reporting on the 2020 Fire Season and Ron Graham, Deputy Chief of Operations, Fire Protection Division on the 2021 Fire Season Readiness and Outlook.
- Tom Fields, Fire Prevention Coordinator and Kristin Babbs, President of Keep Oregon Green leading discussion on the Drivers of Human Caused Forest Fires
- Alex Rahmlow, Operations and Policy Analyst, Federal Forest Restoration Program presenting on the recently funded Forest Resilience Projects
- Ryan Gordon, Family Forestlands Coordinator for his untiring commitment to assisting landowners through available incentive programs and his leadership on seedling availability and post-fire recovery.

## Chair's Introduction

*2021 has become the new “normal” as we pass the halfway mark of this year. I wonder what changes we will be compelled to make due to the ever-increasing effects of climate change with its impact on the private and public forests of Oregon.*

*We have gotten to know Doug Gafe on a first name basis as he and Ron Graham have briefed the committee many times on the past fire season statistics and next year’s predictions. His presentations have become more dire with every passing year.*

*While the Committee has worked on an increasing number of important topics, the one message I would like to convey, and the BOF is aware of, is that our uncontrolled large fires are becoming bigger, burn with more intensity and are having a deadly impact on our citizens and firefighters. Questions of air quality from fires, even in the cities and towns that are hundreds of miles in the distance abound. The economic effects are being borne by these same areas as city dwellers are being advised to stay inside and many typical outdoor events are cancelled.*

*All the other contentious forest issues, including protected and endangered species, streamside buffers, sudden-oak death syndrome, water and air quality, aerial spraying, the dire shortage of tree seedlings, the latest progress on the Memorandum of Understanding pale in comparison to the large, uncontrolled fires that have become a way of life here in Oregon and elsewhere. I implore the Board of Forestry to roll up their sleeves and spend as much time and political capital as possible to lessen the forest fuels, work towards proactively building firebreaks, promote prescribed burning, and be a voice for increased funding of the severity program.*

*The following report provides an overview of the dedicated membership of the committee, a summary of key topics and recognition and appreciation of the tremendous efforts and hard work by the incredible staff of the Oregon Department of Forestry. THANK YOU. I expect that the committee will have a very productive 2022.*

*In closing this report will be the last one I will participate in as my two terms are up, and it is time to turn the reins over to a new chair and a Southern Oregon landowner representative.*

*Sincerely,*

*Evan Barnes, outgoing CFF Chair and Southern Oregon family forestland owner*

## **2020-2021 Priority Issues**

The following are priority issues for the committee and their engagement over the past year on these topics.

### **Post Fire Recovery**

As soon as the 2020 wildfire suppression efforts were completed in Oregon, the State went into recovery mode, as over one million acres in Oregon were impacted by the fires. The State has developed an organizational structure at many levels to be able to deal with the short- and long-term recovery efforts. One key element of this structure has been the Natural and Cultural Resources Recovery Task Force co-convened by ODF, Department of Environmental Quality and Oregon Watershed Enhancement Board, which includes participation from state and federal agencies as well as tribes. CFF members received regular updates on the work of the task force, including how natural resource recovery projects have been prioritized for possible State funding. In addition, the CFF heard about opportunities for federal assistance programs, including the Natural Resources Conservation Service's Environmental Quality Incentives Program and Emergency Watershed Protection Program, and the Farm Service Agency's Emergency Forest Restoration Program.

### **Seed/Seedling Availability**

Seed/seedling availability has been an ongoing area of focus for the CFF. Following the wildfires in 2020, the situation has been exacerbated as reforestation begins to occur across the vast fire-impacted landscape. In response, ODF has convened a seed and seedling workgroup made up of representatives from state and federal agencies, Oregon State University Extension Service, and non-governmental organizations. The workgroup is engaged in finding both short- and long-term solutions to the existing seedling shortage for small acreage forest landowners. Some CFF members are participating on this workgroup, and the committee has heard updates, and provided input, at every meeting following the 2020 wildfires.

### **Labor Pool to Complete Fire Recovery for Family Forest Landowners**

Workforce capacity to provide site preparation, seedling planting, and plant establishment is a significant limiting factor in wildfire and other natural disaster recovery efforts. The CFF has been updated on this topic and has engaged in the discussion as it involves many of the same individuals working on seedling availability. The CFF discussed solutions, including pooling contracts to allow for cross ownership reforestation activities that would allow for efficient distribution of labor.

### **Database for Contacting Landowners**

The need for effective landowner outreach is a key issue that the CFF is tracking. The importance of having a comprehensive small woodland owner database could serve many efforts and organizations. In the past year, CFF members have participated in a workgroup, and developed a landowner survey that will help build efforts to secure seedlings for family forestland owners impacted by wildfires and to conduct outreach about other recovery opportunities in the future.

### **Habitat Conservation Plan for Private Lands**

With the establishment of the Timber Industry and Environmental group Memorandum of Understanding (MOU), and passage of SB 1602, there is an expressed intent to establish a Private Forestlands Habitat Conservation Plan. The CFF understands that the negotiations are private at this time, urges those engaged in the process to keep the Committee informed when the opportunity allows.

## **Wildland/Urban Interface (WUI) Opportunities**

CFF members agreed that wildland/urban interface issues will continue to be in the forefront of their work as family forestland owners with smaller acreages need the most assistance. To date there has been a lack of technical assistance capacity to adequately support those WUI areas. These small woodland owners are on the frontline of mitigating fires caused by human activity and it benefits the whole state to keep those lands engaged.

## **Eastern Oregon Specific Needs**

The CFF remains interested in learning more about the eastern Oregon infrastructure challenges and the diminishing ability for family forestland owners to be successful on the east side of the state. The CFF hopes to meet and hold a field tour in Eastern once travel restrictions due to the COVID-19 pandemic and budget have waned.

## **Prescribed Fire**

The CFF remains interested in the utilization of prescribed fire for family forestland owners. Issues associated with liability and technical expertise are two key limitations in the use of prescribed fire in Oregon. Partners are engaged with these issues, and will continue to update the CFF as developments occur in the use of prescribed fire in the state.

## **Partnerships**

Partner updates at each meeting provided timely announcements of programs both educational and informative as well as grant, and incentive program deadlines and opportunities. The partnerships illustrated by the ex-officio members have been key throughout the year in finding solutions to the needs of small woodland owners. Those partners are the real workforce the Committee counts on for boots-on-the-ground solutions.

## **Other Areas of Interest**

The committee is also interested in topics such as forest chemical use, climate change, and valuation of ecosystem services however with the time dedicated to the other topics covered in this report, the committee did not spend significant time on these topics this past year.

### **Member also received regular updates from staff as follows:**

- Division updates
- Agency financial and budget updates
- Forest Health issues
- Legislative updates
- Progress made in updating ODF Technical Notes
- Forest Legacy Program

## **2021-2022 Work Plan**

The committee will continue to track policy topics before the BOF that are of interest to family forestland owners and continue working on the other items of interest noted above in this report. The CFF will evaluate its work plan in the fall when the committee reconvenes and adjust based on priority policy items.

## **STAFF REPORT**

Agenda Item No.:	4
Work Plan:	Fire Protection
Topic:	Evolving Topic: Governor's Council on Wildfire Response
Presentation Title:	2021-2023 Wildfire Rulemaking Overview
Date of Presentation:	July 21, 2021
Contact Information:	Tim Holschbach, Deputy Chief – Policy & Planning 503-945-7434, <a href="mailto:Tim.J.Holschbach@Oregon.gov">Tim.J.Holschbach@Oregon.gov</a> or Doug Gafe, Chief – Fire Protection 503-945-7351, <a href="mailto:Doug.Gafe@Oregon.gov">Doug.Gafe@Oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to seek Board of Forestry (BOF) permission to initiate administrative rulemaking as directed by the Oregon Legislature with the passage of Senate Bill 762 from the 2021 legislative session. The enrolled bill codifies many of the recommendations brought forward by the Governor's Council on Wildfire Response.

### **BACKGROUND AND ANALYSIS**

Following the 2013-2015 fire seasons, two parallel review processes were initiated, the Secretary of State (SOS) Audit and the Fire Program Review. Both of these efforts are aligned to help continue a highly functioning wildfire protection system for Oregon into the future. The Department has fully embraced the findings and recommendations from both final reports. The 2017-2108 fire seasons experience reinforced the need for the agency to continue efforts on these recommendations. Additionally, the Governor issued Executive Order 19-01 creating the Governor's Council on Wildfire Response.

- The SOS Performance Audit offered a third-party review of the Department's ability to sustain its multiple missions, as increased demand to support the fire protection effort has been required from the entire agency;
- The Fire Protection Response Committee (FPRC) was coordinated with all agency partners through a transparent process including legislators, governor's office, forest landowners, and cooperators to reach for continuous improvement in Oregon's complete and coordinated fire protection system;
- The Governor's Council on Wildfire Response offered 37 recommendations to improve Oregon's wildfire protection system. Many of the recommendations required legislative action to be carry out.

Senate Bill 762 captured many of the recommendations of the Governor's Council on Wildfire Response, providing legislative direction to the Board of Forestry regarding the wildland-urban interface; statewide fire risk mapping; prescribed fire; directed the Department to review and clarify the enforcement of rules pertaining to forestland; and baseline standards for unprotected and under-protected lands in Oregon.

## **SUMMARY OF REQUIRED ACTIONS**

### Statewide map of Wildfire Risk

- Requires the Oregon Department of Forestry (ODF) to develop and maintain a comprehensive statewide map of wildfire risk that includes wildland-urban interface boundaries and fire risk classes by June 30, 2022.
- Requires ODF to collaborate with Oregon State University (OSU), the Oregon State Fire Marshal (OSFM), other state agencies, local governments, Indian tribes, other public bodies, and additional information sources to create the map.
- Requires the map to be publicly accessible and requires ODF to provide technical assistance to state and local governments who use the map and associated Oregon Explorer Wildfire Risk Portal platform.
- Requires the final map to inform policy actions and programs as detailed in Senate Bill 762.

### Definition of Wildland-Urban Interface

- Significantly amends Oregon Revised Statutes (ORS) 477.015 to 477.064.
- Directs the Board of Forestry to establish a definition of Wildland-Urban Interface (WUI).
- The WUI definition must be adopted by rule within 100 days of the effective date of the bill.
- Additionally, the rules must establish criteria to identify and classify the WUI.

### Prescribed Fire

- Requires the Oregon Department of Forestry (ODF) to establish by rule a Certified Burn Manager Program. Requires ODF to consult with the Oregon Prescribed Fire Council concerning best practices for conducting the program, initiate rulemaking to establish the program by November 2021, and provide a progress report to the Legislative Assembly by December 1, 2021.
- Allows a person to conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit, complies with its conditions, and obtains consent from relevant landowners. Requires related ODF rulemaking to be completed by November 30, 2022.

### Baseline Protection Standards

- Requires the State Forester in collaboration with the State Fire Marshal, state agencies, and local governments to adopt rules establishing baseline levels of wildfire protection that reflect regional conditions for lands outside of forest protection districts that are or may be susceptible to wildfire.
- Authorizes the State Forester to provide financial assistance for counties to assist landowners in forming or modifying wildfire protection jurisdictions, which can ensure adequate protection and development of wildfire protection facilities, equipment, training, and other resources can be achieved.
- Requires counties to ensure all applicable lands within the county have baseline level or higher wildfire protection by January 1, 2026.

## **RECOMMENDATION**

It is recommended that the Board approves initiating promulgation of administrative rules relative to the following:

- Develop administrative rules pertaining to a statewide map displaying wildfire risk (Attachment 1, Section 7).
- Create a Certified Burn Manager Program (Attachment 1, Section 26).
- Review and clarify enforcement rules promulgated under ORS 477.51 and ORS 477.625 (Attachment 1, Section 25).
- Further review and clarification of Oregon Administrative Rules pertaining to fire prevention, OAR Chapter 629, Division 47.
- Establish a definition of Wildland-Urban Interface, determine the criteria to identify and classify WUI in Oregon. (Attachment 1, Section 31-33).

## **RULE DEVELOPMENT TIMELINE**

Promulgation of Oregon Administrative Rules (OAR) adhere to the Administrative Procedures Act (APA) outlined in Chapter 183, and with the Department engaging in a multifaceted rule making effort, timelines may change to ensure the Legislative outlined deadlines are met.

## **ATTACHMENTS**

- (1) Senate Bill 762 Enrolled

**Enrolled**  
**Senate Bill 762**

Sponsored by COMMITTEE ON NATURAL RESOURCES AND WILDFIRE RECOVERY (at the request of Senate Committee on Natural Resources and Wildfire Recovery, Governor Kate Brown)

CHAPTER .....

AN ACT

Relating to wildfire; creating new provisions; amending ORS 197.716, 205.130, 401.025, 477.015, 477.025, 477.027, 477.281 and 526.360; repealing ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061; and declaring an emergency.

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

**ELECTRIC SYSTEM PLANS**

**SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 757.**

**SECTION 2. The Public Utility Commission shall periodically convene workshops for the purpose of helping public utilities that provide electricity, municipal electric utilities, people's utility districts organized under ORS chapter 261 that sell electricity, electric cooperatives organized under ORS chapter 62 and operators of electrical transmission and distribution systems to develop and share information for the identification, adoption and carrying out of best practices regarding wildfires, including, but not limited to, risk-based wildfire protection and risk-based wildfire mitigation procedures and standards.**

**SECTION 3. (1) A public utility that provides electricity must have and operate in compliance with a risk-based wildfire protection plan that is filed with the Public Utility Commission and has been evaluated by the commission. The plan must be based on reasonable and prudent practices identified through workshops conducted by the commission pursuant to section 2 of this 2021 Act and on commission standards adopted by rule. The public utility must design the plan in a manner that seeks to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.**

**(2) A public utility that provides electricity shall regularly update a risk-based wildfire protection plan on a schedule determined by the commission. The plan must, at a minimum:**

**(a) Identify areas that are subject to a heightened risk of wildfire and are:**

**(A) Within the service territory of the public utility; and**

**(B) Outside the service territory of the public utility but within a reasonable distance, as determined by the commission, of the public utility's generation or transmission assets.**

**(b) Identify a means for mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.**

**(c) Identify preventive actions and programs that the public utility will carry out to minimize the risk of utility facilities causing a wildfire.**

(d) After seeking information from regional, state and local entities, including municipalities, identify a protocol for the deenergizing of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.

(e) Describe the procedures, standards and time frames that the public utility will use to inspect utility infrastructure in areas that the public utility identifies under paragraph (a) of this subsection.

(f) Describe the procedures, standards and time frames that the public utility will use to carry out vegetation management in areas that the public utility identifies under paragraph (a) of this subsection.

(g) Identify the development, implementation and administration costs for the plan.

(h) Identify the community outreach and public awareness efforts that the public utility will use before, during and after a wildfire season.

(3) To develop a plan described in subsection (2) of this section, a public utility may consult with and consider information from regional, state and local entities, including municipalities.

(4) The commission, in consultation with the State Forestry Department and local emergency services agencies, shall evaluate a public utility's wildfire protection plan and plan updates through a public process.

(5) Not more than 180 days after receiving a wildfire protection plan or plan update from a public utility, the commission shall approve or approve with conditions the plan or update if the commission finds that the plan or update is based on reasonable and prudent practices identified through workshops pursuant to section 2 of this 2021 Act and designed to meet all applicable rules and standards adopted by the commission.

(6) The commission's approval of a wildfire protection plan does not establish a defense to any enforcement action for violation of a commission decision, order or rule or relieve a public utility from proactively managing wildfire risk, including by monitoring emerging practices and technologies.

(7) The commission shall adopt rules for the implementation of this section. The rules may include, but need not be limited to, procedures and standards regarding vegetation management, public power safety shutoffs and restorations, pole materials, circuitry and monitoring systems.

(8) All reasonable operating costs incurred by, and prudent investments made by, a public utility to develop, implement or operate a wildfire protection plan under this section are recoverable in the rates of the public utility from all customers through a filing under ORS 757.210 to 757.220. The commission shall establish an automatic adjustment clause, as defined in ORS 757.210, or another method to allow timely recovery of the costs.

**SECTION 3a.** (1) In addition to all other penalties provided by law, violation of section 3 of this 2021 Act or a rule adopted pursuant to section 3 of this 2021 Act is subject to a civil penalty not to exceed \$10,000.

(2) Notwithstanding ORS 183.315 (6), 183.745 (7)(d) and 756.500 to 756.610, civil penalties under this section must be imposed by the Public Utility Commission as provided in ORS 183.745.

(3) Civil penalties collected under this section must be paid into the General Fund and credited to the Public Utility Commission Account as described in ORS 756.990 (7).

**SECTION 4.** (1) As used in this section, "consumer-owned utility" and "governing body" have the meanings given those terms in ORS 757.600.

(2) A consumer-owned utility must have and operate in compliance with a risk-based wildfire mitigation plan approved by the governing body of the utility. The plan must be designed to protect public safety, reduce risk to utility customers and promote electrical system resilience to wildfire damage.

(3) The consumer-owned utility shall regularly update the risk-based wildfire mitigation plan on a schedule the governing body deems consistent with prudent utility practices.

(4) A consumer-owned utility shall conduct a wildfire risk assessment of utility facilities. The utility shall review and revise the assessment on a schedule the governing body deems consistent with prudent utility practices.

(5) A consumer-owned utility shall submit a copy of the risk-based wildfire mitigation plan approved by the utility governing body to the Public Utility Commission to facilitate commission functions regarding statewide wildfire mitigation planning and wildfire preparedness.

**SECTION 5.** A public utility that provides electricity shall submit the first risk-based wildfire protection plan required of the public utility under section 3 of this 2021 Act for Public Utility Commission evaluation no later than December 31, 2021.

**SECTION 6.** A consumer-owned utility shall submit the first risk-based wildfire mitigation plan required under section 4 of this 2021 Act to the utility governing body no later than June 30, 2022.

**SECTION 6a.** (1) As used in this section, “electric utility” has the meaning given that term in ORS 757.600.

(2) Sections 3 and 4 of this 2021 Act do not affect the terms or conditions of easement held by an electric utility over private land as of the effective date of this 2021 Act.

**SECTION 6b.** Sections 3 and 3a of this 2021 Act do not apply to municipally owned utilities organized under ORS chapter 225.

#### STATEWIDE MAP OF WILDFIRE RISK

**SECTION 7.** (1) The State Forestry Department shall oversee the development and maintenance of a comprehensive statewide map of wildfire risk that displays the wildfire risk classes described in subsection (4) of this section and populates the Oregon Wildfire Risk Explorer.

(2) The Oregon Wildfire Risk Explorer must be the official wildfire planning and risk classification mapping tool for the State of Oregon.

(3) The State Board of Forestry shall establish by rule criteria by which the map must be developed and maintained, including criteria concerning the use of the most current wildfire assessments.

(4) In consultation with Oregon State University, the department shall establish five statewide wildfire risk classes of extreme, high, moderate, low and no risk. The classes must be:

(a) Consistent with ORS 477.027.

(b) Based on weather, climate, topography and vegetation.

(5) The department shall enter into an agreement with the university that provides that the university will develop and maintain the map and make the map publicly available in electronic form through the Oregon Wildfire Risk Explorer.

(6) The board shall adopt rules that:

(a) Provide opportunities for public input into the assignment of properties to the wildfire risk classes described in subsection (4) of this section.

(b) Require the department to provide notice and information about how a property owner may appeal an assignment of the property owner's property to the extreme or high wildfire risk classes.

(c) Allow affected property owners and local governments to appeal the assignment of properties to the wildfire risk classes after the map is developed, after any updates to the map and within a reasonable time after delivery of the notice and information described in paragraph (b) of this subsection.

(d) Establish a specific process for appeals through which a requested change in assignment is assessed based on:

(A) Whether the assignment is consistent with the criteria described in subsection (3) of this section;

(B) Any pertinent facts that may justify a change in the assignment; and

(C) Any error in the data the department used to determine the assignment, if the error justifies a change in the assignment.

(7) The map must:

(a) Be based on the wildfire risk classes.

(b) Be sufficiently detailed to allow the assessment of wildfire risk at the property-ownership level.

(c) Include the boundaries of the wildland-urban interface, as defined in ORS 477.015, consistent with national standards.

(d) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.

(8) To develop and maintain the map, the university shall collaborate with the department, the State Fire Marshal, other state agencies, local governments, federally recognized Indian tribes in this state, other public bodies and any other information sources that the university deems appropriate.

(9) In maintaining the map, the university shall make technical adjustments as needed and update the map consistent with the results of appeals described in subsection (6)(b) of this section.

(10) The university shall provide technical assistance to representatives of state and local government, and to landowners, that use the map.

**SECTION 7a.** (1) On or before December 31, 2021, the State Forestry Department shall report to an interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildlife Programs Advisory Council on the progress of the department and Oregon State University in complying with the requirements of section 7 of this 2021 Act.

(2) On or before June 30, 2022, the department and university must finish all actions required of the department and university by section 7 of this 2021 Act.

(3) Notwithstanding any contrary provision of law, the State Board of Forestry may adopt temporary rules to help ensure the requirements described in subsection (2) of this section are met.

## DEFENSIBLE SPACE

**SECTION 8.** As used in sections 8a, 8b and 8c of this 2021 Act, "defensible space" means a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared or modified to slow the rate and intensity of advancing wildfire and allow space for fire suppression operations to occur.

**SECTION 8a.** (1) The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the statewide map of wildfire risk described in section 7 of this 2021 Act as within the wildland-urban interface.

(2) The State Fire Marshal:

(a) Shall consult with the Oregon Fire Code Advisory Board to establish the requirements.

(b) Shall establish requirements that are consistent with and do not exceed the standards pertaining only to defensible space that are set forth in the International Wildland-Urban Interface Code published by the International Code Council, including the standards pertaining only to defensible space that are set forth in sections 603 and 604 of the code.

(c) May consider best practices specific to Oregon in order to establish the requirements.

- (d) Shall periodically reexamine the standards set forth in the International Wildland-Urban Interface Code and update the requirements to reflect current best practices, in consultation with the Oregon Fire Code Advisory Board.
- (e) Shall enforce the requirements that are applicable to lands within the jurisdiction of a local government.
- (f) Shall adopt rules governing administration of the requirements.
- (g) May develop and apply a graduated fee structure for use in assessing penalties on property owners for noncompliance with the requirements.
- (h) Shall consult on implementation of the requirements.
- (i) May adopt rules concerning reports by local governments described in subsection (4)(a) of this section.
- (3) Subject to additional local requirements, the requirements shall apply statewide for all lands in the wildland-urban interface that are designated as extreme or high risk, as identified on the map.
- (4) Notwithstanding subsection (2) of this section, a local government may:
- (a) Administer, consult on and enforce the requirements established by the State Fire Marshal, within the jurisdiction of the local government. A local government that administers or enforces the requirements established by the State Fire Marshal shall periodically report to the State Fire Marshal regarding compliance with the requirements, including the extent of compliance for each property within the jurisdiction of the local government, any change in the degree of compliance since the last report and any other information required by the State Fire Marshal by rule.
- (b) Adopt and enforce local requirements for defensible space that are greater than the requirements established by the State Fire Marshal. Any local requirements that a local government adopts for defensible space must be defensible space standards selected from the framework set forth in the International Wildland-Urban Interface Code or other best practices specific to Oregon.
- (c) Designate local fire districts, fire departments or fire agencies to enforce the requirements established by the State Fire Marshal or the local government pursuant to paragraph (b) of this subsection. A local government that designates enforcement must comply with the reporting requirements in paragraph (a) of this subsection.
- (5) The State Fire Marshal shall administer a community risk reduction program that emphasizes education and methods of prevention with respect to wildfire risk, enforcement of defensible space requirements, response planning and community preparedness for wildfires.
- (6) The State Fire Marshal may provide financial, administrative, technical or other assistance to a local government to facilitate the administration and enforcement of requirements within the jurisdiction of the local government. A local government shall expend financial assistance provided by the State Fire Marshal under this subsection to give priority to the creation of defensible space:
- (a) On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055.
- (b) For critical or emergency infrastructure.
- (c) For schools, hospitals and facilities that serve seniors.
- SECTION 8b.** (1) The minimum defensible space requirements established by the State Fire Marshal pursuant to section 8a of this 2021 Act may not be used as criteria to approve or deny:
- (a) An amendment to a local government's acknowledged comprehensive plan or land use regulations.
- (b) A permit, as defined in ORS 215.402 or 227.160.
- (c) A limited land use decision, as defined in ORS 197.015.

- (d) An expedited land division, as defined in ORS 197.360.
- (2) Notwithstanding subsection (1) of this section, a local government may:
  - (a) Amend the acknowledged comprehensive plan or land use regulations of the local government to include the requirements; and
  - (b) Use the requirements that are included in the amended acknowledged comprehensive plan or land use regulations as a criterion for a land use decision.

**SECTION 8c.** The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the map described in section 7 of this 2021 Act on or before December 31, 2022.

**SECTION 9.** The Community Risk Reduction Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Community Risk Reduction Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the State Fire Marshal for the purpose of carrying out community risk reduction and the local government financial assistance described in section 8a of this 2021 Act.

**SECTION 10.** (1) The State Fire Marshal shall biannually report regarding the status of State Fire Marshal and local government activities for carrying out section 8a of this 2021 Act to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council:

- (a) On or before the date of convening of the regular session of the Legislative Assembly as specified in ORS 171.010.
- (b) Approximately six months after the date described in paragraph (a) of this subsection.
- (2) The report shall include, but need not be limited to:
  - (a) A status report regarding community risk reduction and the establishment, administration and enforcement of defensible space requirements;
  - (b) The amount of moneys expended during the year for community risk reduction and the establishment, administration or enforcement of defensible space requirements;
  - (c) The amount of moneys expended during the year for the suppression of fires on wildland-urban interface lands; and
  - (d) Any recommendations of the State Fire Marshal for legislative action, including, but not limited to, current or future resource and funding needs for community risk reduction and establishing, administering or enforcing defensible space requirements.

## LAND USE

**SECTION 11.** (1) As used in this section, “defensible space” has the meaning given that term in section 8 of this 2021 Act.

(2) The Department of Land Conservation and Development shall identify updates to the statewide land use planning program and local comprehensive plans and zoning codes that are needed in order to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation.

(3) Updates may include, but need not be limited to, provisions regarding sufficient defensible space, building codes, safe evacuation and development considerations in areas of extreme and high wildfire risk, allowing for regional differences.

(4) On or before October 1, 2022, the Department of Land Conservation and Development shall:

- (a) Complete the updates.
- (b) Report to a committee or interim committee of the Legislative Assembly related to wildfire, in the manner provided in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on the updates. The report must include recommendations concerning the updates.

(5) As necessary to identify needed updates and develop the recommendations required by subsection (4)(b) of this section, the department may consult with the State Fire Marshal, the State Forestry Department, the Department of Consumer and Business Services and local governments.

## BUILDING CODES

**SECTION 12.** (1) For extreme and high wildfire risk classes in the wildland-urban interface that are identified pursuant to section 7 of this 2021 Act, the Department of Consumer and Business Services shall adopt wildfire hazard mitigation building code standards that apply to new dwellings and the accessory structures of dwellings, as described in section R327 of the 2021 Oregon Residential Specialty Code.

(2) The department shall amend section R327 of the Oregon Residential Specialty Code to include standards for additions to existing dwellings and accessory structures and for replacement of existing exterior elements covered in section R327 of the 2021 Oregon Residential Specialty Code.

(3) The department shall incorporate the standards described in subsections (1) and (2) of this section into any updates to the Oregon Residential Specialty Code.

**SECTION 12a.** (1) The Department of Consumer and Business Services shall take the actions required by section 12 (1) and (2) of this 2021 Act not later than October 1, 2022.

(2) The standards described in section 12 (1) and (2) of this 2021 Act may not become operative before April 1, 2023.

**SECTION 12b.** Not more than two years after the standards described in section 12 (1) and (2) of this 2021 Act are adopted, the Department of Consumer and Business Services shall update section R327 of the Oregon Residential Specialty Code to:

(1) Ensure that the code incorporates the standards described in section 12 (1) and (2) of this 2021 Act; and

(2) Make any necessary adjustments to the applicability of the standards and permitting requirements in the code.

**SECTION 12c.** The Department of Consumer and Business Services:

(1) Shall develop and maintain an interactive mapping tool that displays, at the property level, wildfire hazard mitigation standards covered in section R327 of the Oregon Residential Specialty Code. The tool must be designed to support future inclusion of snow load, seismic and wind building code standards at the property level.

(2) Shall collaborate with Oregon State University to obtain any needed information from the Oregon Wildfire Risk Explorer and national or science-based sources in order to develop the tool.

(3) Shall ensure that the tool is displayed in an electronic format and available to the public at no charge.

(4) Shall periodically update the tool when the relevant building code is updated.

(5) May enter into an agreement with the university concerning services required to develop and maintain the tool.

**SECTION 12d.** (1) The Department of Consumer and Business Services shall develop the interactive mapping tool described in section 12c of this 2021 Act not more than 60 days after the statewide map of wildfire risk described in section 7 of this 2021 Act is developed.

(2) Any delay in developing the tool may not affect a deadline concerning the map.

## HEALTH SYSTEMS FOR SMOKE

**SECTION 13.** The Department of Environmental Quality shall develop and implement a program for supporting local communities, in detecting, preparing for, communicating or mitigating the environmental and public health impacts of wildfire smoke.

**SECTION 13a.** The Department of Environmental Quality shall establish a program for supporting local communities through intergovernmental agreements, grants, contracts or cooperative agreements to develop and implement community response plans to enhance the communities' readiness and mitigation capacity for smoke.

**SECTION 13b.** (1) The Department of Environmental Quality shall establish and implement a program to support communities across this state in monitoring, interpreting and communicating data related to ambient air quality conditions caused by wildfire smoke.

(2) As part of the program, the department shall:

(a) Conduct community outreach in areas of this state that are prone to poor air quality attributable to elevated levels of particulate matter.

(b) Deploy air quality monitoring equipment in a manner sufficient to evaluate an increased prevalence of poor air quality attributable to elevated levels of particulate matter.

(c) Monitor meteorological conditions in a manner sufficient to forecast occurrences of poor air quality.

**SECTION 14.** (1) As used in this section, "smoke filtration system" means an air filtration system capable of removing particulates and other harmful components of wildfire smoke in a public building.

(2) In consultation and coordination with the Oregon Health Authority, the Department of Human Services shall establish and implement a grant program that allows local governments to:

(a) Establish emergency clean air shelters.

(b) Equip public buildings with smoke filtration systems so the public buildings may serve as cleaner air spaces during wildfire smoke and other poor air quality events.

(3) The department shall require grantees to provide access to the clean air shelters at no charge.

**SECTION 14a.** The Department of Human Services is the lead state agency for clean air shelter operations. The department shall:

(1) Consult and collaborate with the Oregon Health Authority to align practices for voluntary evacuations and emergency sheltering operations.

(2) Coordinate with the authority in setting priorities for awarding grants described in section 14 of this 2021 Act.

(3) Provide support to local agencies that take lead roles in operating and planning clean air shelters in the local agencies' jurisdictions.

**SECTION 14b.** No later than June 30, 2023, in consultation with the Oregon Health Authority, the Department of Human Services shall report to an appropriate committee or interim committee of the Legislative Assembly, in the manner described in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on:

(1) The grants administered pursuant to section 14 of this 2021 Act, including information about which local governments received grants.

(2) Any barriers to administering the grants.

(3) Areas for improving the grant program described in section 14 of this 2012 Act.

(4) Public health impacts from wildfire smoke events.

**SECTION 15.** (1) As used in this section, "smoke filtration device" means portable air cleaners and furnace, heating, ventilation and air conditioning filters that are intended to remove contaminants, including particulates and other harmful components of wildfire smoke, from the air in a room to improve indoor air quality.

(2) The Oregon Health Authority shall establish a program to increase the availability of residential smoke filtration devices among persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke.

(3) The authority may award grants for the purchase of smoke filtration devices.

(4) If the authority awards grants described in this section, the authority shall give priority to funding for smoke filtration devices in residential buildings occupied by persons who

**qualify for the Oregon Health Plan or Medicaid and are vulnerable to the health effects of wildfire smoke.**

(5) The authority may adopt rules establishing standards for smoke filtration devices obtained with grant moneys received under this section, including, but not limited to, minimum acceptable efficiency for the removal of particulates and other harmful substances generated by wildfires.

(6) The authority may provide information and refer service providers to grantees that need housing interventions to facilitate effective use of smoke filtration devices, including interventions such as weather proofing.

**SECTION 15a.** The Oregon Health Authority shall periodically report to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, to the State Wildfire Programs Director and to the Wildfire Programs Advisory Council on:

(1) The use of smoke filtration devices funded under section 15 of this 2021 Act, including use of the smoke filtration devices by vulnerable and underserved communities.

(2) The effectiveness of the programs described in section 15 of this 2021 Act.

(3) Areas for improvement.

(4) Public health impacts during wildfire smoke events.

(5) Whether funding described in section 15 of this 2021 Act has provided a public health return on investment.

## **EMERGENCY RESPONSE AND DISASTER RECOVERY**

**SECTION 16.** ORS 401.025 is amended to read:

401.025. As used in this chapter:

(1) "Emergency" means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to:

(a) Fire, **wildfire**, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; and

(b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement results from the type of event or circumstance described in paragraph (a) of this subsection.

(2) "Emergency service agency" means an organization within a local government that performs essential services for the public's benefit before, during or after an emergency, such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, public information and communications.

(3) "Emergency services" means activities engaged in by state and local government agencies to prepare for an emergency and to prevent, minimize, respond to or recover from an emergency, including but not limited to coordination, preparedness planning, training, interagency liaison, fire fighting, oil or hazardous material spill or release cleanup as defined in ORS 466.605, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as "civil defense" in 50 U.S.C. app. 2252.

(4) "Local government" has the meaning given that term in ORS 174.116.

(5) "Major disaster" means any event defined as a "major disaster" under 42 U.S.C. 5122(2).

**SECTION 17.** (1) The Office of Emergency Management shall update its statewide emergency plan as necessary to prepare for or respond to wildfire emergencies on an area-wide or statewide basis. The plan developed by the office to prepare for or respond to wildfire

emergencies shall include, but need not be limited to, wildfire risk mitigation efforts and evacuation planning.

(2) The office shall coordinate with cities, counties, adult foster homes, health care facilities and residential facilities, the Department of Human Services and the Oregon Health Authority to establish local or private procedures to prepare for emergencies related to wildfire and ensure that local efforts to prevent, respond to or recover from an emergency caused by wildfire are conducted in a manner consistent with the plan developed by the office to prepare for or respond to wildfire emergencies. The coordinated activities may include, but need not be limited to, providing training, carrying out exercises and promoting community education.

**SECTION 17a.** The Office of Emergency Management shall conduct the update required by section 17 (1) of this 2021 Act on or before December 31, 2021.

#### **REDUCTION OF WILDFIRE RISK**

**SECTION 18.** (1)(a) The State Forestry Department shall design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure.

(b) The department shall ensure that the program is consistent with the objectives described in this section and biennially select, administer and evaluate projects consistent with the objectives described in this subsection.

(c) When developing program and project selection criteria, the department shall, to the extent practicable, consult and cooperate with state and federal agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forest and rangeland collaboratives and other relevant community organizations and ensure consistency with the priorities described in subsection (3) of this section.

(2) The department shall develop a 20-year strategic plan, as described in the Shared Stewardship Agreement signed on August 13, 2019, that prioritizes restoration actions and geographies for wildfire risk reduction. The plan must be able to be used to direct federal, state and private investments in a tangible way.

(3) In selecting and administering projects, the department shall:

(a) In collaboration with the Oregon State University Extension Service and other entities, identify strategic landscapes that are ready for treatment, giving priority to projects within the landscapes that are:

(A) On lands in the four highest eNVC risk classes identified in the United States Forest Service report titled "Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results" and dated April 9, 2018;

(B) Inclusive of federal lands with treatment projects currently approved under the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(C) Focusing on treatments protective of human life, property, critical infrastructure, watershed health and forest or rangeland habitat restoration; and

(D) Part of a collaborative partnership with agreements across diverse forestland or rangeland stakeholders that use an expansive, landscape-scale approach to address underlying causes of poor wildfire resilience and elevated risk of wildfire or that establish innovative approaches to addressing the underlying causes that could be implemented on a larger scale.

(b) To the extent practicable, identify and support projects that are designed to:

(A) Evaluate varying types of fuel treatment methods;

(B) Leverage the collective power of public-private partnerships and federal and state funding, including leverage of the coordination of funding to support collaborative initiatives

that address the underlying causes of elevated forestland and rangeland wildfire risk across ownerships; and

(C) Optimize the receipt of federal government investments that equal or exceed department investments.

(c) Design the projects to involve existing forest-based and range-based contracting entities.

(d) Design the projects to complement programs and projects of the Oregon Watershed Enhancement Board or other state agencies as needed.

(e) Design the projects to involve the Oregon Conservation Corps Program established by section 21 of this 2021 Act, to the maximum extent possible, for community protection projects located in the wildland-urban interface, subject to funding available in the Oregon Conservation Corps Fund established by section 23 of this 2021 Act.

(f) Affirmatively seek, and enhance opportunities for, collaboration from stakeholders holding a wide variety of perspectives regarding forest and rangeland management and opportunities for significant involvement by communities in proximity to project sites.

(g) Engage in monitoring of the projects to produce useful information on which to base recommendations to the Legislative Assembly.

(4) A project under this section may not include commercial thinning on:

(a) Inventoried roadless areas;

(b) Riparian reserves identified in the Northwest Forest Plan or in federal Bureau of Land Management resource management plans;

(c) Late successional reserves, except to the extent consistent with the 2011 United States Fish and Wildlife Service Revised Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*);

(d) Areas protected under the federal Wild and Scenic Rivers Act (P.L. 90-542), national recreation areas, national monuments or areas protected under ORS 390.805 to 390.925;

(e) Designated critical habitat for species listed as threatened or endangered under the Endangered Species Act of 1973 (P.L. 93-205) or by the State Fish and Wildlife Commission under ORS 496.172, unless commercial thinning is already allowed under an existing environmental review or recognized habitat recovery plan; or

(f) Federally designated areas of critical environmental concern or federally designated wilderness study areas.

(5) The department shall give public notice, and allow reasonable opportunity for public input, when identifying and selecting landscapes under this section.

**SECTION 19.** Section 18 of this 2021 Act does not expand, diminish or otherwise affect a right, privilege, duty or function established under federal, state or local laws or rules that pertain to the management of private lands in this state.

**SECTION 20.** (1) The State Forestry Department shall complete the operation of projects under section 18 of this 2021 Act no later than June 30, 2023.

(2) The department shall report regarding progress in carrying out projects under section 18 of this 2021 Act to an interim committee of the Legislative Assembly related to natural resources, in the manner provided by ORS 192.245, and to the Governor, State Wildfire Programs Director and Wildfire Programs Advisory Council no later than January 15, 2022. The report shall include, but need not be limited to:

(a) An explanation of how landscapes were selected, a summary of the selected projects, a description of initial outcomes from projects selected under the requirements established by section 18 of this 2021 Act, anticipated time frames for completion of the projects and any initial recommendations concerning landscape identification and projects selected under the requirements established by section 18 of this 2021 Act;

(b) A description of the funding source types and amounts secured by the department as matching funds to implement projects; and

(c) A summary of outreach and coordination with relevant federal and state agencies, counties, cities and other units of local government, federally recognized Indian tribes in this state, public and private forestland and rangeland owners, forestland and rangeland collaboratives and other relevant community organizations to identify and select landscapes for treatment and develop selection criteria for projects.

(3)(a) The department shall report its findings and recommendations regarding wildfire risk reduction on forestland and rangeland and in communities, based on information obtained from the projects described in section 18 of this 2021 Act, to an interim committee of the Legislative Assembly related to natural resources, in the manner provided by ORS 192.245, and to the Governor, State Wildfire Programs Director and Wildfire Programs Advisory Council no later than July 15, 2023. The report shall include, but need not be limited to:

(A) A qualitative and quantitative summary of the project outcomes that, at a minimum, states the number of acres treated, the treatment actions carried out and any resulting or anticipated changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to public values;

(B) The identification of barriers to more efficient implementation and achievement of goals in future wildfire risk reduction projects;

(C) A qualitative and quantitative summary of the use of prescribed fire activities and invasive annual grass treatments for wildfire risk reduction that, at a minimum, states the number of acres burned or treated and any resulting or anticipated changes in landscape conditions related to enhanced resiliency or the mitigation of wildfire risk to public values;

(D) The identification of existing disincentives to, and recommendation for reducing barriers to, the use of prescribed fire;

(E) Recommendations for creating optimal working relationships with forestland or rangeland collaboratives and other relevant community organizations regarding future wildfire risk reduction projects;

(F) A description of the funding source types and amounts secured by the department as matching funds to carry out projects; and

(G) Recommendations for investment in future wildfire risk reduction projects to be carried out in the 2023-2025 biennium.

(b) In developing the report required under this subsection, the department shall work in coordination with federal land management agencies, institutions of higher education and third parties to develop consistent performance measurements and condition-based metrics for monitoring and communicating the effectiveness of state investments and project actions in reducing wildfire risk on public or private forestlands and rangelands and in communities.

## OREGON CONSERVATION CORPS

**SECTION 21.** (1) The Oregon Conservation Corps Program is established for the purposes of:

(a) Reducing the risk wildfire poses to communities and critical infrastructure.

(b) Helping to create fire-adapted communities.

(c) Engaging youth and young adults in workforce training.

(2) Youth and young adults between 13 years of age and 26 years of age who have been qualified by a youth development organization may participate in projects undertaken by the corps.

(3) Notwithstanding any contrary provision of law, participants in projects undertaken by the corps:

(a) Are not employees of the corps.

(b) Are exempt from prevailing wage laws.

(c) Must receive compensation for their participation of at least minimum wage or an allowance or stipend that, when combined with other sources of payment the participant is eligible to receive, including academic credit or an AmeriCorps education award, is equivalent to the value of minimum wage.

**SECTION 22.** (1) As used in this section, “eligible organization” includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training.

(2) The Oregon Conservation Corps Advisory Committee is established within the Higher Education Coordinating Commission for the purpose of managing the Oregon Conservation Corps Program.

(3) The Governor shall determine the number of members on the committee and appoint the members.

(4) The committee shall, in collaboration with a qualified nonprofit foundation, actively seek and source private donations to support the Oregon Conservation Corps Program.

(5) The committee may direct the expenditure of moneys from the Oregon Conservation Corps Fund for a promotional website and materials to solicit private funds.

(6) Members may not receive compensation for service on the committee, but, subject to any applicable laws regulating travel and other expenses of state officers and employees, may be reimbursed for actual and necessary travel and other expenses incurred in the performance of committee duties with moneys available to the commission for the purpose of reimbursing the members.

(7) The committee shall administer a grant process that:

(a) Provides funding to support the work conducted by the Oregon Conservation Corps Program.

(b) Defines and uses an equity lens in awarding grants by identifying and supporting populations with greater vulnerability including communities of color, indigenous communities, communities with members who have limited proficiency in English and communities with lower-income members.

(c) Awards grants to eligible organizations.

(d) Ensures that grant awards support activities described in section 21 (1) of this 2021 Act and subsection (8) of this section.

(e) Establishes guidelines for prioritizing grant-supported projects to reduce community fire risks, promote youth and young adult workforce development and educational experiences and reduce hazardous fuels.

(8) The committee shall consult with the State Forestry Department to ensure that the grant process awards funds to proposals that:

(a) Protect at-risk communities and infrastructure within the wildland-urban interface, as described in section 18 of this 2021 Act.

(b) Meet standards for fuel treatment established by the department.

(9) The committee shall biennially submit a report, on the timeline described in ORS 293.640, to an appropriate committee or interim committee of the Legislative Assembly, as described in ORS 192.245, and to the State Wildfire Programs Director and Wildfire Programs Advisory Council, regarding the expenditure of moneys deposited in the Oregon Conservation Corps Fund.

**SECTION 23.** (1) The Oregon Conservation Corps Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Conservation Corps Fund shall be credited to the fund.

(2) The fund may receive contributions from individuals and private organizations.

(3) Moneys in the fund are continuously appropriated to the Higher Education Coordinating Commission to be used as directed by the Oregon Conservation Corps Advisory Committee and for related administrative expenses of the commission.

(4) The commission shall keep records of all moneys credited to and deposited in the fund and the activity or program against which each withdrawal from the fund is charged.

#### SMALL FORESTLAND GRANT PROGRAM

**SECTION 24.** (1) As used in this section, “small forestland owner” means an individual, group, federally recognized Indian tribe in Oregon or association that owns:

(a) Up to 160 acres of nonindustrial private forestland west of the crest of the Cascade Mountains; or

(b) Up to 640 acres of nonindustrial private forestland east of the crest of the Cascade Mountains.

(2) The State Forestry Department shall establish a small forestland grant program for the purpose of providing grants, on a competitive basis, to support small forestland owners in reducing wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuels on the owners’ property.

(3) In consultation with partners and stakeholders, the department shall set criteria for assessing grant applications and awarding grants. The criteria may include, but need not be limited to:

(a) Prioritization of projects on forestland in extreme or high wildfire risk classes described in section 7 of this 2021 Act.

(b) Owner commitment to maintaining fuel reduction treatments.

(c) Owner possession of a forest management plan.

(d) Project proximity to current or past fuel mitigation efforts, supported by any owner or funding source, that would contribute to cross-boundary, landscape-scale forest resiliency.

(e) Whether the project addresses additional resource concerns, such as insect and disease management.

(f) Whether critical facilities and infrastructure may receive enhanced protection due to project outcomes.

#### PRESCRIBED FIRE

**SECTION 25.** The State Forestry Department shall adopt rules to clarify that a person may:

(1) Conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit for the fire as described in ORS 477.515 or 477.625 and complies with the conditions of the permit.

(2) Obtain a single permit under ORS 477.515 or 477.625 for a prescribed fire that burns across land ownership boundaries if the person demonstrates to the department that the person has obtained consent to conduct the fire from all persons on whose lands the fire is planned to burn.

**SECTION 25a.** The State Forestry Department shall initiate the rulemaking described in section 25 of this 2021 Act on or before November 30, 2021, and finalize the rulemaking on or before November 30, 2022.

**SECTION 26.** ORS 526.360 is amended to read:

526.360. (1) The State Board of Forestry, [*and the forester*] the **State Forester and forest protective associations** may assist to the extent [possible] **practical** in developing, for forestry, grazing or agricultural uses, all forestland classified pursuant to ORS 526.328 or 526.340 for such uses, including the burning of brush or other flammable material for the purpose of:

(a) Removing a fire hazard to any property;

(b) Preparing seed beds;

(c) Removing obstructions to or interference with the proper seeding or agricultural or grazing development or use of that land;

(d) Promoting the establishment of new forest crops on cutover, denuded or underproductive lands;

(e) Implementing pest prevention and suppression activities, as provided in ORS 527.310 to 527.370; or

(f) Promoting improvements to forest health, including improvements to fish and wildlife habitat.

(2) Upon request of the owner or the agent of the owner of any forestland classified pursuant to ORS 526.328 or 526.340, the forester **or a forest protective association** may perform or supervise burning operations thereon for any of the purposes stated in subsection (1) of this section. The owner or the agent of the owner shall supply such personnel and equipment and shall perform such fire control actions and activities as the forester **or forest protective association** may require while there is danger of the fire spreading. The forester **or forest protective association** may refuse to perform or supervise burning or to issue any burning permit when, in the judgment of the forester **or forest protective association**, conditions so warrant.

(3) To accomplish the purposes set forth in subsection (1) of this section, the [State Board of Forestry may] **board shall** establish by rule a Certified Burn Manager program.

(4) The rules shall include:

(a) Certification standards, requirements and procedures;

(b) Standards, requirements and procedures to revoke certification;

(c) Actions and activities that a Certified Burn Manager must perform;

(d) Actions and activities that a Certified Burn Manager may not allow or perform;

(e) Limitations on the use of a Certified Burn Manager; and

(f) Any other standard, requirement or procedure that the board considers necessary for the safe and effective administration of the program.

(5) **The rules may establish and impose fees for participation in the program.**

[~~(4)~~] (6) When [any] **a** burning for any of the purposes stated in subsection (1) of this section on forestland classified pursuant to ORS 526.328 or 526.340 is started under the supervision of and supervised by the forester, **a forest protective association** or a Certified Burn Manager, [~~no~~] **a** person [~~shall~~] **may not be held** liable for property damage resulting from that burning unless the damage is caused by the negligence of the person.

**SECTION 27.** By December 1, 2021, the State Board of Forestry shall:

(1) Consult with the Oregon Prescribed Fire Council concerning best practices for conducting the Certified Burn Manager program described in ORS 526.360;

(2) Initiate rulemaking to establish the program; and

(3) Report in the manner provided in ORS 192.245 to an appropriate committee or interim committee of the Legislative Assembly on progress the board has made in establishing and implementing the program and when the board expects to launch the program.

## FEDERAL PARTNERSHIPS

**SECTION 27a.** The State Forestry Department shall cooperate with federal agencies to increase the effectiveness of activities undertaken pursuant to ORS 526.271, 526.274 and 526.275.

## PROTECTED AREAS

**SECTION 28.** (1) The State Forester, in collaboration with the State Fire Marshal, state agencies and local governments as defined in ORS 174.116, shall adopt rules establishing baseline levels of wildfire protection for lands that are outside of forest protection districts and susceptible to wildfire. When establishing the baseline levels for lands, the State Forester shall ensure that the levels are adapted to reflect regional conditions. A county, in collaboration with the State Forester and the State Fire Marshal, may work to ensure that all lands within the county that are outside of forest protection districts and susceptible to

wildfire are provided with wildfire protection services at the applicable baseline level or a higher level. As used in this subsection, "forest protection districts" means lands designated in State Forester rules as provided under ORS 477.225.

(2) A county, in collaboration with the State Forester and the State Fire Marshal, may assist:

(a) Landowners, individuals and businesses with forming jurisdictions to provide wildfire protection;

(b) Landowners, individuals, businesses and jurisdictions with obtaining expansion of or other changes to boundaries or facility locations of jurisdictions that provide wildfire protection;

(c) Jurisdictions to expand or adjust jurisdiction service boundaries to ensure adequate wildfire protection for lands; and

(d) Jurisdictions in developing wildfire protection facilities, equipment, training and other resources adequate to ensure that the jurisdiction provides timely and effective wildfire protection at the baseline level or higher on lands described in subsection (1) of this section throughout the jurisdiction.

(3) The State Forester may provide financial assistance to counties for carrying out county duties under subsection (2) of this section from any funds made available to the State Forester and designated for that purpose.

**SECTION 29.** A county shall ensure no later than January 1, 2026, that all lands described in section 28 (1) of this 2021 Act within the county have baseline level or higher wildfire protection as described in section 28 of this 2021 Act.

#### WILDFIRE RESPONSE CAPACITY

**SECTION 30.** (1) The State Forestry Department shall establish and maintain an expanded system of automated smoke detection cameras that includes staffing in detection centers to monitor and alert fire suppression staff when fires are detected.

(2) The system must serve the purposes of quickly detecting, locating and extinguishing fires and keeping fires as small as possible.

**SECTION 30a. The State Forestry Department:**

(1) Shall consult and coordinate with federal agencies, private stakeholders and other state agencies to determine the adequacy of state, federal and private wildfire response capacity. The department shall act to facilitate wildfire prevention and wildfire response communication and coordination between federal, state, local and private entities.

(2) Shall increase the department's wildfire readiness and response capacity, including increases to fire suppression response personnel, aviation assets and necessary administrative support personnel, to the extent the department receives funding for the increase.

(3) Shall, to the extent practicable, seek to leverage state moneys to obtain an increase in federal wildfire resources available to Oregon for effective initial response purposes.

(4) Shall consult with the office of the State Fire Marshal and with local fire defense board chiefs to assess the adequacy of available mutual aid to provide wildfire response on wildland-urban interface lands and to identify means for providing additional resources from the state or other entities to enhance wildfire response capacity on wildland-urban interface lands.

(5) Shall continually identify workforce development needs associated with wildfire risk mitigation and wildfire response and develop funding proposals for meeting those needs on a sustained basis. The identified workforce development needs must align with wildfire risk to provide an adequate level of wildfire protection, as described in ORS 477.062.

(6) May enter into cooperative agreements or contracts with a local or private entity for the purpose of assisting the entity to organize for purposes of wildfire risk mitigation or wildfire response, including, but not limited to, facilitating wildfire training and the acquisi-

tion of firefighting equipment for the entity and assisting with payment for liability insurance and other administrative expenses of the entity associated with wildfire risk mitigation or wildfire response.

**SECTION 30b.** (1) The office of the State Fire Marshal shall increase the office's wildfire readiness and response capacity to the extent the office receives funding for the increase, by means including:

(a) Increasing fire prevention and response personnel and fire administrative support personnel to address planning, communications, training, deployment and safety.

(b) Implementing innovative technologies and modernizing systems to expedite fire resource deployment in an efficient and safe manner.

(2) The State Fire Marshal may:

(a) Designate funding intended for the Oregon fire mutual aid system to support prepositioning of resources and costs.

(b) Enter into contracts with federal or state agencies, other states, political subdivisions, corporations and authorities having fire suppression jurisdiction for fire prevention, suppression, coordination and response.

## WILDLAND-URBAN INTERFACE FIRE PROTECTION

**SECTION 31.** ORS 477.015 is amended to read:

477.015. [(1)] As used in **this section and** ORS [477.015 to 477.061] **477.025 and 477.027**, [unless the context otherwise requires,] “[forestland-urban] wildland-urban interface” [means] **has the meaning given that term in rule by the State Board of Forestry**. [a geographic area of forestland inside a forest protection district where there exists a concentration of structures in an urban or suburban setting.]

[(2) As used in ORS 477.015 to 477.057, unless the context requires otherwise:]

[(a) “Committee” means a county forestland-urban interface classification committee.]

[(b) “Governing body” means the board of county commissioners or county court of a county, as the case may be.]

**SECTION 32.** ORS 477.025 is amended to read:

477.025. The Legislative Assembly recognizes that the [forestland] wildland-urban interface in Oregon varies by condition, situation, fire hazard and risk, that different [forestland] wildland-urban interface fire protection problems exist across the state because of this variability, **and** that these different problems necessitate varied fire prevention and protection practices. [*and that, in order to give recognition to such differences and their effect on the accomplishment of the public policy stated in ORS 477.023, certain classifications of the forestland-urban interface within the State of Oregon are established by ORS 477.027 to 477.057.*] ]

**SECTION 33.** ORS 477.027 is amended to read:

477.027. (1) By [administrative] rule, **considering national best practices**, the State Board of Forestry shall establish:

(a) **A definition of “wildland-urban interface.”**

(b) Criteria by which the [forestland-urban] wildland-urban interface [shall] **must** be identified and classified.

(2) The criteria [shall]:

(a) **Must** recognize differences across the state in fire hazard, fire risk and structural characteristics within the [forestland-urban] wildland-urban interface.

(b) **May not exclude a category of land from inclusion in the wildland-urban interface.**

(3) **Based on** the criteria [shall include not less than three nor more than], the board shall establish five classes of [forestland-urban] wildland-urban interface.

(4) The classes must be integrated into the comprehensive statewide map described in section 7 of this 2021 Act.

**SECTION 33a.** The State Board of Forestry shall adopt by rule the definition described in ORS 477.027 (1)(a), as amended by section 33 of this 2021 Act, not later than 100 days after the effective date of this 2021 Act.

**SECTION 34.** ORS 477.017, 477.018, 477.023, 477.029, 477.031, 477.052, 477.054, 477.057, 477.059, 477.060 and 477.061 are repealed.

## STATE WILDFIRE PROGRAMS DIRECTOR

**SECTION 35.** (1) The Governor shall appoint a State Wildfire Programs Director to serve at the pleasure of the Governor.

(2) The duties of the director shall include:

(a) Overseeing implementation of requirements and authorization provided by this 2021 Act.

(b) Coordinating and integrating activities of state agencies and other entities that are required or authorized by this 2021 Act in order to optimize the efficiency and effectiveness of the activities.

(c) Ensuring compliance with deadlines set out in this 2021 Act.

(d) Monitoring and assessing any financial impacts of the activities on local jurisdictions and the equity of those financial impacts among the jurisdictions.

(e) Supervising staffing of the Wildfire Programs Advisory Council.

(f) Reporting at least every 60 days to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairs of relevant committees and interim committees of the Legislative Assembly to summarize progress on implementing the activities, note obstacles and opportunities and catalog possibilities for future improvements to further reduce wildfire risk in this state.

(g) Exploring additional opportunities to reduce wildfire risk, including but not limited to engaging with:

(A) Insurance companies regarding insurance policy coverage provisions, underwriting standards, insurance rates and any other topics relevant to enhancing the protection of property from wildfire at a reasonable cost.

(B) Electric utilities regarding further actions to protect public safety, reduce risk to electric company customers and promote electrical system resilience to wildfire damage.

(C) Congressional delegations and federal agencies to expand opportunities for cost-share partnerships for wildfire mitigation and develop strategies for improvements to federal fire management policies.

(h) Collaborating with the State Resilience Officer and participating in any relevant emergency preparedness advisory councils.

## WILDFIRE PROGRAMS ADVISORY COUNCIL

**SECTION 36.** (1) As used in this section, “defensible space” has the meaning given that term in section 8 of this 2021 Act.

(2) There is established a Wildfire Programs Advisory Council to advise and assist the State Wildfire Programs Director by:

(a) Closely monitoring implementation of activities related to wildfire prevention and response, including receiving and evaluating agency reports related to wildfire prevention and response.

(b) Providing advice on potential changes to the activities in order to fulfill the goal of dramatically reducing wildfire risk in this state and ensuring that regional defensible space, building codes and land use applications are appropriate.

(c) Strengthening intergovernmental and multiparty collaboration and enhancing collaboration between governments and stakeholders on an ongoing basis.

(d) Developing strategies to enhance collaboration among governmental bodies and the general public.

(e) Assessing ways the statewide map of wildfire risk described in section 7 of this 2021 Act may inform development of building codes and land use laws, rules and decisions, in a regionally appropriate manner.

(f) Assessing the application of defensible space requirements to vineyards, crops and other cultivated vegetation.

(g) Reviewing Department of Land Conservation and Development findings and recommendations in the report required by section 11 of this 2021 Act and making additional recommendations related to potential updates to the statewide land use planning program, local comprehensive plans and zoning codes to incorporate wildfire risk maps and minimize wildfire risk to people, public and private property, businesses, infrastructure and natural resources.

(3) The council is not a decision-making body but instead is established to provide advice, assistance, perspective, ideas and recommendations to the State Wildfire Programs Director.

(4) The President of the Senate and Speaker of the House of Representatives shall jointly appoint 19 members to the council as follows:

(a) One member who represents county government.

(b) One member who is a land use planning director of a county that is wholly or partially within the wildland-urban interface.

(c) One member who represents city government.

(d) One member who is a land use planning director of a city that is wholly or partially within the wildland-urban interface.

(e) One member who represents fire chiefs and has experience with managing, fighting or preventing fire within the wildland-urban interface.

(f) One member who represents fire marshals and has experience with managing, fighting or preventing fire within the wildland-urban interface.

(g) One member who represents firefighters and has experience with managing, fighting or preventing fire within the wildland-urban interface.

(h) One member who represents rural residential property owners whose property is wholly or partially within the wildland-urban interface.

(i) One member who represents farming property owners whose property is wholly or partially within the wildland-urban interface.

(j) One member who represents ranching property owners whose property is wholly or partially within the wildland-urban interface.

(k) One member who represents forestland owners whose property is wholly or partially within the wildland-urban interface.

(L) One member who represents federally recognized Indian tribes with land wholly or partially within the wildland-urban interface.

(m) One member who represents a utility company.

(n) One member who represents environmental interests.

(o) One member who represents forest resiliency interests.

(p) One member who represents state or regional land use planning organizations.

(q) One member who represents land and housing development interests or real estate industry interests.

(r) One member who represents public health professionals.

(s) One member who represents the environmental justice community.

(5) The presiding officers shall provide public notice of an opportunity for interested parties to submit names of interest for appointment to the council.

(6) At least 30 days before appointing a member, the presiding officers shall consult in good faith with the minority leaders of the Senate and House of Representatives on the appointment.

- (7) The term of service for each member is four years.
  - (8) The members are eligible for reappointment.
  - (9) The council shall elect a chairperson and vice chairperson to serve for one-year terms.
  - (10) The members shall serve on the council as volunteers and are not entitled to reimbursement for expenses.
  - (11) The Department of Consumer and Business Services, Department of Land Conservation and Development, office of the State Fire Marshal and State Forestry Department shall each provide 15 percent of the time of a full-time equivalent employee to:
    - (a) Cooperatively staff the council.
    - (b) Attend council meetings as informational resources.
    - (c) Assist with drafting reports at the request of the council.
    - (d) Support the work of the State Wildfire Programs Director.
  - (12) The Oregon State University Extension Service shall designate a person to serve as staff for the council.
  - (13) Each October the council shall submit a report to the Governor and appropriate committees or interim committees of the Legislative Assembly that describes progress on implementing program activities related to defensible space, building codes, land use and community emergency preparedness and that recommends improvements.
- SECTION 37.** (1) On or before September 1, 2021, members of the Wildfire Programs Advisory Council must be appointed as described in section 36 (4) of this 2021 Act.  
(2) On or before November 1, 2021, the council must begin meeting regularly.
- SECTION 38.** Notwithstanding section 36 (7) of this 2021 Act, the term of service for the members first appointed from each category described in section 36 (4)(a), (c), (e), (g), (i), (k), (m), (o), (q) and (s) of this 2021 Act is three years.
- SECTION 39.** The Wildfire Programs Advisory Council must make the first report described in section 36 (13) of this 2021 Act in October 2022.

#### CONFORMING AMENDMENTS

**SECTION 40.** For purposes of the sellers' property disclosure statements described in ORS 105.464, "forestland-urban interface" has the same meaning as "wildland-urban interface," as defined in ORS 477.015.

- SECTION 41.** ORS 197.716 is amended to read:
- 197.716. (1) As used in this section:
  - (a) "Economic opportunity analysis" means an analysis performed by a county that:
    - (A) Identifies the major categories of industrial uses or other employment uses that could reasonably be expected to expand or locate in the county based on a review of trends on a national, state, regional or county level;
    - (B) Identifies the number of sites by type reasonably expected to be needed to accommodate the expected employment growth based on the site characteristics typical of expected uses;
    - (C) Estimates the types and amounts of industrial uses and other employment uses likely to occur in the county based on subparagraphs (A) and (B) of this paragraph and considering the county's economic advantages and disadvantages, including:
      - (i) Location, size and buying power of markets;
      - (ii) Availability of transportation facilities for access and freight mobility;
      - (iii) Public facilities and public services;
      - (iv) Labor market factors;
      - (v) Access to suppliers and utilities;
      - (vi) Necessary support services;
      - (vii) Limits on development due to federal and state environmental protection laws; and
      - (viii) Educational and technical training programs;

(D) Assesses community economic development potential through a public process in conjunction with state agencies and consistent with any categories or particular types of industrial uses and other employment uses desired by the community as identified in an existing comprehensive plan;

(E) Examines existing firms in the county to identify the types of sites that may require expansion;

(F) Includes an inventory of vacant and developed lands within the county designated for industrial use or other employment use, including:

(i) The description, including site characteristics, of vacant or developed sites within each plan or zoning district; and

(ii) A description of any development constraints or infrastructure needs that affect the buildable area of sites in the inventory; and

(G) Identifies additional potential sites for designation and rezoning that could reasonably accommodate expected industrial uses and other employment uses that cannot be met by existing inventories.

(b) "Industrial use" means industrial employment activities, including manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(c) "Listed county" means Baker, Gilliam, Grant, Harney, Lake, Malheur, Sherman, Union, Wallowa or Wheeler County.

(d) "Other employment use" means all nonindustrial employment activities, including small scale commercial use, wholesale, service, nonprofit, business headquarters, administrative, governmental or employment activities that serve the medical, educational, social service, recreational or security industries and that occupy retail, office or flexible building types of any size or multibuilding campuses.

(e) "Reasonably be expected to expand or locate in the county" means that the county possesses the appropriate locational factors for the use or category of use.

(f)(A) "Small scale commercial use" means the low-impact use of land primarily for the retail sale of products or services, including offices.

(B) "Small scale commercial use" does not include use of land for factories, warehouses, freight terminals or wholesale distribution centers.

(2) A listed county that has adopted an economic opportunity analysis as part of its comprehensive plan may amend its comprehensive plan, land use regulations and zoning map to designate not more than 10 sites outside an urban growth boundary that cumulatively total not more than 50 acres of land if the sites were identified in any economic opportunity analysis as additional potential sites for industrial uses or other employment uses in order to allow for industrial uses and other employment uses without requiring an exception under ORS 197.732 to any statewide land use planning goals related to:

(a) Agriculture;

(b) Forest use; or

(c) Urbanization.

(3) A county may not designate a site under subsection (2) of this section:

(a) On any lands designated as high-value farmland as defined in ORS 195.300;

(b) Unless the county complies with ORS 197.714; and

(c) If any portion of the proposed site is for lands designated for forest use, unless the county:

(A) Notifies the State Forester in writing not less than 21 days before designating the site; and

(B) Cooperates with the State Forester in:

(i) Updating and classifying [forestland] **wildland**-urban interface lands in and around the site;

(ii) Taking necessary steps to implement or update the [forestland] **wildland**-urban interface fire protection system in and around the site as described in ORS [477.015 to 477.061] **477.027**; and

(iii) Implementing other fire protection measures authorized by the State Forester.

(4) A county may not amend its comprehensive plan, land use regulations or zoning map under this section to allow a use that would conflict with an administrative rule adopted for the purpose of implementing the Oregon Sage-Grouse Action Plan and Executive Order 15-18.

**SECTION 42.** ORS 205.130 is amended to read:

205.130. The county clerk shall:

(1) Have the custody of, and safely keep and preserve, all files and records of deeds and mortgages of real property and a record of all maps, plats, contracts, powers of attorney and other interests affecting the title to real property required or permitted by law to be recorded.

(2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office of the county clerk, all:

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property required or permitted by law to be recorded;

(b) Certificates of sale of real property under execution or order of court, or assignments of previously recorded certificates or of any interest in real property, when properly acknowledged or proved;

(c) Certified copies of death records of any person appearing in the county records as owning or having a claim or interest in land in the county. A certified copy of a death record recorded in the deed records of a county under this subsection is a public record and is not subject to the disclosure limitations under ORS 432.350;

(d) Instruments presented for recording by the United States or the State of Oregon, or a political subdivision of either, that affect title to or an interest in real property or that lawfully concern real property; **and**

(e) Instruments recognized under state law or rule or federal law or regulation as affecting title to or an interest in real property if the instrument is properly acknowledged or proved[; **and**].

*[(f) Orders from a county forestland-urban interface classification committee filed under ORS 477.052.]*

(3) Keep and maintain:

(a) Deed and mortgage records;

(b) Statutory lien records;

(c) A record called the County Clerk Lien Record in which the following shall be recorded:

(A) The warrants and orders of officers and agencies that are required or permitted by law to be recorded; and

(B) All instruments presented for recordation when required or permitted by law to be recorded that affect the title to or an interest in real property, other than instruments recorded in the deed and mortgage records or the statutory lien records;

(d) Releases, satisfactions, assignments, amendments and modifications of recorded instruments; and

(e) Other instruments required or permitted by law to be recorded not affecting interests in real property.

(4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other interests when required or permitted by law to be recorded that affect the title of real property, and in regard to the entry of satisfaction and discharge of the same, together with other documents required or permitted by law to be recorded.

(5) Incur no civil or criminal liability, either personally or in an official capacity, for recording an instrument that does not comply with the provisions of law that require or allow the recording of the instrument.

**SECTION 43.** ORS 477.281 is amended to read:

477.281. (1) The obligation of an owner of timberland or grazing land for payment of assessments and taxes for fire protection of forestland is limited to:

(a) The payment of moneys pursuant to ORS 321.015 (2), 477.277, 477.295, 477.760 (4) and 477.880 to maintain the Oregon Forest Land Protection Fund; and

(b) The payment of forest protection district assessments pursuant to ORS [477.060 and] 477.205 to 477.281.

(2) As used in this section, “obligation of an owner of timberland or grazing land for payment of assessments and taxes for fire protection of forestland” does not include the duties or obligations of the owner under ORS 477.066, 477.068 or 477.120 or the obligations of an owner of land included in a rural fire protection district pursuant to ORS 478.010.

**APPROPRIATIONS  
(State Forestry Department)**

**SECTION 44. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (2), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for fire protection, is increased by \$10,611,235, for carrying out the provisions of section 30a of this 2021 Act.**

**SECTION 45. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for fire protection, is increased by \$11,514,649, for carrying out the provisions of section 30a of this 2021 Act.**

**SECTION 46. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (3), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for federal forest restoration, is increased by \$27,990,713, for carrying out the provisions of sections 7, 18, 20, 24 and 30a of this 2021 Act.**

**SECTION 47. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (1), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Forest Service for fire protection and for research projects, but excluding lottery funds and federal funds not described in section 2, chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), collected or received by the State Forestry Department, for agency administration, is increased by \$1,467,358, for carrying out the provisions of sections 7, 18, 20 and 30a of this 2021 Act.**

**SECTION 48. In addition to and not in lieu of any other appropriation, there is appropriated to the State Forestry Department, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$15,000,000, for the purpose of offsetting potential increases in landowner forest patrol assessments under ORS 477.270 due to the implementation of the provisions of section 30a of this 2021 Act.**

**SECTION 49. Notwithstanding any other provision of law, the General Fund appropriation made to the State Forestry Department by section 1 (6), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5518), for the biennium beginning July 1, 2021, for the equipment pool, is increased by \$474,884, for carrying out the provisions of section 30a of this 2021 Act.**

(Public Utility Commission)

**SECTION 50.** Notwithstanding any other law limiting expenditures, the amount of \$324,286 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Public Utility Commission, for carrying out the provisions of sections 2 and 3 of this 2021 Act.

(Department of State Police,  
Office of the State Fire Marshal)

**SECTION 51.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter \_\_\_, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$13,506,889, for carrying out the provisions of sections 8a, 10 and 30b (1) of this 2021 Act.

**SECTION 52.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter \_\_\_, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$7,000,000, for carrying out the provisions of section 8a (5) of this 2021 Act.

**SECTION 53.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of State Police, office of the State Fire Marshal, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$25,000,000, for deposit in the Community Risk Reduction Fund established by section 9 of this 2021 Act.

**SECTION 54.** Notwithstanding any other law limiting expenditures, the amount of \$25,000,000 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses by the Department of State Police, office of the State Fire Marshal, from the Community Risk Reduction Fund established by section 9 of this 2021 Act for the purpose of carrying out the provisions of section 8a (6) of this 2021 Act.

**SECTION 55.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of State Police by section 1 (1), chapter \_\_\_, Oregon Laws 2021 (Enrolled House Bill 5028), for the biennium beginning July 1, 2021, for patrol services, criminal investigations, gaming enforcement and the office of the State Fire Marshal, is increased by \$55,000,000, for carrying out the provisions of section 30b of this 2021 Act that are related to the Oregon fire mutual aid system.

(Department of Environmental Quality)

**SECTION 56.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Environmental Quality by section 1 (1), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2021, for air quality, is increased by \$3,322,828, for carrying out the provisions of sections 13, 13a and 13b of this 2021 Act.

(Department of Human Services)

**SECTION 57.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Human Services by section 1 (1), chapter \_\_\_, Oregon Laws 2021 (Enrolled Senate Bill 5529), for the biennium beginning July 1, 2021, for central services, is increased by \$5,187,411, for carrying out the provisions of sections 14, 14a and 14b of this 2021 Act.

(Oregon Health Authority)

**SECTION 58.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled House Bill 5024), for the biennium beginning July 1, 2021, for health systems, health policy and analytics and public health, is increased by \$4,768,812, for carrying out the provisions of sections 14, 14a, 14b, 15 and 15a of this 2021 Act.

(Oregon Military Department)

**SECTION 59.** Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Military Department by section 1 (3), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5535), for the biennium beginning July 1, 2021, for emergency management, is increased by \$700,003, for carrying out the provisions of section 17 of this 2021 Act.

(Higher Education Coordinating Commission,  
Oregon State University)

**SECTION 60.** Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (11), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2021, for distribution to public university statewide programs, is increased by \$1,138,040, for distribution to Oregon State University for carrying out the provisions of sections 7, 12c and 18 of this 2021 Act.

**SECTION 61.** Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (1), chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5528), for the biennium beginning July 1, 2021, for Higher Education Coordinating Commission programs, is increased by \$643,668, for carrying out the provisions of section 22 of this 2021 Act.

**SECTION 62.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$10,000,000, for deposit in the Oregon Conservation Corps Fund established by section 23 of this 2021 Act.

**SECTION 63.** In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$1,000,000, to match private donations that are donated for the purposes of funding grant-supported projects related to the Oregon Conservation Corps Program established by section 21 of this 2021 Act.

(Office of the Governor)

**SECTION 64.** Notwithstanding any other provision of law, the General Fund appropriation made to the Office of the Governor by section 1, chapter \_\_, Oregon Laws 2021 (Enrolled Senate Bill 5520), for the biennium beginning July 1, 2021, is increased by \$497,541, for carrying out the provisions of section 35 of this 2021 Act.

## CAPTIONS

**SECTION 65.** The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

**EMERGENCY CLAUSE**

**SECTION 66.** This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

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**Passed by Senate June 25, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 26, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

.....  
Shemia Fagan, Secretary of State

## **STAFF REPORT**

Agenda Item No.:	5
Topic:	Forest Trust Land Advisory Committee
Presentation Title:	FTLAC Testimony to the Board of Forestry
Date of Presentation:	July 21, 2021
Contact Information:	David Yamamoto, Tillamook County Commissioner John Sweet, Coos 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.:	6
Work Plan:	Fire Protection
Topic:	Ongoing Topic; Fire Season Update
Presentation Title:	2021 Fire Season Update
Date of Presentation:	July 21, 2021
Contact Information:	Doug Gafe, Chief, Fire Protection Division 503-945-7204; <a href="mailto:doug.grafe@oregon.gov">doug.grafe@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.

## **STAFF REPORT**

Agenda Item No.:	7
Work Plan:	Administrative Work Plan
Topic:	Agency Budget Development
Presentation Title:	2021-2023 Department Budget Update
Date of Presentation:	July 21, 2021
Contact Information:	Bill Herber, Deputy Director for Administration (503) 945-7203, <a href="mailto:bill.herber@oregon.gov">bill.herber@oregon.gov</a>

### **SUMMARY**

The purpose of this agenda item is to provide the Board with an update on the Department of Forestry's 2021-2023 biennial budget.

### **CONTEXT**

As of July 1, 2021, the department has entered the 2021-23 biennium and begun operating under its 2021-23 Legislatively Adopted Budget. A summary of budgetary highlights resulting from the 81<sup>st</sup> Legislative Assembly is provided in this presentation.

### **BACKGROUND**

The Department of Forestry's 2021-23 Legislatively Adopted Budget (LAB) consists of \$522,185,394 million total funds and 1006.07 full-time equivalent positions. Sixty 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. Of note, the harvest tax discussions were not settled through this legislative session but are scheduled as a priority topic for the 2022 short session. Thirty-two percent of the budget is funded with state General Fund dollars, eight percent with federal revenues, and less than one percent with Lottery Funds.

The 81st Legislative Assembly passed the largest single investment into department capacity in its recent history. 186 positions and 158.36 Full-Time Equivalents (FTE) were added throughout the organization. In addition, nearly \$74 million in General Fund (GF) was added to the department's GF appropriations, which is a 78% increase from Current Service Level (CSL).

The attachment provides a current agency financial situational report and a summary of the budgetary legislation and fiscal impacts resulting from the 2021 Legislative Session. Presentation will include a review of investments over current service levels, a comparison of policy option packages developed in our agency request budget and resulting legislatively adopted packages, and several enhancements embedded in legislation.

### **RECOMMENDATION**

This agenda item is for information only.

### **ATTACHMENT**

- (1) July 2021 Department Financial Report with 2021-23 Legislatively Adopted Budget Summary



# Memorandum

## Oregon Department of Forestry

**Date:** July 21, 2021  
**To:** Board of Forestry Members  
**From:** Bill Herber, Deputy Director for Administration  
**Subject:** Department Financial Report

### Department Financial Report

The department continues to position itself well in the face of what already proves to be a very taxing fire season. Across several fronts, the department has had success that bodes well for its immediate financial picture. Continued system improvements, large fire cost recoveries efforts, revenue inflows and a substantial increase in the biennial budget has arguably placed the department in the best possible position to stay financially solvent through the 2021 fire season.

The department's cash account surpassed \$50 million for the first time since last year, primarily driven by continued receipt of large fire reimbursements and timber revenue (Figure 1).

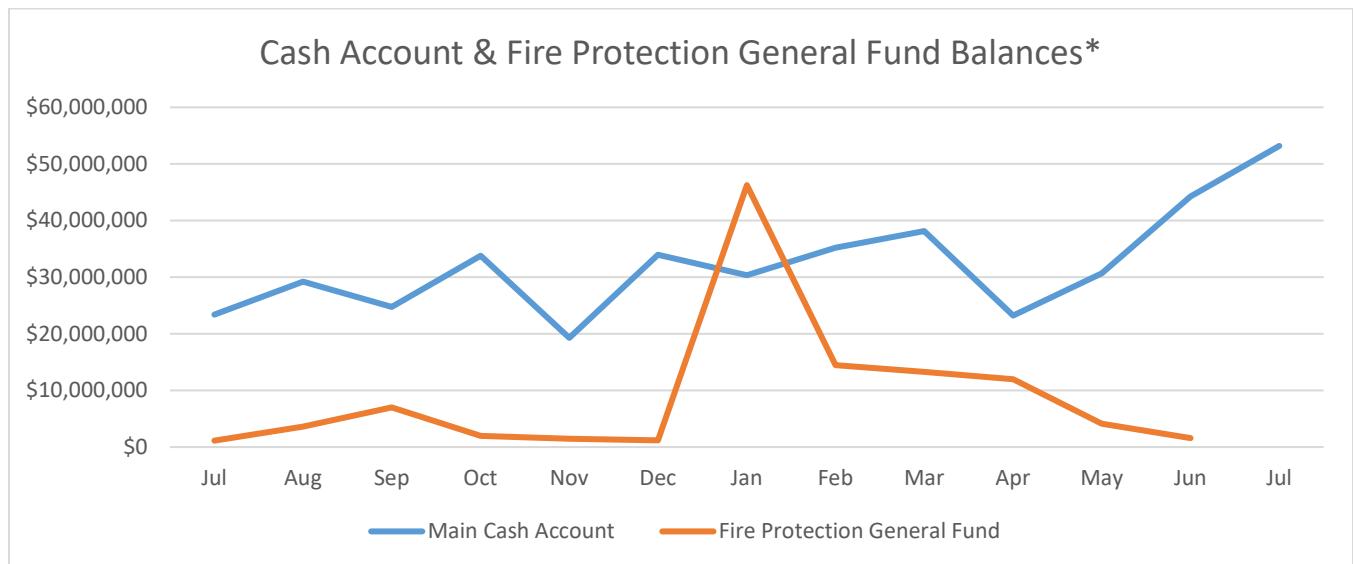


Figure 1, Monthly Balance for Main Cash Account and Fire Protection General Fund, Jun through Jul 19, 2021

\* General Fund balances are not available, pending reconciliation with state budgeting systems

These revenue recoveries are the result of substantial effort by the department to fully invoice its outstanding large fire costs to its partners. Within the Federal Emergency Management Agency (FEMA) alone, the department invoiced almost \$58 million since the last report. The department Accounts Receivables total roughly \$87 million as of July 19 (Table 1).

*Table 1, Current Accounts Receivables, as of July 19, 2021*

<b>Vendor Type</b>	<b>0 to 30 Days</b>	<b>31 to 60 Days</b>	<b>61 to 90 Days</b>	<b>91 to 120 Days</b>	<b>Over 120 Days</b>	<b>Total</b>
Federal	53,611,935.35	7,505,495.07	532,664.94	800,624.17	2,602,051.61	65,052,771.14
Local Govt	86,220.55	3,889.54	63,038.58	0.00	263,714.26	416,862.93
Private	12,640,941.41	301,653.07	236,617.84	1,633,537.62	4,647,428.80	19,460,178.74
State	144,889.12	55,960.56	147,904.40	53,091.35	1,423,493.71	1,825,339.14
<b>Total</b>	<b>66,483,986.43</b>	<b>7,866,998.24</b>	<b>980,225.76</b>	<b>2,487,253.14</b>	<b>8,936,688.38</b>	<b>86,755,151.95</b>

As noted in the last report, a significant portion, \$52 million of the \$58 million, invoiced to FEMA was under their Public Assistance (PA) program. The processing of these claims is handled through the Oregon Office of Emergency Management (OEM). Of note regarding these PA claims, the \$52 million invoiced amounts to 75% of costs expended during those FEMA claim periods. Due to impact thresholds being met and work by the State of Oregon with FEMA, some or all those costs will be eligible for 90% to 100% recovery. The department is continuing to work closely with OEM as these claims develop.

With those most recent FEMA invoices, the department now only has outstanding a little over \$18 million in large fire cost reimbursables. This is the lowest amount the department has had since beginning to incur these costs since 2013. With its improved processes and procedures in place, the department is fully capable of ensuring that future fire seasons will be administered quickly and efficiently.

*Table 2, Outstanding Large Fire Cost Recoveries, as of July 15, 2021*

<b>Fire Season</b>	<b>Other Agency Billings</b>	<b>FEMA</b>	<b>Total</b>
2015	0.00	104,253.00	104,253.00
2017	0.00	79,013.21	79,013.21
2018	57,847.00	473,268.68	531,115.68
2019	350,080.00	153,675.00	503,755.00
2020	7,416,862.19	9,860,835.00	17,277,697.19
<b>All Years</b>	<b>7,824,789.19</b>	<b>10,671,044.89</b>	<b>18,495,834.08</b>

While the department's current cash balance and future revenues are looking favorable, there has yet to be significant pressure on Accounts Payables (AP) for the department. Current AP within the central financial systems is at \$12 million. With the fire season currently at \$28 million in gross costs and growing daily, it is only a matter of time before the full brunt of those costs hit the department's

accounts. In addition, the quarterly county disbursement is due July 31, and is estimated to be around \$23-\$24 million.

To more accurately and timely track costs and revenues that the department is incurring, significant effort is underway to improve transparency of these transactions at all levels of the organization. The department's recent rollout of its Statewide Outstanding Assets and Liabilities Tracker (SOALT) has provided insight into financial transactions that have not yet manifested in our centralized accounting systems. Due to the nature of our business, especially during fire suppression efforts, costs, and income are often known well before documentation is received that allows these transactions to be entered in the department's financial systems. Understanding these outstanding costs provides invaluable insight into our immediate cash flow needs (Table 3).

*Table 3, Statewide Outstanding Assets and Liabilities as of July 15, 2021*

<b>Date Expected</b>	<b>Assets (AR)</b>	<b>Liabilities (AP)</b>
1-3 Months	45,471.00	3,177,319.82
3-6 Months	233,521.89	5,344,302.99
6-9 Months	1,454,193.00	4,757,330.00
9-12 Months	0	552,532.40
More than 12 Months	4,428,243.61	1,395,500.00
<b>Grand Total</b>	<b>6,161,429.50</b>	<b>15,226,985.21</b>

Work is continuing within the department to provide increased awareness on these costs and revenues as well as improving the tools, systems, and processes to factor this information into future reporting.

As of July 1, 2021, the department has entered the 2021-23 biennium and begun operating under its 2021-23 Legislatively Adopted Budget. This budget likely highlights the largest single investment into department capacity in its recent history. 186 positions and 158.36 Full-Time Equivalents (FTE) were added throughout the organization. In addition, nearly \$74 million in General Fund (GF) was added to the department's GF appropriations, which is a 78% increase from Current Service Level (CSL). For a full list of these 2021-23 biennial budget investments, see Attachment 1.

In all, the department is as well positioned to financially undertake the 2021 fire season as it can be. Current cash balances and upcoming AR will provide significant breathing room as fire costs begin to rise. In addition, the department has the ability to access the full 2021-23 GF appropriation for Fire Protection if needed. Increasing efficiency and improvements with financial processing and tracking will ensure that the situation is well monitored and managed.

# Oregon Department of Forestry



## 2021-23 Legislatively Adopted Budget Summary

	2019-21 Legislatively Adopted Budget	2019-21 Legislatively Approved Budget	2021-23 Current Service Level	2021-23 Legislatively Adopted Budget	% Increase from 2021-23 CSL to 2021-23 LAB
<b>General Fund</b>	\$90,604,264	\$168,122,949	\$93,794,837	\$167,376,854	78%
<b>Lottery Fund</b>	\$2,543,451	\$2,543,451	\$2,564,210	\$2,564,210	0%
<b>Other Funds</b>	\$260,068,337	\$392,914,666	\$281,749,690	\$310,849,177	10%
<b>Federal Funds</b>	\$35,483,276	\$37,766,957	\$37,632,564	\$41,395,153	10%
<b>Total Funds</b>	\$388,699,328	\$601,348,023	\$415,741,301	\$522,185,394	26%
<b>Positions</b>	1,153	1,165	1,149	1,335	16%
<b>Full-Time Equivalent</b>	848.99	852.33	847.71	1006.07	19%

### Senate Bill 762

**Statewide map of wildfire risk:** Requires ODF to develop and maintain a comprehensive statewide map of wildfire risk that includes wildland-urban interface boundaries and fire risk classes by June 30, 2022, in collaboration with Oregon State University, the Oregon State Fire Marshal, other state agencies, local governments, Indian tribes, and other public bodies.

**Definition of “wildland-urban interface”:** Directs the Board of Forestry to establish a definition of “wildland-urban interface” (WUI) within 100 days of the effective date of the bill. Additionally, the rules must establish criteria to identify and classify the WUI.

**Prescribed fire:** Requires ODF to establish by rule a Certified Burn Manager Program and to consult with the Oregon Prescribed Fire Council concerning best practices. Allows a person to conduct a prescribed fire that burns across land ownership boundaries if the person obtains a permit, complies with its conditions, and obtains consent from relevant landowners.

**Baseline protection standards:** Requires the State Forester—in collaboration with the State Fire Marshal, state agencies, and local governments—to adopt rules establishing baseline levels of wildfire protection that reflect regional conditions for lands outside of forest protection districts that are or may be susceptible to wildfire. Also requires counties to ensure all applicable lands have baseline or higher level of wildfire protection by January 1, 2026. Authorizes the State Forester to provide financial assistance for counties to assist landowners in forming or modifying wildfire protection jurisdictions, which can ensure adequate protection and development of wildfire protection facilities, equipment, training, and other resources can be achieved.

**Reduction of wildfire risk:** Requires ODF to design and implement a program to reduce wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuel on public or private forestlands and rangelands and in communities near homes and critical infrastructure. In collaboration with the Oregon State University Extension Service and other entities, ODF is directed to identify strategic landscapes that are ready for treatment. ODF must complete this work by June 30, 2023.

## Senate Bill 762

**Small Woodland Grant Program:** ODF is required to establish a small woodland grant program to provide competitive grants to support small woodland owners in reducing wildfire risk through the restoration of landscape resiliency and the reduction of hazardous fuels on the small woodland ownerships.

- Agency Administration: \$1,467,358 Other Funds, 6 FTE, 6 Positions
- Equipment Pool-Radio: \$474,884 General Fund, 2 FTE, 2 Positions
- Fire Protection: \$25,611,235 General Fund and \$11,514,649 Other Funds, 60.40 FTE 88 Positions
- Partnership & Planning: \$27,990,713 General Fund, 12 FTE, 12 Positions

Fiscal Impact: \$54,076,832 General Fund, \$12,982,007 and Other Funds, 80.40 FTE, 108 Positions

## Senate Bill 5518 (Policy Option Packages)

### Continuation of Funding for Fire Severity Resources and Insurance Costs – Package 100

As in previous biennia, establishes a Special Purpose Appropriation in the Emergency Board Fund to pay the state's share of fire insurance premium costs, and to provide critical, mobile resources—primarily contract air tankers and helicopters—positioned where and when fire danger is the highest.

Fiscal Impact: \$14,000,000 General Fund, 0.00 FTE, 0 Positions

### Agency Administration and Fire Protection: Fire Org Sustainability & Modernization – Package 101

This 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. 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. This package continues enhancements to the agency's capacity that were authorized by the Emergency Board in January of 2021.

Fiscal Impact: \$2,046,694 General Fund and \$3,879,859 Other Funds, 20.46 FTE, 19 Positions

### Agency Administration and Federal Forests Restoration: Implementing Shared Stewardship – Package 161

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. 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 on public and private lands will grow over the 2021-2023 biennium. This package is a continuation and expansion of the funding by the Emergency Board in January 2021.

Fiscal Impact: \$5,553,425 General Fund, \$577,265 Other Funds, and \$3,000,000 Federal Funds, 31.00 FTE, 31 Positions

### Agency Administration and Equipment Pool: Firefighter Life Safety – Package 171

This 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,

## Senate Bill 5518 (Policy Option Packages)

equipment, resources, and infrastructure. This package continues January 2021 Emergency Board funding for an additional safety specialist position for the agency.

Fiscal Impact: \$1,098,568 General Fund and \$526,501 Other Funds, 2.00 FTE, 2 Positions

### **Agency Administration: Diversity, Equity & Inclusion – Package 172**

This package addresses capacity needs to further agency strategies on diversity, equity, inclusion, environmental justice, sustainability, and government-to-government leadership initiatives. Other Funds to fund the package come from internal assessments of department programs via the administrative pro-rate.

Fiscal Impact: \$238,738 General Fund and \$452,433 Other Funds, 2.00 FTE, 2 Positions

### **Agency Administration: Administrative Modernization – Package 173**

This package continues work to align and enhance administrative functions across the department by streamlining processes and providing agency-wide data management services. The positions established under this package will address outdated processes, information systems, and agency-wide data management. Other Funds to fund the package come from internal assessments of department programs via the administrative pro-rate.

Fiscal Impact: \$774,716 General Fund and \$1,468,168 Other Funds, 7.00 FTE, 7 Positions

### **Agency Administration: Facilities Capital Management Capacity – Package 174**

This package provides Other Funds expenditure limitation and authorizes the establishment of two limited-duration positions to address the workload related to the reconstruction of the agency's damaged and destroyed infrastructure during the 2020 wildfire season. This continues the funding and position authority that was authorized by the Emergency Board in December 2020.

Fiscal Impact: \$238,738 General Fund and \$452,433 Other Funds, 2.00 FTE, 2 Positions

## Senate Bill 5518 (LFO Packages)

### **Agency Administration and Fire Protection: MGO Recommendations – Package 200**

This package provides expenditure limitation and the authorization to transfer eight positions (7.5 FTE) to Agency Administration from the Fire Protection Division, as recommended by MGO. The positions provide accounting and financial functions that directly support the Fire Protection Division. The package also includes expenditure limitation and the authorization to establish four new financial permanent, full-time positions (4.00 FTE). These positions will ensure enhanced financial oversight for fire finance functions and the agency overall. A reclassification of two existing positions in Agency Administration is also included in the package due to expanded position responsibilities.

Fiscal Impact: \$474,044 General Fund and \$1,330,620 Other Funds, 4.00 FTE, 4 Positions

### **Agency Administration, Fire Protection, Federal Forests Restoration, and Private Forests: LFO Analyst Adjustments – Package 801**

## Senate Bill 5518 (Policy Option Packages)

The package includes two adjustments to the Agency Administration budget, as recommended by LFO, both of which deal with the timely implementation of recommendations made by MGO. Three limited-duration positions are established to provide dedicated capacity to recommendation implementation. The package includes General Fund to support these positions. In addition, \$500,000 General Fund is provided for the agency to continue the contractual relationship with MGO to provide direct implementation technical assistance, oversight, and reporting as directed by budget note.

This package also includes General Fund to correct an error that was made to technical adjustments in package 060 that removed funding for administrative pro-rate costs in the Fire Protection Division, Federal Forests Restoration Program, and Private Forests Division.

The package includes three adjustments to the Private Forests division budget as recommended by LFO. General Fund, Other Funds, and the establishment of one limited-duration project manager position (0.25 FTE) and one permanent pesticide application program administrator position (1.00 FTE) are included in the package to continue upgrades and enhancements to the departments forest reporting and notification system as required by SB 1602 (2020 1st Special Session). \$1.7 million General fund is included in the package for continued eradication and containment programs for Sudden Oak Death by the agency.

Fiscal Impact: \$4,078,504 General Fund and \$137,743 Other Funds, 4.25 FTE, 5 Positions

## Senate Bill 5518 (Reductions & Fund Shifts)

The Legislatively Adopted Budget recommends a reduction for Microsoft 365 consolidation in Agency Administration (Pkg 099) and various fund shifts in Federal Forests Restoration program funding (Pkg 090).

Fiscal Impact: (\$829,617) General Fund, (\$822,550) Other Funds, and \$838,841 Federal Funds

## House Bill 5006

### Capital Construction & Debt Service: Deferred Maintenance

This package provides General Obligation bonds, authorized to be issued in the 2021-23 biennium, and anticipated to produce proceeds to address maintenance needs of department-owned facilities. This amount represents 2% of the replacement value of these facilities.

Fiscal Impact: \$260,395 General Fund and \$5,140,758 Other Funds

### Private Forests: Seedling Nursery Grant

This package provides a General Fund appropriation to the Private Forests Division to provide grants to plant nurseries to develop tree seedling capacity to increase the supply of tree seedlings for replanting needs due to the 2020 wildfire season

Fiscal Impact: \$5,000,000 General Fund

### Fire Protection: Rangeland Association

## House Bill 5006

This package provides General Fund in the Fire Protection Division budget and authorizes the establishment of three positions to support the provisions of Senate Bill 590 (2021), which expands the definition of rangelands to include those lands that are used primarily for cultivating crops. Including these lands will allow for additional associations to be formed, providing access to assistance programs from the State Forester with organizing, training, acquisition of equipment, and insurance obligations.

Fiscal Impact: \$666,937 General Fund, 2.25 FTE, 3 Positions

### Private Forests: Forest Practices Act Support

This package provides General Fund, increases Other Funds expenditure limitation, and authorizes the establishment of three positions for the Private Forests Division. The three positions will support the administration of the Forest Practices Act and provide technical assistance to forest landowners to ensure sound forest management and ecological protection.

Fiscal Impact: \$686,300 General Fund and \$457,530 Other Funds, 3.00 FTE, 3 Positions

### Agencywide: DAS End of Session Adjustments

This package is the end of session Department of Administrative Services (DAS) State Government Service Charges (SGSC) adjustment to DAS charges to the agency.

Fiscal Impact: (\$887,217) General Fund, (\$1,811,575) Other Funds and (\$76,252) Federal Funds

### Debt Service: Toledo Phase II Debt Service & Cost of Issuance

This package increases Other Funds expenditure limitation for the Agency Administration, to pay issuance costs for bonds to fund the replacement of the agency's facility in Toledo, Oregon. General Fund for the Debt Service program was increased, and Other Funds expenditure limitation was increased for debt service.

Fiscal Impact: \$105,260 General Fund and \$195,453 Other Funds

## Senate Bill 5506

### Capital Construction: Santiam Facility Replacement

This package provides Other Funds (insurance proceeds) to design and construct a new Santiam Unit Office to replace the facility that was destroyed by wildfire in 2020.

Fiscal Impact: \$2,500,000 Other Funds

### Capital Construction: Toledo Phase II

This package provides Other Funds (Article XI-Q Bonds) to replace the Toldeo Unit office and move it to a more centrally located area that will be outside of the mapped tsunami inundation zone.

Fiscal Impact: \$1,632,842 Other Funds

AGENDA ITEM 7

Attachment 1

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**Board Closing Comments and Meeting Wrap Up**

## **STAFF REPORT**

Agenda Item No.:	9
Work Plan:	Administrative Work Plan
Topic:	Executive Session
Date of Presentation:	July 21, 2021
Contact Information:	Oregon Department of Justice

### **SUMMARY**

The Board will meet in Executive Session for the purpose of conferring with legal counsel regarding the Board's rights and duties related to current litigation or litigation likely to be filed pursuant to ORS 192.660(2)(h) as well as to discuss an attorney-client privileged communication pursuant to ORS 192.660(2)(f).