Date: March 9, 2022  
To: Board of Forestry  
From: Amanda Sullivan-Astor, Forest Policy Manager  
Associated Oregon Loggers  

Topic: Agenda Item #1 – General Comments  

Good morning Chair Kelly, State Forester Mukumoto and members of the Board.

Thank you for the opportunity to discuss Associated Oregon Loggers’ (AOL) perspective on a few of the largest planning documents ODF is currently undertaking, the Forest Management Plan, the Forestry Plan for Oregon and the 20-Year Strategic Plan. My name is Amanda Sullivan-Astor, my pronouns are she/her/hers, and I am the Forest Policy Manager at AOL.

**Forest Management Plan**
First, I will raise some of AOL’s general thoughts about the Forest Management Plan Goals and Strategies. It is AOL’s opinion that any plan ODF develops should be able to be measured for success. We believe the concept of SMART goals are paramount. It may seem, on its face, that the FMP is simply just a high-level document and the Implementation Plans (IPs) should be where metrics are placed. We believe this would be a bad policy of the state because the FMP should be specific enough to guide IP development while being flexible enough to allow for unforeseen circumstances and course corrections. AOL has a few suggestions to help reach measurable outcomes while maintaining flexibility.

1. The department could use decadal goals with error allowances in each direction. This concept could apply to acres treated, MBF produces, roads maintained, fuels treated, carbon sequestered and more. Each of these specific metrics may require a higher or lower standard error. The IPs could then strive to attain these decadal metrics while applying a standard yearly metric with its own larger error allowances for the Annual Operating Plans to fall within. Each year ODF would strive for a similar set of goals with flexibility in the annual attainment such that when added together, the total attainment of the metrics falls within the decadal error allowances of the IP.

2. The FMP may also look at employing indicators rather than set metrics where the department wants to measure something, but recognizes that its activities may not be the only driver that changes what is measured. In this case, an indicator may help in a different but similar way for course correction and adaptive management without being as firm as a metric. An example could be social metrics as indicators. Poverty in timber producing communities may be something that could be measured as an indicator of contract capacity, timber industry health and community resilience. What the department implements on its managed lands may have a roll in this number, but other factors also influence it.

**Forestry Plan for Oregon**
If the concept of indicators is not right for the FMP, then they may be right for the Forestry Plan for Oregon (FPFO). Generally, AOL believes the FPFO shouldn’t contradict itself, but be realistic in its mission and vision for the forests of the state. Sometimes, different ecological goals have trade-offs with each other. For instance, certain pollinator needs for early seral habitat, climate change goals, wildfire mitigation and aquatics goals may not all call for the same type of forest management.

It is AOL’s opinion that the FPFO should look to achieve environmental goals while recognizing the importance and value of a healthy, economically competitive forest products sector (infrastructure and
workforce) in achieving the state’s mitigation and restoration goals. A durable FPFO would seek to ensure forested landscapes are in an ecologically functioning and resilient condition while meeting the economic and social needs of present and future generations. The FPFO should include ecological goals while promoting rural economic development rather than choosing one over the other.

Today, the Board will be further discussing revision of the FPFO with a focus on including climate change and forest carbon into the plan. AOL believes community impacts and downstream effects to the overall timber industry as well as small forest operator businesses should be assessed and recognized in the FPFO if implementation of the Climate Change and Carbon Plan and the Oregon Global Warming Commission Natural and Working Lands Proposal are to be included.

AOL also believes this type of emphasis on climate change cannot come without an equal emphasis on wildfire. This should come in the form of recognizing biogenic carbon emissions. We believe the concept of avoided emission is paramount and that the FPFO should stress wildfire mitigation as a key forestry practice. To accomplish this task, the FPFO needs a strategic lens when it comes to fire.

**20-Year Strategic Plan**

Thankfully, the department is in the beginning stages of developing its 20-Year Strategic Plan (Plan) which is going to focus on developing a strategy to implement landscape resiliency across the state. The Plan is outlined in the MOU on Shared Stewardship and is to be modeled after Washington State’s 20-Year Forest Health Strategic Plan. As AOL sees it, this plan will strive to set forth an implementable long-term strategy to achieve the mitigation recommendations of the Governor’s Council on Wildfire Response (Governor’s Wildfire Council) while also seeking to restore and manage forested landscapes in the face of primary disturbances like insect infestation and drought. The 20-Year Strategic Plan should contemplate a way to mitigate these disturbances and increase resiliency for rural communities and the people of Oregon by prioritizing key watersheds based on the soon to be published statewide wildfire risk map. This new statewide wildfire risk map should be used rather than the Quantitative Wildfire Risk Assessment (QWRA) which is referenced in the Governor’s Wildfire Council mitigation subcommittee report, because at the time, the QWRA was all that the state had as a tool. This new map will become the standard for assessing wildfire risk across the state.

Past Emergency Board funding and policies set out in SB 762 have addressed some of the Governor’s Wildfire Council’s short-term landscape resiliency recommendations, but not all of them. None of the long-term recommendations have been addressed up to this point. Void of this Plan, no other plan or document seeks to develop this long-term strategy to develop landscape resiliency around the state.

It is also important to note that landscape resiliency is different than creating fire-adapted communities. Landscape resiliency looks to mitigate wildfire behavior in the forest so that wildfire response and suppression tactics are successful. Landscape resiliency also addresses health effects from smoke by seeking to modify wildfire behavior and increase forest health. The three legs of the stool for a good wildfire strategy in Oregon as defined by the Governor’s Wildfire Council are:

1. Creating fire-adapted communities;
2. Restoring and maintaining resilient landscapes; and
3. Responding safely and effectively to wildfire.
Oregon must do all three to be successful. However, this 20-Year Plan does not need to be complicated by addressing long-term strategies for fire-adapted communities nor wildfire response because SB 762 expressly sought to implement those recommendations from the Governor’s Wildfire Council. Landscape resiliency on the other hand, was only address at the biennium time scale. This 20-Year Strategic Plan is the only long-term solution for restring and maintaining resilient landscapes.

To address these recommendations, the Plan should seek maximum effectiveness of forest health treatments at a pace and scale commensurate with the risks we face. It should do this by leveraging commercial timber value to increase non-commercial and restoration activities. The fact is, we have the tools. We know how to get this done on the ground. Stewardship sales, service contracts and the Good Neighbor Authority are all tools to get the job done effectively while also being additive to current programs. When revenue is produced, ODF should always be looking for ways to leverage that money to get more work accomplished. The mechanisms are simple, this Plan will simply help to strategize where and how they occur with limited taxpayer seed money. Oregon has done this successfully through its Good Neighbor Authority program along with Idaho and Washington, but ODF needs to scale it up.

AOL believes this 20-Year Strategic Plan should simply build off of past work. ODF should look at creating a Plan that coalesces the hard work put forth in the development of the Governor’s Wildfire Council landscape resiliency recommendations, the Oregon statewide wildfire risk map and the US Forest Service’s 10-Year Wildfire Crisis Strategy/Implementation Plan while utilizing the framework for the Plan in the MOU on Shared Stewardship. As mentioned above, Washington DNR’s 20-Year Forest Health Strategic Plan should be used as a model rather than ODF reinventing the wheel.

AOL will continue to engage in all of these planning efforts and looks forward to doing follow-up with Board members to see where zones of agreement may be present.

Thank you and I am available for any questions.

Sincerely,

[Signature]

Amanda Sullivan-Astor
aastor@oregonloggers.org

“Representing the Logging Industry since 1969”
www.Oregonloggers.org
March 8, 2022

RE: Rodenticide applications under the Oregon FPA

Dear Board of Forestry,

We are concerned with the Oregon Department of Forestry’s policy to allow Rodenticides near nest sites for birds of prey. The ODF must review their policies on this matter and make changes that would better protect non-target animals, including threatened and endangered species, from rodenticide exposure or uptake. ODF should also strictly enforce the current regulations on the use of rodenticides, and where the current regulations allow harm to birds of prey, strengthen those regulations.

A search of FERNS for the activity type “Rodenticides” resulted in a finding of 200 notices in just two years (2020 and 2021), totaling about 38,114 acres of rodenticide applications. This included 40 northern spotted owls and 8 eagles that had applications within 300 feet of their nest sites. The written plans for these resource impacts often failed to mention the birds or how they could be impacted or protected.

The impacted resources included in the notice of operations are often water bodies, in addition to the birds of concern. But the written plans only address water concerns, often ignoring the birds completely.

For instance, the 9-20-21 operation “double shot” notice is for a rodenticide application of 70.8 acres. The operation applies rodenticides within 100 feet of a Type F stream, and within 300 feet of a Northern Spotted Owl. Yet the written plan only addresses the buffers applied to the stream. It ignores the owl. The written plan does promise to “Follow the product label”, but when an ODF forester was asked what product label is being followed, he did not know and could not confirm if ODF monitors compliance with the label.

Even though the written plan has no reference to the owl, ODF responds: “Fully implementing this written plan is likely to achieve compliance with resource protection standards in the forest practice rules/law that it addresses.”

We are concerned that applying rodenticides to so many acres, so close to owl and eagle nests, with virtually no oversight from ODF, is killing these birds when they get a secondary poisoning from eating the sick prey.

Studies have found that rodenticides impact up to 64% of the owls in the pacific northwest via secondary exposure from contaminated prey, and that sublethal rodenticide exposure “either

decreases fitness or increases mortality from what would normally be considered a benign injury.”³ Other impacts include “reduced clutch size, brood size, fledging success, slower clotting time”. These studies “indicate that environmental contamination is occurring within NSO habitat and when coupled with ongoing competitive interactions and stress from concurrent BO occupation, pose as an additional ecological stressor”⁴.

The other problem with rodenticides is it poisons the coastal marten⁵. Most of 38,114 acres of rodenticide applications in the last two years have been within the historic range of the coastal marten, protected under the endangered species act in October of 2020. The USFWS has determined that “The features essential to the conservation of this species may require special management considerations or protection to reduce the following direct or indirect threats... inadvertent poisoning from rodenticides”.⁶

Just since the listing of the coastal marten, rodenticides have been applied to thousands of acres within or near its habitat. The written plans do not address this resource concern.

The Oregon Department of Forestry must begin to more fully enforce the regulations by requiring written plans to fully and clearly address natural resources impacted by rodenticides, including a description of which product label is being followed. The ODF must monitor this compliance. Additionally, the ODF should update Oregon’s Forest Protection Act by restricting application of rodenticides to a safe distance from nesting birds of prey.

Thank you

Francis Eatherington
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Janice Reid
Umpqua Watersheds
janice@umpquawatersheds.org

³ https://www.ace-eco.org/vol13/iss1/art2/#Sublethal
⁴ https://www.ace-eco.org/vol13/iss1/art2/#Sublethal
⁶ https://www.govinfo.gov/content/pkg/FR-2021-10-25/pdf/2021-22994.pdf#page=1
Chair Kelly, Members of the Board, State Forester Mukumoto,

Thank you for inviting me to share few words with you today. For the record, my name is Heath Curtiss. I work for Hampton Lumber and Family Forests. We are a fourth-generation, family-owned company with four sawmills and approximately 90,000 acres of timberland in northwest Oregon. Our operations provide roughly 800 Oregonians with year-round family-wage jobs, predominantly in rural areas where those jobs are tough to come by.

Community health and vitality has been a priority for the company since its inception in 1942. Today, I think it safe to say that we are known for being an engaged, responsive, and valued member of the communities in which we operate. Of Hampton’s many successes over our 80-year history, this unflinching commitment to community—in good times and bad—is probably the greatest source of pride for the Hampton family and our employees. For the last two years, I’ve had the privilege of working on the Private Forest Accord, a grand compromise—in the truest sense-- on Oregon forest practices. At Hampton, we do genuinely believe that the Accord is the right path forward. It will enhance habitat for fish and amphibians, and in the long run we believe it will be good for the Oregon timber industry because it will provide the stability businesses need to continue to operate and invest in the local forest products sector. That Oregonians could come together and resolve difficult issues through dialogue and compromise is certainly worth celebrating. What was made clear throughout this process is that while we each might have different ideas on how to effectively maintain and protect forest waterways, all parties to the Accord share the twin goals of achieving both healthy ecosystems and productive forestlands.

But if I may, I do want to highlight the very serious nature of the undertaking. In many places in Oregon, the Private Forest Accord will result in double-digit losses of private timberland. And that comes at a price to not only the landowner but to the small, family-owned businesses that work these lands year after year. I grew up in eastern Oregon during the nineties and witnessed what casual natural resource policy can do to rural communities. People living in areas affected by the NW Forest Plan were left underemployed and dispirited. In my hometown, doctors moved away, restaurants closed, kids went hungry, and more and more people found themselves battling addiction. It was a disintegration that was painful for all who witnessed it, but particularly so for those who feel, like I do, that such hardship was unnecessary and avoidable.

Make no mistake, the Private Forest Accord will result in mill closures, particularly when combined with proposed harvest reductions on state forests. And the communities supported by those mills will feel it. Intimately. This weighs heavy with me personally, and with the Hampton family and our employees.

This angst is compounded by some skepticism that what we did was indeed informed by the best available science. Everyone at the table was able to cite research in support of their positions. In a very general sense, what we’ve done is shift our practices from one side of the confidence interval to the other. With the PFA, Oregon’s forest practices will be extremely precautionary when it comes to aquatic wildlife. That’s not so much “science” as it is “policy.” It required weighing costs and benefits.
I’ve outlined the costs. So, what are the benefits? Chief among them is the promise that, if we could come to agreement, the federal wildlife agencies would support us with an Incidental Take Permit or ITP. While we don’t believe our practices commit take of salmon today, an ITP under an approved Habitat Conservation Plan is a strong public signal from the federal wildlife agencies that we’re doing a good job. There will always be those out there who think we should do more. Some folks just don’t like the idea of cutting trees and never will. But if the federal agencies sign off on our salmon conservation efforts, we think most Oregonians will be satisfied too.

Second, the Private Forest Accord includes an adaptive management process that we believe, when combined with the agency’s statutory obligations, will produce a deliberate and manageable rate of change to Oregon’s forest practices going forward. PFA is comprised of voluntary concessions on the part of timberland owners. Our genuine hope is that these changes produce regulatory stability, allowing us to invest in Oregon with confidence that the conditions of investment will not radically change going forward.

So with that, we think the trade-off was worth it. Hopefully, with the PFA in place, Oregonians can be as proud of Oregon’s working forests as we are.

Please know that Hampton did not act alone. Though there are many who invested significant time and energy in this process, it’s worth mentioning specifically those on the Industry Negotiating Team, including Eric Geyer at Roseburg, Diane Meyers at Weyerhaeuser, Adrian Miller at Rayonier, Cameron Krauss at Swanson, and David Bechtold with Northwest Resource Law. Oh, and Brennan Garrels at Lone Rock pitched in everywhere he could. These individuals, like the companies they represent, engaged in this effort with the best of intentions with the goal of ensuring the long-term health and stability of Oregon’s working forests and the communities that surround them. We genuinely appreciate your help seeing it across the finish line.

To that end, I am confident that this will be the largest and most difficult rulemaking in ODF’s history. It will require extraordinary resources on a very short timeframe. Please give them the flexibility and resources they need to get the job done. The Private Forest Accord depends upon it.

Thank you for taking my comments.

Sincerely,

Heath Curtiss
Vice President, Legal & Government Affairs
Hampton Lumber
Dir. 503-203-6610 | Cell 503-479-8503
Jim James testimony to Board of Forestry, March 9, 2022

My name is Jim James, representing Oregon Small Woodlands Association, as a member of the Private Forest Accord.

I have experienced many changes to the Forest Practices Act. Unlike previous changes, the goals of the Private Forest Accord were specifically defined in advance, such as:

- Achieve a federal Habitat Conservation Plan for aquatic species
- Provide stability to Oregon’s wood product industry, and
- Recognize disproportionate impacts to small forestland owners.

The PFA process was outlined in advance to find the right balance for these and the many factors that influence each goal.

Early in the process, it became clear to me everyone was committed to the agreement, but visions and details for what was needed, were significantly different. The defined Private Forest Accord process forced participants:

- To gain a better understanding of the other side’s rationale
- To clear up misunderstandings of how current rules are implemented and what protections are already achieved, and
- Identify the factors that are really important and that influence outcomes.

There were many opportunities to question each other for specifics and look at alternatives for common ground.

Let me use the small forestland owner issue as an example:

- We originally agreed there could be disproportional impacts.
- We then openly discussed the role small forest owners play in the wood products industry and in protecting important riparian habitat.
- We discussed the differences between small forestland owners and industrial forest owner’s common practices
- We then agreed it will be environmentally beneficial to maintain small forestland properties as forests and not economically force conversion to other uses.
- We agreed, may small forestland owners will need assistance in meeting more complicated FPA rules.
With all these in mind, a plan for Western Oregon and one for Eastern Oregon small forestland properties was developed, to meet the same environmental outcomes as large forest owners. The process included many counter proposals before an agreement was reached.

The development of a new small forestland owner office within ODF will be key to meeting many of these environmental goals.

New roles for ODF will include:

- Educational outreach to small forestland owners along with the ODF partners in the Partnership for Forestry Education
- Assistance for small forestland owners who harvest less frequently
- Financial assistance for specific projects, and
- Incentives to follow similar programs as large forest owners

A special thanks to Kyle Abraham who observed many of the meetings and offered clarity when asked to explain current FPA rules and how modifications might work.

A few lessons learned:

- If one is open minded and tries to understand the rationale for positions taken by others, common ground is easier to find and helps develop trust.
- Finding common ground on minor issues allows expanding to more complicated issues

The process was challenging, but determination from all participants, including the governor and her staff, federal and state agencies, a hired facilitator, and a commitment by all to do what we agreed to do, led to the agreement. If all parties continue to be engaged, and I know we will, I believe the Private Forest Accord can and will be a success story.
Chair Kelly, Board Members, Forester Mukumoto:

My name is Bob Van Dyk, and I live in Forest Grove, Oregon and work for the Wild Salmon Center. Thank you for the opportunity to provide comments on the Private Forest Accord.

I’d like to briefly offer my thanks to everyone who contributed to the PFA, but especially to the people on the panel I am sharing time with today. I would add Diane Meyers of Weyerhaeuser and Aurora Goddard of Legislative Counsel to the short list of thank yous.

I am most grateful that we are now moving from negotiation and passage of the PFA to implementation. As you are aware, the PFA and related legislation set out a variety of tasks for this board, from completing a great deal of rulemaking and a draft of the HCP later this year, to initiating new rulemaking and standing up several new committees. This board obviously has a critical role to play in making implementation a success, and I offer several comments and suggestions in that regard.

1) **Keep your eyes on the prize: The completed HCP.** If the HCP is not completed by the end of 2027, most of the changes brought by the PFA will roll back to current law. That will mean wasted effort and unhelpful drama. Please keep the HCP as a top priority.

2) **Better Integrating ODFW.** The PFA directs a more significant role for ODFW in forest practices implementation and policy. I encourage you to consider ways to further cement ties with your sister agency. This might include periodic joint meetings with the Fish and Wildlife Commission as a whole, as well as strengthening ties to individual Commission members. The Commission itself will also be directing the multi-million dollar mitigation fund, and making rules on beaver. We also realize that including more than one agency in decision making can result in unhelpful delays. To that end, we think the Board should track staffing at ODFW as it pertains to PFA implementation. ODFW may need your support to ensure they can engage in a timely manner.

3) **New relationships may create opportunities.** The PFA built new relationships among stakeholders and agency staff. Some of these relationships will be maintained through new entities created by the PFA, like the Adaptive Management Program Committee, which includes stakeholder representation. Look also for opportunities to help stakeholders work on solutions outside of ODF or with more modest ODF involvement.

4) **Become champions for the PFA.** The PFA will need vocal supporters on this Board. I encourage you to especially develop contacts with key legislators and the Governor’s team.
to build support for PFA implementation. Support will also take the form of prioritizing budget requests for the PFA in your POP process. There will be a POP for PFA implementation in the next biennium. In addition, ODF will need your support to prioritize outreach to the public to build understanding and support for the new rules.

5) **Tend especially to the Small Forestland Owners.** Oregon is fortunate to have a large and diverse SFO community, and they contribute mightily to many conservation outcomes. The PFA created a significant new office to address the needs of Small Forestland Owners. The office includes new staff, dedicated restoration funding, and a largely educational/assistance mission. The new rules are complex in some areas, and contain a variety of management options, as well as new reporting requirements and a tax credit program. The PFA envisions more frequent and direct support to SFOs by stewardship foresters. There is work to do integrating SFO outreach for the PFA with outreach for SB 762/fire preparedness. ODFs divisions must cooperate more effectively.

In summary and more broadly, I encourage you to be mindful of balancing your efforts between overseeing ODF on the one hand, and building support for the PFA and agency with stakeholders and decision makers who are crucial to your success.

Thank you again for the opportunity to speak today. I am happy to try to answer questions.
2022 – 2024 Board Work Plan Decision-Forest Resources

March 2022
Matrix Key:

TBD – To be determined
i – Information item
d – Preceding Decision item
D – Final Decision item

***Paused due to work on Private Forests Accord
# Forest Resources
(formerly known as Private Forests)

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Questions
Senate Bill 762
Wildfire Risk Mapping & Wildland-Urban Interface Identification

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Overview

• SB762 Requirement overview
• Rules Advisory Committee Process
• Rule Section review
• Department’s Recommendation
• Next Steps
Wildland-Urban Interface
SB 762, Section 33

- 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.
Statewide map of Wildfire Risk
SB 762, Section 7

- Requires the Oregon Department of Forestry (ODF) to oversee the development and maintenance of a comprehensive statewide map of wildfire risk that includes wildland-urban interface boundaries and wildfire risk classes by June 30, 2022.

  - Designates Oregon Wildfire Risk Explorer as the official map.

- Requires the final map to inform policy actions and programs as detailed in Senate Bill 762.
Rules Advisory Committee Process

- The Rules Advisory Committee (RAC) met 13 times between August 5 – February 10.

- The use of objective, scientific, quantifiable data in the recommendation and decision-making process was a guiding principle.

- Initial meetings involved subject matter presentations from Oregon State University and review of concept recommendations from the Department.

- Latter meetings transitioned to administrative rule language review, integration of RAC recommendations, and review of fiscal impact statement.
• Purpose

  – The purpose statements of administrative rules are to connect the rule sections to the respective authorizing statutes.

  – Each purpose statement proposed correlates to the authorizing statutes of ORS 477.027 and ORS 477.490.
Rule Section Review
OAR 629-044-1005

• Definitions
  – The definitions proposed for this rule division are to provide clarification and context that was not clear in the law.

• Certain definitions are addressed in pairs.
  – “Structures” and “other human development”
  – “Wildland fuels” and “vegetative fuels”
Rule Section Review
OAR 629-044-1010

• Wildland-Urban Interface Identification Criteria
  – Department’s recommendation largely based on the Federal Register’s formulations.
  – Inclusion of undeveloped lands planned to meet the criteria for inclusion once developed.

• RAC expressed concerns about over-inclusion due to the definition of structure.
  – OAR 629-044-1010(2) intended to mitigate inflated structure densities.
For each pixel, calculate housing density $d$ within a buffer $r$.

$d > 6.17$ houses/km$^2$?

No

Non WUI

Yes

For each pixel, calculate wildland vegetation cover within a buffer $r$.

Cover > 50%?

Yes

Intermix WUI

No

Calculate if pixel is within 2.4 km of a 5 km$^2$ area of wildland vegetation.

Within 2.4 km of > 5 km$^2$ of vegetation?

Yes

Interface WUI

Rule Section Review
OAR 629-044-1015

• Periodic Wildland-Urban Interface Lands Identification and Classification

  – The intent of this proposed rule is to specify an update cycle pertaining to the Wildland-Urban Interface.
Rule Section Review
OAR 629-044-1020

• Wildfire Risk Classification and Wildfire Hazard Rating
  – Establishes the five wildfire risk classes
  – Based on factors of weather, climate, topography, and vegetation

• Class breaks determined utilizing a statistically objective methodology.
Rule Section Review
OAR 629-044-1025

• Statewide Wildfire Risk Map
  – Provides direction of how Oregon State University is to develop and maintain the wildfire risk map.

• Wildfire risk calculated as a combined value of wildfire frequency and wildfire intensity.

• Inclusion of a layer that displays socially and economically vulnerable communities.

• Establishes a 12-month update period when a new wildfire risk assessment is available.
Rule Section Review
OAR 629-044-1030

• Notifications
  – Establishes how the Department informs the public of the wildfire risk map.

• Written notices issued as required.
  – Property owners designed as high or extreme wildfire risk.

• Additional outreach being conducted by the Department through non-written means.
Rule Section Review
OAR 629-044-1035

• Locally Developed Wildfire plans
  – Provide for a connection between local jurisdiction wildfire plans, property owners, and the wildfire risk map.

• Locally developed plans do not supersede the statewide wildfire risk map.
Rule Section Review
OAR 629-044-1040

• Appeal of Wildfire Risk Assignment
  – Specifies the process of how a property owner or local government may appeal the wildfire risk class assignment.
  – 60-day appeal window

• Very specific conditions specified in law.

• Successful appeals to be posted on Department’s website.
Staff Recommendation

• The Board directs the Department to proceed with the public hearing process and return in June 2022 with the final rule language for Chapter 629, Division 44.
Next Steps


• April 19-21, 2022 – Conduct public hearings.

• June 8, 2022 – ODF submits final proposed rule with public comments to Board of Forestry for approval.

• June 20, 2022 – Submit rule to Secretary of State and Legislative Counsel for filing. Effective date June 30, 2022.
Questions?

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March 9, 2022

Chair Kelly, members of the Board of Forestry, State Forester Mukumoto, Staff:

I’m David Yamamoto, Tillamook County Commissioner and Chair of the Forest Trust Land Advisory Committee (FTLAC). I’m here today because FTLAC has a statutory responsibility to advise the BOF and the State Forester on matters which affect management of the State Forest Trust Lands (ORS 526.156). Today, I will focus on County finances, jobs, and the magnitude of the decisions in front of you.

Chair Kelly, Board members, I want to thank you for attending the FTLAC meeting on February 18th. I appreciate you taking time to hear from the Counties and learn how timber revenue supports county services.

As I described at the FTLAC meeting, timber revenue in Tillamook County primarily supports education – local school districts, the community college, and 4-H activities. For the Neah-Kah-Nie School District, timber revenue accounts for a quarter of the annual budget. Turning to the Tillamook County General Fund, about 30% of the revenue to the fund is from timber. We use the General Fund to pay for essential services in our community.

Timber jobs are also vital. In Tillamook County, the wood products sector provides over 850 jobs. These are family wage, fully benefited jobs. The average wood products sector job has wages more than $17,000 higher than the average private sector job in Tillamook County. The story is the same for all counties with State Forest Lands except the highly urbanized Washington County. Further, wood products sector jobs pay double leisure and hospitality jobs in all the Counties.

FTLAC appreciates the desire board members expressed at the January meeting to consider data before making changes to forest management policy. Included in this must be consideration of:

1. Impacts to county and tax district revenue
2. Impacts to the services the revenue supports
3. Impacts to jobs, particularly family wage jobs

The decisions in front of the board are too important to our communities for these decisions to be made without a thorough understanding of the impacts.

I want to turn now to role of the BOF and State Forester in managing the State Forest Lands. At the last board meeting a board member expressed that the HCP is a tool for achieving greatest permanent value. This is just not the case.

The Forest Management Planning rule (OAR 629-035-0030) clearly states that planning to meet GPV is done through the Forest Management Plan, not a Habitat Conservation Plan. The Greatest Permanent Value rule (OAR 629-035-0020) assigns the task of managing for GVP to the State Forester. (OAR 629-035-0020) states in subsection (4), “The State Forester shall manage forest lands as provided in this section by developing and implementing management plans for a given planning area as provided in OAR 629-035-0030 (Forest Management Planning) to 629-035-0100 (Existing Long Range Plans).” A Habitat Conservation Plan provides a method to comply with the federal Endangered Species Act, not a method to provide Greatest Permanent Value.
We have serious concerns about the BOF unreasonably limiting management of the Counties’ lands. The HCP is a 70-year contract that defines where and how management activities can occur during the life of the contract. The HCP will limit the management options available to the ODF, limit the ability of future State Foresters to develop Forest Management Plans, and limit future Boards of Forestry to supervise forest policy and management as directed by ORS 526.016. These limitations will be detrimental to ODFs ability to respond to environmental changes including climate change, fire, and other natural disturbances.

This BOF owes to future generations the ability to decide the appropriate way to manage State Forest Lands. Tying the hands of future boards with an overly burdensome HCP effectively takes control of the lands out of the hands of the BOF and Oregonians and puts control in the hands of NOAA Fisheries and the US Fish and Wildlife Service. Doing so is not in the interest of the Counties, Oregonians, ODF, or this or future Boards of Forestry.

Respectfully Submitted,
David Yamamoto
Chair, Forest Trust Land Advisory Committee

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1 ORS 562.016 (1): The State Board of Forestry shall supervise all matters of forest policy and management under the jurisdiction of this state and approve claims for expenses incurred under the statutes administered by the board except as otherwise provided by law.
March 9, 2022

Chair Kelly, members of the Board of Forestry, State Forester Mukumoto, Staff:

I’m John Sweet, Coos County Commissioner and Vice Chair of the Forest Trust Land Advisory Committee.

The HCP and FMP decisions in front of the BOF are major, long-term policy choices that will have impacts on communities and forests across the state. It is critical that the BOF understand these decisions. I suggest the BOF get answers to the following questions to before making any decisions.

At the January meeting, the board was asked why the Draft HCP includes riparian buffers that exceed the width of riparian buffers in the Private Forest Accord by up to 50% in some places and applies buffers to streams unbuffered in the PFA. A board member made a distinction between the ODF HCP and the PFA saying that the HCP is a precursor to an incidental take permit. This is a false distinction. The Private Forest Accord Report, which I am told you have all received, states that the report “memorialized the agreement of the authors to modify Oregon’s forest practices laws and regulations to craft a Habitat Conservation Plan (HCP) that will achieve the issuance criteria of an Incidental Take Permit…. The PFA and ODF have the same goal, to craft HCPs and receive incidental take permits. So, the question remains; why are the riparian buffers wider in the ODF Draft HCP than the PFA?

Further, the BOF must ask how HCP is compatible with the Linn County case which held that the state has a contract with the counties. This contract cannot be ignored.

Finally, setting aside Linn County, the BOF must ask how the HCP provides for Greatest Permanent Value. As Commissioner Yamamoto said, the HCP limits ODF’s ability to respond to changing conditions with active management and cedes some control of the lands to the Federal Services, organizations not bound by the GVP rule. It appears to me that ODF is proposing to limit management on the Counties’ lands in excess of what is needed to receive an incidental take permit, and in excess of the of the extent of conservation considered in the business case analysis used to justify applying for an incidental take permit in the first place. I do not see how this overly expansive HCP would ensure the lands generate the Greatest Permanent Value as directed by law.

Respectfully submitted,
John Sweet,
Vice Chair, Forest Trust Land Advisory Committee
State Forests Marbled Murrelet Endangered Species Management Plan (ESMP)

March 9th, 2022 | Board of Forestry Meeting
Uplisting Triggers Actions on State Lands -

• 18 months – submit an ESMP
• 2 years – final approval by Commission
• Interim – mandatory Survival Guidelines
• Only pertains to state lands
Determination of Agency Role in Murrelet Conservation –

- Commission determines “if”
- ODF determines “what”
- ODFW “Conservation” definition
- Role may include:
  - Take Avoidance
  - Contribution to Conservation
  - Conservation
Agency Discretion in Role Determination

- Must balance several factors:
  - Applicable statutory requirements, rules, and policies
  - Social and economic impacts
  - Conservation needs of the species
  - Purpose of the land
  - Roles of other ownership categories
Determination of State Forests Role in Murrelet Conservation –

• The Division proposes to define the role of ODF-managed lands as a “contribution to conservation” of marbled murrelets.
  o Support stable or increasing population and habitat trends
  o Take avoidance policies
  o Survival guidelines
  o Current FMP commitments
State Forests’ Conservation Role

- Current FMP is a substantial contribution.
- Statutory mandates and environmental factors limit capacity:
  - GPV
  - Distribution of current habitat
  - Ocean conditions, large-scale disturbances, climate change
- Contribute to positive trends for local populations and habitat.
Timeline and Relationship to HCP and FMP Revision –

- Submit for review and approval by January 16, 2023
- Commission may modify the plan
- Commission must approve by July 16, 2023
- Aligned with the current FMP
- Continue HCP (and FMP) development
- Supersedes survival guidelines
- Incidental take permits shall be recognized as a waiver of any state protection measures or requirements.
Board Questions and Public Comment
Next Steps: Board Decision on Role and Feedback on ESMP Framework

• Today –
  • Board Feedback - ESMP framework
  • Board Decision - recommended role
• July – status update
• November – final draft to Board
• January – submit to ODFW Commission
Feedback on Framework

- Covered lands
- Role of State Forests
- Management strategy
- Monitoring and adaptive management
- Other state and federal plans
- Plan development review and approval process
Staff Recommendation

- Recommended role – “Contribution to Conservation”
  - Approve as defined in Staff Report
  - Based on existing policy and current FMP
Sub: Testimony on the Marbled Murrelet Endangered Species Plan

Chair Kelly and members of the Board of Forestry

I am submitting the following comments on behalf of Defenders of Wildlife. Defenders is a national wildlife conservation organization with over 1.3 million members and supporters of which over 33,000 are in Oregon. Defenders is dedicated to protecting native and imperiled species and their habitats. We were also one of the co-petitioners that submitted the petition to Oregon Fish and Wildlife Commission to consider reclassifying the marbled murrelet from a “threatened” to “endangered” species under Oregon Endangered Species Act — a path that has led us to the agenda item #6 on the Board’s March 9th 2022 meeting.

The reclassification was a long, windy path of over four years but when the Fish and Wildlife Commission voted in favor of the petitioners one of the deciding factors was the uncertainty around climate change impacts on the species habitat — both land and water. In a published assessment, out of 114 Pacific Northwest birds, marbled murrelet had the highest climate-sensitivity score. It would take one climate stochastic event to push this species into extinction. We urge the Board to continue to take a critical look at the current provisions in the Forest Management Plan (FMP) and whether it allows for contingencies to address climate change impacts on the murrelet.

I wanted to touch upon how murrelet populations are surveyed. At sea surveys are conducted every other year for each of the two zones in Oregon (since 2015). The biggest zone in Oregon has not been surveyed 3 out of the past 6 years. At sea surveys off Oregon’s coast doesn’t mean those murrelets nest in Oregon — those tagged in Oregon have traveled all the way to CA and WA. Additionally, because of poor ocean foraging conditions, the birds are staying closer to the coast, which might contribute disproportionately to their count. Betts et al’s 2020 paper summarized 20 years of research and stated that murrelet forest occupancy was less than <10% of predicted occupancy in all years and that most murrelets forgo nesting during poor ocean condition years.

There is also a difference between “suitable” and “probable” murrelet habitat. Suitable habitat is the good quality habitat that murrelets are likely to use. Probable habitat, which ODF refers to in the report, includes poor quality habitat such as edge and scatter habitat which murrelets are very unlikely to use. In ODFW’s 2018 bio- assessment, they noted:
Based on Northwest Forest Plan estimates, higher-suitability nesting habitat declined in Oregon... a net loss of 78,600 acres (-9.2% change)...

— ODFW 2018 bio assessment (peer reviewed)

However, in their 2021 bio-assessment they chose to use probable habitat which resulted in the following change:

Based on Northwest Forest Plan... higher probability nesting habitat increased in Oregon, a net increase of 46,466 acres (+9.9% net change)... scatter higher probability nesting habitat increased +11.0% net change”.

- ODFW 2021 bio assessment (not peer reviewed)

Finally, the agency report notes that the current FMP is in compliance with federal ESA requirements. However, the current FMP has been in place for a while now, and yet the murrelet continued to decline over the years. This is indicative of the fact that while the FMP provisions are necessary, they are not sufficient to prevent a decline. The current Western Forest Habitat Conservation Plan (HCP) must be closely analyzed to assess if it provides enough conservation measures with respect to the new reclassification status of the murrelet. An HCP will certainly contribute to better conservation measures for the murrelet, however, the fate of the HCP is unknown and until then we urge you to ensure that the agency considers and plans for alternatives.

Thank you for the opportunity to submit public comments. I am happy to provide any additional information you might require at the following email address: skamal@defenders.org

Sincerely

Sristi Kamal
Senior Representative, Defenders of Wildlife
Portland Oregon
Western Oregon State Forests
Forest Management Plan
and Habitat Conservation Plan
Update

March 9th, 2022 | Board of Forestry Meeting
AGENDA

1. Updates on the Western Oregon Habitat Conservation Plan (HCP) and NEPA Process
2. Update on Western Oregon State Forests Management Plan
3. Summary and Next Steps
Questions?
• 614,000 acres Board of Forestry Lands
• 26,000 acres Common School Forest Lands
## Anticipated Timeline

### Working FMP Timeline

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- **BOF Presentation / Decision**
PERFORMANCE MEASURES

FMP
Guiding Principles
Goals and Strategies
Guidelines for:
Asset Management
Implementation
Adaptive Management

Resource Assessment
Implementation Plans
Monitoring Plans
Adaptive Management

Operations Plans
Funding Level
Operational Policies
Goals and Strategies are Required by Oregon Administrative Rule

Forest Management Plans must address forest resources

Goals – What State Forester intends to achieve for forest resources

Strategies – Identify management techniques to achieve goals
ENGAGEMENT PROCESS

Internal Drafting & Review
• ODF Project Team & State Partner Agencies

Released for External Review November 25th
• Board of Forestry
• Forest Trust Lands Advisory Committee
• State Forests Advisory Committee

Key Engagement Points
• FTLAC Meeting December 3rd
• Meeting Open to the Public December 7th
• Joint Stakeholder Meetings December 9th and 12th

Summary of Input - http://tiny.cc/malouz
• Seeking Board Feedback

Revisions will continue throughout FMP development
Forest Trust Lands Advisory Committee Feedback

• Board of Forestry Lands for sustainable timber harvest and revenue

• Strategies lack specificity
Public & Stakeholders

• General support for strategies
• Broad spectrum of opinions on:
  • Pesticide use
  • Drinking water
  • Clearcutting
  • Older forests
  • Carbon in wood products
  • Timber for revenue and jobs
  • Revenue and Timber Production
Federally Recognized Tribal Governments of Oregon
Draft Cultural Resources Goals and Strategies

• Government to Government Engagement

• Representatives from the Cultural and Natural Resources Cluster

• Objectives:
  ➢ Honor Tribal ties to the lands that ODF currently manages
  ➢ Protect cultural resources across the landscape
Federally Recognized Tribal Governments of Oregon
Draft Cultural Resources Goals and Strategies

Key themes:

• Access

• Cultural Resources Protection

• Integration of Tribal Interests

• Implementation of Stewardship Practices

• Consistent Communication and Information Sharing

• Cultural Resources Education
Next Steps for Plan Development

• Integrate Feedback
• Finalize Goals and Strategies
• Develop
  • Asset Management Guidelines
  • Implementation Guidelines
  • Adaptive Management Guidelines
  • Key Metrics and Reporting needs
  • Possible Performance Measures
Questions?
Next Steps: Board of Forestry Engagement

2022
• May 10th: HCP DEIS Outcomes
• September 7th: HCP/NEPA Update
• November 16th: Draft FMP

2023
• January: FMP Modeled Outcomes
• April: HCP Direction from Board on Implementation of the HCP & ITPs
• May: FMP Board Decision to Enter Rule Making
• November: FMP Board Decision of Rule Making Approval
Forestry Program for Oregon

2022 Revision Process: Kick-off Conversation

March 9, 2022
Ryan Gordon & Danny Norlander
Planning Branch
Welcome

Today we will be providing:

• A brief history of the Forestry Program for Oregon
• Overview of key concepts
• A proposed timeline for accomplishment of the revision
Board Planning

Board planning is driven by Board priorities which are informed via multiple inputs...

**Forestry Program for Oregon**, Budgets, Statutes, Governor Initiatives, Public Interests, Resource Conditions, and other Factors.

Together these establish the board’s priorities, which inform agency and division work plans and Initiatives.
FPFO – Overview

The Forestry Program for Oregon (FPFO) is not a statute or rule, it is a document and process that provides a coherent foundation for establishing the Board’s priorities, policy deliberation, and guidance to Department initiatives and planning.

Guides Policy

“…the FPFO provides a clear, quantifiable picture of what sustainable forest management of all of the state’s public and private forests should look like. It also provides the basis for future policy work…” (2011 FPFO)

Guides Planning

“…this Forestry Program for Oregon is not an end product. It is the foundation for discussion and planning over the next eight years. The Board hopes to show a clear connection between its goals and objectives, Board Work Plans and meeting agendas, Department of Forestry programs, and the policies of other natural resource agencies with responsibilities that affect forestlands. .” (2011 FPFO)
FPFO – Overview

The Forestry Program for Oregon describes the Board’s mission, values, vision, goals, objectives, and indicators of sustainable forest management.

**Mission** establishes the purpose of the Board

**Values** identify guiding forestry philosophies

**Vision** describes conditions the Board wants to establish, on a 20-year horizon

**Goals** identify what the Board wants to achieve over the next eight years

**Objectives** are near term actions to focus efforts

**Indicators** serve to reflect change and progress in goal achievement
FPFO – History

• Early editions published in 1977 and 1982 mainly addressed public concerns related to sustaining the state’s timber supply.
• Substantial re-work following a legislative reorganization of the Board in 1987 and increasing environmental issues for 1990.
• The seven goals listed in the 2011 Forestry Program for Oregon are directly related to the Montreal Process criteria and were first incorporated in the 2003 revision.
• Sustainability has remained a consistent theme for the Board of Forestry since the publication of the first Forestry Program for Oregon in 1977.

Timeline of the Forestry Program for Oregon

- 1977
- 1982
- 1990
- 1995
- 2003
- 2011
Current FPFO:
Reflected the 2003 edition using Montreal criteria for sustainable forestry
Updated mission, vision, and values
Focus shift from timber supply assessments to keeping forest land in forest use
Included 19 indicators of sustainable management to measure quantitative and qualitative attributes and monitor trends
Direction to update the FPFO on 8-year cycles and establish board work plans to integrate planning into decision making
FPFO – 2011

Goal A: Promote a fair legal system, effective and adequately funded government, leading-edge research and education, and publicly-supported environmental, economic, and social policies.

Goal B: Ensure that Oregon’s forests make a significant contribution towards meeting the nation’s wood product needs and provide diverse social and economic outputs and benefits valued by the public in a fair, balanced, and efficient manner.

Goal C: Protect and improve the productive capacity of Oregon’s forests.

Goal D: Protect and improve the physical and biological quality of the soil and water resources of Oregon’s forests.

Goal E: Conserve diverse native plant and animal populations and protect and improve their habitats in Oregon’s forests.

Goal F: Protect and improve the health and resiliency of Oregon’s dynamic forest ecosystems, watersheds, and airsheds.

Goal G: Improve carbon sequestration and storage and reduce carbon emissions in Oregon’s forests and forest products.
FPFO – Revision

Revision is a substantial process in terms of time and commitment

- Assessments, public engagement, Board discussion and time
- The process looks to harmonize the Board and Agency in policy, priority, and planning
- The documents serve as a coherent voice regarding Board forest policy and priority
- Begin with consideration of:
  - Framework
  - Timeline
  - Public engagement process

Revision and review of indicators begins in 2023
Proposed Framework

• Following on the adoption of the Climate Change and Carbon Plan, utilization of concepts of climate-smart forestry as the primary structure.

• This includes policy definition and goals related to
  • Adaptation
  • Mitigation
  • Social Dimensions
    • Communities and
    • Economies
Adaptation

• Requires active measures and seeks to build resilience to the effects of climate change:
  • Different tree species or genetics,
  • Changes to the structure of the forest stand and landscape, and
  • Utilizing a mix of management approaches

• Adaptation means that forest managers are looking at future climate rather than relying historic norms and practices.

• Requires bold steps to ensure that forests remain forests and do not shift to an alternative vegetation type due to climate-induced mortality events, increasing insect and disease pressure, and increasing destructive wildfire.
Mitigation

• Requires active measures and seeks to build resilience to the effects of climate change:
  • Different tree species or genetics,
  • Changes to the structure of the forest stand and landscape, and
  • Utilizing a mix of management approaches

• Adaptation means that forest managers are looking at future climate rather than relying historic norms and practices.

• Requires bold steps to ensure that forests remain forests and do not shift to an alternative vegetation type due to climate-induced mortality events, increasing insect and disease pressure, and increasing destructive wildfire.
Social & Economic

Utilization of the state’s forests for harvest of traditional foods, recreation, tourism, and wood fiber support a diverse set of communities.

- Climate-smart forestry will require careful coordination and communication to ensure all voices are heard and incorporated.
- Natural resource-dependent, disproportionately climate-impacted, and traditionally underserved communities are important parts of Oregon’s culture and economy and are at great risk from climate change impacts.
- Ensuring they are included in the planning and decision-making process and are not left behind as the forest sector works to adjust and transition to a changing environment and landscape is key.

The cultural significance of forests (wildland, community, and urban) and forest products, timber and beyond, is highly important.
Climate-Smart Forestry & Sustainable Forest Management

• Climate-smart forestry evolved out of interest in climate-smart agriculture
  • Together they make up climate-smart agriculture and forestry (CSAF)

• Linked closely with sustainable forest management, already a key aspect of the FPFO

• Criterion and Indicators for CSF have been developed in other jurisdictions (e.g., EU).

• A key part of the national conversation and directed by federal Executive Order for USDA
Next Steps

Continued soft-start to the revision process:

April 6th Informational Session to provide a state and sector-wide view

April Board meeting, decision on the process moving forward, and acceptance of using CSF as the primary framework

Begin to revise Mission, Vision, Values, Purpose, and Principles

Develop and engage with working clusters on Adaptation, Mitigation, and Social policy

Periodic returns to Board meetings with updates and full board work.

Finalization in 2023 and revision of linked criteria and indicators.
Introduction and Framework Discussion
Start: March 2022

Stepwise Development Process
Begin May 2022

Revision Drafting
Initial development of proposed desired metric categories
September 2022 to January 2023

Final Edits
Incorporate final edits
October 2022 through January 2023

Level-Setting Workshop
April 2022

BOF Decision on Framework
April 2022

Stakeholder, partner and public engagement
June through August 2022

Finalize MVPOGO
October 2022

FPFO Approval Recommendation
March 2023

C&I Development
April to September 2023
Questions?