

Oregon Board of Forestry – Public Meeting and Community Social  
Wednesday, June 7, and Thursday, June 8, 2023

**June 7, Wednesday – Hybrid Public Meeting 8 a.m. – 4:30 p.m.**

The Board will meet for their regular public business meeting at the FivePine Lodge, South Sister Room – 1021 Desperado Trail, Sisters, OR, 97759

**June 7, Wednesday – Board Social 5:30 p.m. – 7 p.m.**

The Board will meet with the Sisters community, local leaders, and members of the public in person and on location. Sisters-Camp Sherman Rural Fire Department, Community Room – 301 South Elm Street, Sisters, OR, 97759. The evening conversation will explore smoke impacts in Deschutes County.

**June 8, Thursday – Hybrid Public Meeting 8 a.m. – 12:30 p.m.**

The Board will meet for their regular public business meeting at the FivePine Lodge, South Sister Room – 1021 Desperado Trail, Sisters, OR, 97759

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The Board of Forestry June meeting will be hybrid to allow both in-person and virtual attendance. Each meeting day will be streamed live on the department’s YouTube channel. An opportunity for the public to provide live testimony will be available for day one of the meetings. Sign-up instructions can be found on the Board’s meeting website, <https://www.oregon.gov/odf/board/Pages/bofmeetings.aspx>. Written testimony may be submitted before, or up to two weeks after, the meeting day to [boardofforestry@odf.oregon.gov](mailto:boardofforestry@odf.oregon.gov), please include the agenda item number or topic header with the submission. The evening Board social will be in person at Sisters, Oregon, and will not have online access. RSVP is not required but appreciated.

**The link to view the Board of Forestry Meeting is**  
**<https://www.youtube.com/c/OregonDepartmentofForestry>**

Prior meetings’ audio and this meeting’s written material are 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 the removal of any item from the consent agenda. Items removed for separate discussion will be considered after approval of the consent agenda. Public comment will not be taken on consent agenda items.

**June 7th Public Meeting**

**Consent Agenda**

- 8:00 – 8:01 A. **Financial Dashboard Report – March, April, and May 2023**..... James Short
- 8:00 – 8:01 B. **2023 Board Governance Performance Self-Evaluation** ..... Sabrina Perez
- 8:00 – 8:01 C. **Forest Practice Rules Maintenance**..... Josh Barnard and Nicole Stapp
- 8:00 – 8:01 D. **Independent Research and Science Team Appointments** .....Josh Barnard and Terry Frueh
- 8:00 – 8:01 E. **Rangeland Fire Protection Association Budgets** ..... Levi Hopkins
- 8:00 – 8:01 F. **Board Chair Letter to Joint Committee on Ways and Means Regarding Fire Protection Budgets**.....  
.....State Forester Mukumoto
- 8:00 – 8:01 G. **Committee for Family Forestland Appointment**.....Mike Kroon

**Action and Information**

- 8:01 – 10:30 1. **State Forester and Board Member Comments**  
A. **Public Comments** [for information items on agenda and topics not on agenda-see page 3].....Online sign-up
- 10:30 – 11:00 Morning break
- 11:00 – 11:30 2. **\*Forest Patrol Assessment Hearings-Jackson County** ..... Tim Holschbach and Levi Hopkins  
*Department to address requests for a hearing under ORS 477.260(2) and OAR 629-041-0035(4) by landowners in Jackson County regarding the addition of certain properties to the forest patrol assessment roll. This is a decision item.*
- 11:30 – 12:00 3. **2023 Legislative Session Update**..... Ryan Gordon and Derrick Wheeler  
*Department will provide an overview of the current session’s progress and what potential outcomes may inform the agency’s budget.*
- 12:00 – 1:00 4. **Forest Protection Association Budgets** .....Mike Shaw  
*Department will present the annual request for approval of the Forest Protection District’s fiscal year budgets and rates to the board. Seeking board decision on accepting the FPA budgets as presented. This is a decision item.*
- 1:00 – 2:00 Lunch
- 2:00 – 3:00 **State Forester and Board Member Comments Continued**  
A. **Public Comments Continuation**

- 3:00 – 3:15      **5. Forest Trust Land Advisory Committee Testimony** ..... David Yamamoto  
*The FTLAC is a statutorily established committee that advises the Board on State Forests policy.*
- 3:15 – 3:45      **6. Fire Season Readiness** ..... Mike Shaw and Ron Graham  
*Department will provide an update to the Board on the 2023 fire season readiness. This is an informational item.*
- 3:45 – 4:15      **7. 20-Year Landscape Resiliency Strategy Update** ..... Ryan Gordon and Nathan Beckman  
*Department to provide progress of the development of Oregon’s 20-Year Landscape Resiliency Strategy, and the associated report, set to be completed by June 30th, 2023. This is an informational item.*
- 4:15 - 4:30              Meeting Day One adjourned

**June 8th Public Meeting**

**Action and Information**

- 8:00 – 9:30      **8. \*Forestry Program for Oregon Planning Work Session** .....Board Subcommittee and Ryan Gordon  
*A contracted facilitator will oversee a work session with the Board and Executive agency leadership to further the development of the Forestry Program for Oregon (FPFO) strategic plan. This is an informational item.*
- 9:30 – 10:00              Morning Break
- 10:00 – 12:15      **9. \*Board and Agency Organizational Governance Work Session** .....State Forester Mukumoto  
*Facilitated by Clark Seely. The Board Governance Project Phase 1 Scoping and Assessment final draft report will be reviewed and discussed by the Board members and key agency staff. Discussion results will be incorporated into the Phase 1 final report and will also support the efforts of the Governance work group in Phase 2. This is an informational item.*
- 12:15 – 12:30      **10. Board Meeting Wrap-Up** ..... Chair Kelly and Board Members
- 12:30                      Meeting Day Two adjourned

The times listed on the agenda are approximate. At the discretion of the chair, the time and order of agenda items—including the addition of an afternoon break—may change to maintain the 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 the 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. The latest versions of these plans can be found on the Board's website at: <https://www.oregon.gov/odf/Board/Pages/AboutBOF.aspx>

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

- Provide written summaries of lengthy, detailed information.
- 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 before 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 signup 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@odf.oregon.gov](mailto:boardofforestry@odf.oregon.gov), and written comments received will be distributed to the Board. Oral or written comments may be summarized, audio-recorded, and filed as a 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@odf.oregon.gov](mailto:hilary.olivos-rood@odf.oregon.gov), by 5 p.m. Friday, June 2, 2023. If experiencing technical issues or require accommodations contact the Board Administrator, [Hilary.Olivos-Rood@odf.oregon.gov](mailto:Hilary.Olivos-Rood@odf.oregon.gov).

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

**WORK SESSIONS:** Certain agenda topics may be marked with an asterisk indicating a "Work Session" item. Work Sessions provide the Board opportunity to receive information and/or make decisions after considering previous public comments 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 before 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.

To provide the broadest range of services, lead-time is needed to make the necessary arrangements for offsite locations. 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 seven working days before 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.

|                       |                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No:       | A                                                                                                                                                |
| Work Plan:            | Administrative                                                                                                                                   |
| Topic:                | Financial Dashboard                                                                                                                              |
| Presentation Title:   | Department Financial Report for March, April, and May 2023                                                                                       |
| Date of Presentation: | June 7, 2023                                                                                                                                     |
| Contact Information:  | James Short, Assistant Director for Administration<br>(503) 945-7275, <a href="mailto:james.short@odf.oregon.gov">james.short@odf.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 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 have direct impacts on 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 March 2023
- 2) Department of Forestry Financial Report for April 2023
- 3) Department of Forestry Financial Report for May 2023 (available before meeting)



April 3, 2023

Sen. Elizabeth Steiner Hayward, Co-Chair  
Rep. Tawna Sanchez, Co-Chair  
Joint Committee on Ways and Means  
900 Court St. NE, H-178  
Salem, OR 97301

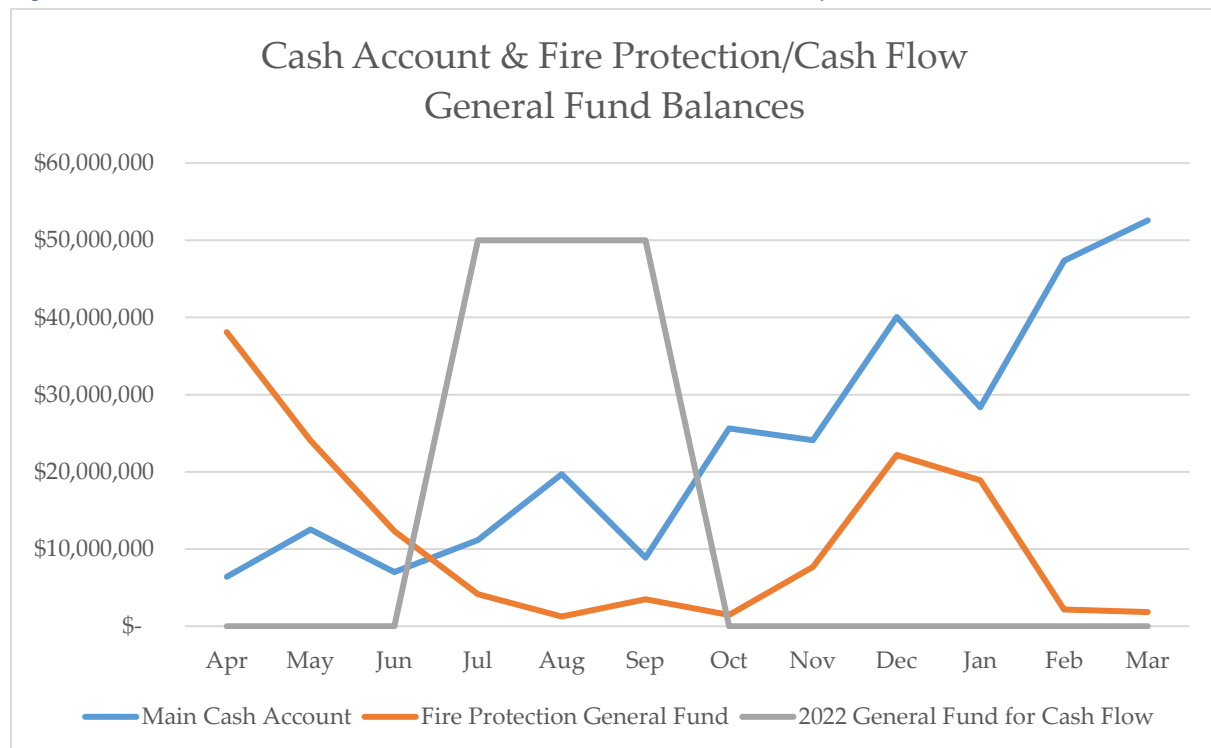
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

### Cash and General Fund Balances

As of March 20, ODF's main cash account balance was \$52.6 million, and the Protection Division General Fund appropriation balance was \$1.8 million (Figure 1). Between February and March, the cash account balance had a net increase of \$5.2 million while the Protection Division General Fund balance had a net decrease of \$367,000.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of Mar. 20, 2023



## Financial Projections

Net financial activity for February 2023 resulted in an increase of \$22.3 million to the department’s end of month cash balance; a \$16.9 million variance over the projected cash balance impact (Table 1). This variance was primarily due to the increase in General Fund appropriation approved during the December 2022 Emergency Board hearing for fire season 2022 net fire and severity costs. The expenditures, originally paid using Other Fund cash, were transferred to the General Fund once the increase in appropriation was allotted to the department, all of which took place during the fiscal month of February.

Table 1 - Financial Projections through Mar. 23, 2023 (in thousands)

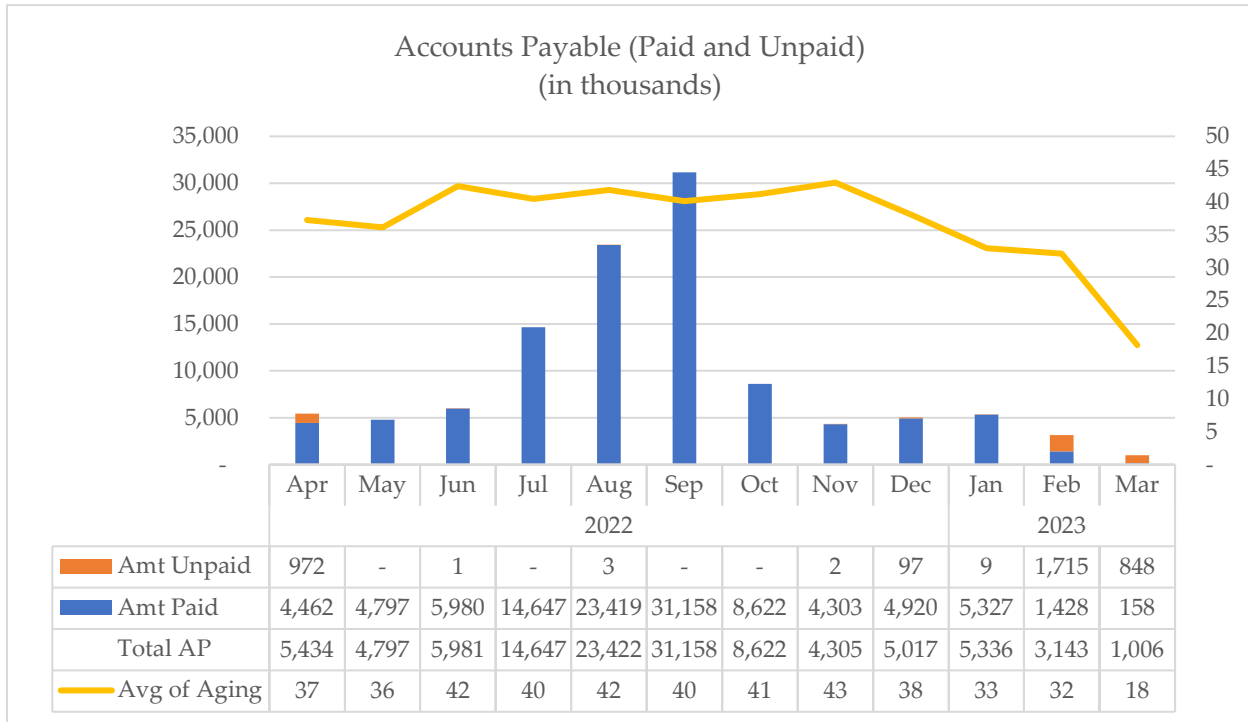
|                                       | 23-Feb     |            | 23-Mar     | 23-Apr     |
|---------------------------------------|------------|------------|------------|------------|
|                                       | Projection | Actual     | Projection | Projection |
| <b>Total Revenue</b>                  | \$15,711   | \$44,728   | \$27,303   | \$13,359   |
| <b>Total Expenditures</b>             | (\$13,182) | (\$22,397) | (\$16,924) | (\$17,227) |
| <b>Net Total Exp/Rev</b>              | \$2,529    | \$22,330   | \$10,378   | (\$3,868)  |
| <b>Beginning Cash Balance</b>         | \$46,983   | \$46,983   | \$66,377   | \$76,755   |
| <b>End of Month Cash Balance*</b>     | \$49,512   | \$66,377   | \$76,755   | \$72,888   |
| Less: Dedicated Funds                 | (\$19,088) | (\$18,022) | (\$18,383) | (\$18,568) |
| <b>End of Month Main Cash Balance</b> | \$30,424   | \$48,355   | \$58,372   | \$54,320   |
| <b>Available GF Appr</b>              | \$57,281   | \$35,479   | \$30,631   | \$21,831   |
| <b>Available Resources</b>            | \$87,705   | \$83,834   | \$89,003   | \$76,151   |

\* Includes reconciliation for non-cash revenue and expenditure transactions.

## Accounts Payable

Department-wide expenditure activity for the reporting period continues to be low, as is consistent for the department in the early spring and prior to fire season (Figure 2). The balance of unpaid accounts payable activity predominantly consists of current invoices except for one U. S. Forest Service invoice (dated April 2022 for \$972,000) which will be paid after the department receives reimbursement from FEMA for the supplemental fire suppression claim.

Figure 2 - Accounts Payable as of Mar. 22, 2023



### Accounts Receivable

Between February and March, there was a net decrease of \$6.9 million in the total accounts receivable balance (Figure 3). Most notably, the department received a \$4.5 million payment from the Bureau of Land Management associated with the Western Oregon Operating Plan and a \$1.2 million reimbursement from the FEMA-Public Assistance (PA) Grant Program for one of the 2020 Holiday Farm fire suppression claims.

Accounts aged over 120 days equate to \$48.6 million, or 73.7%, of the total balances owed to ODF (Figure 4). Of these aged accounts, the majority are due from FEMA (\$35.3 million), federal partners (\$5.2 million), and private parties for cost recovery (\$6 million).

Figure 3 – Total Accounts Receivable as of Mar. 20, 2023

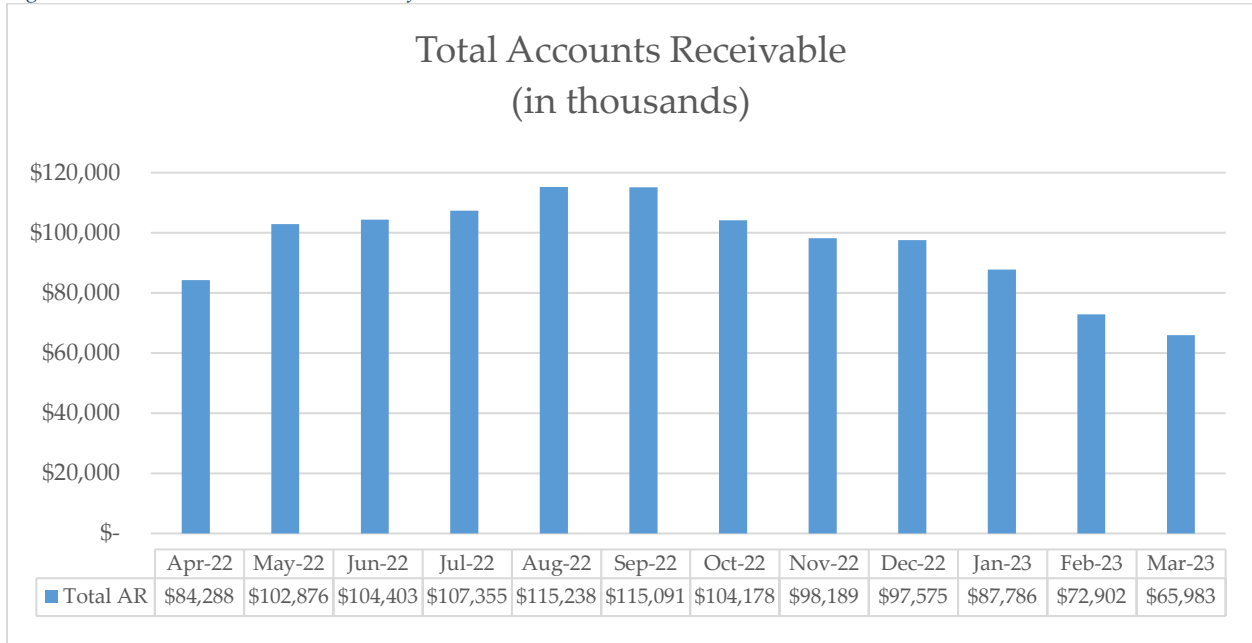
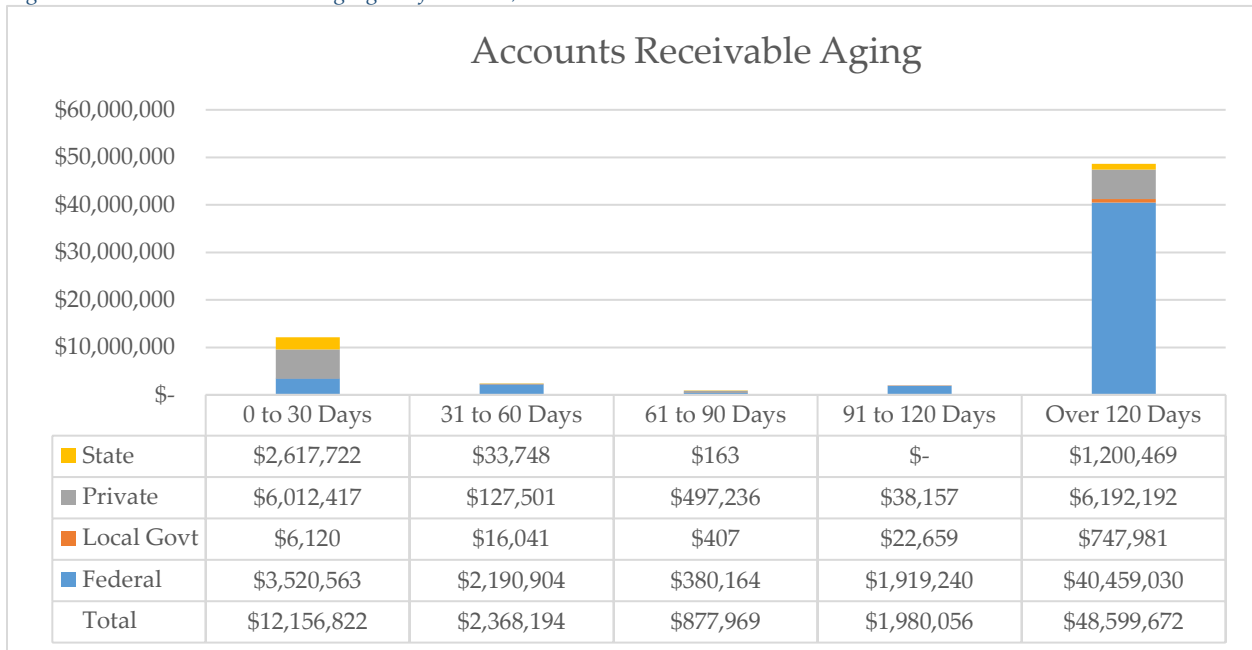


Figure 4 – Accounts Receivable Aging as of Mar. 20, 2023





**Fire Costs**

*Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of March 22, 2023*

| <b>Gross Fire Cost Summary</b> |             |             |             |             |             |             |              |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| <b>Fire Season</b>             | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>Total</b> |
| Fire Costs                     | 61.35       | 108.09      | 33.66       | 138.80      | 147.64      | 49.11       | 538.65       |
| Currently Invoiced             | (0.29)      | (0.22)      | (0.24)      | (35.58)     | (4.89)      | (5.04)      | (46.26)      |
| Outstanding to Invoice         | (0.00)      | (0.38)      | (0.43)      | (2.46)      | (32.62)     | (23.29)     | (59.18)      |

The department recovers some fire costs through two FEMA grants programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via cost share agreements, cooperative agreements, and/or private party cost recovery. All cost recovery types are included in the numbers provided in Table 2.

FEMA-Public Assistance (PA) grants are awarded to Oregon Department of Emergency Management (ODEM) who, in turn, passes the funds through to ODF. FEMA-FMAG grants are awarded directly to ODF, and the department has immediate access to the funds once obligated.

***FEMA grant applications submitted***

As of March 24, 41 grant applications totaling \$40.6 million have been submitted to FEMA, \$36.4 million of which are FEMA-PA grants. Of that, \$35.4 million for 35 grants has been obligated to the department by FEMA and is pending ODEM audit/review and distribution to ODF. An additional six grants (\$1.1 million) are pending final review by FEMA.

The remaining \$4.1 million is through the FEMA-FMAG program (17 grant applications. Of the 17 grant applications submitted, 15 are at some stage of FEMA review (\$3.6 million) and two have been obligated to the department by FEMA (\$546,000).

***FEMA grant applications not yet submitted***

An additional \$7.3 million in estimated FEMA-PA and FMAG grant applications (22) have yet to be submitted to FEMA. The 13 FEMA-FMAG applications associated with administrative costs (\$1.1 million) cannot be submitted to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

The remaining 9 grant applications associated with estimated suppression costs will be submitted to FEMA after all cost-share reconciliations have been completed. This includes five FEMA-PA grants totaling \$689,000 and four FEMA-FMAG grants totaling \$5.5 million.

## MGO Update

The department is continuing its collaboration with Macias, Gini & O'Connell (MGO) on improving our cash flow projection tools. This work builds upon incremental improvements occurring in our financial accounting practices and harnesses the value of having external professional expertise assessing our processes. Two reference materials were recently published documenting progress in implementing MGO's 28 recommendations. The [department's Implementation Management Plan v5](#) provides detailed updates across all recommendations and associated deliverables while [MGO's third interim assessment review](#) provides an evaluation of risks mitigated and completion status. MGO and the department will continue to perform subsequent reviews and reporting to the Board of Forestry through mid-2023.

Sincerely,



Cal Mukumoto  
Oregon State Forester

c:  
Legislative Fiscal Office  
Chief Financial Office  
Oregon State Treasury  
Board of Forestry  
Governor's Office



May 1, 2023

Sen. Elizabeth Steiner Hayward, Co-Chair  
Rep. Tawna Sanchez, Co-Chair  
Joint Committee on Ways and Means  
900 Court St. NE, H-178  
Salem, OR 97301

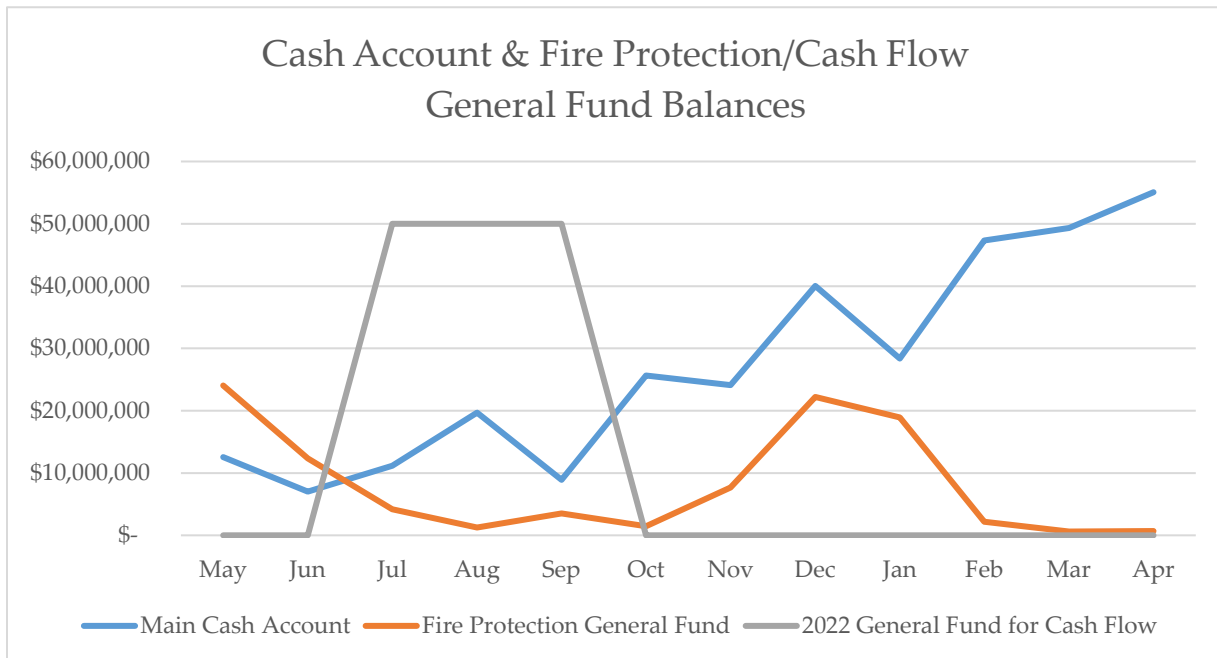
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

### Cash and General Fund Balances

As of April 24, ODF's main cash account balance was \$55.1 million, and the Protection Division General Fund appropriation balance was \$690,000 (Figure 1). Between March and April, the cash account balance had a net increase of \$5.8 million while the Protection Division General Fund balance had a net increase of \$82,000.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of Apr. 24, 2023



## Financial Projections

Net financial activity for March 2023 resulted in an increase of \$4.2 million to the department’s end of month cash balance (Table 1). The cash balance includes amounts pending distribution to counties for the quarter ending March 31, 2023, projected at \$16.5 million.

*Table 1 - Financial Projections through Apr. 24, 2023 (in thousands)*

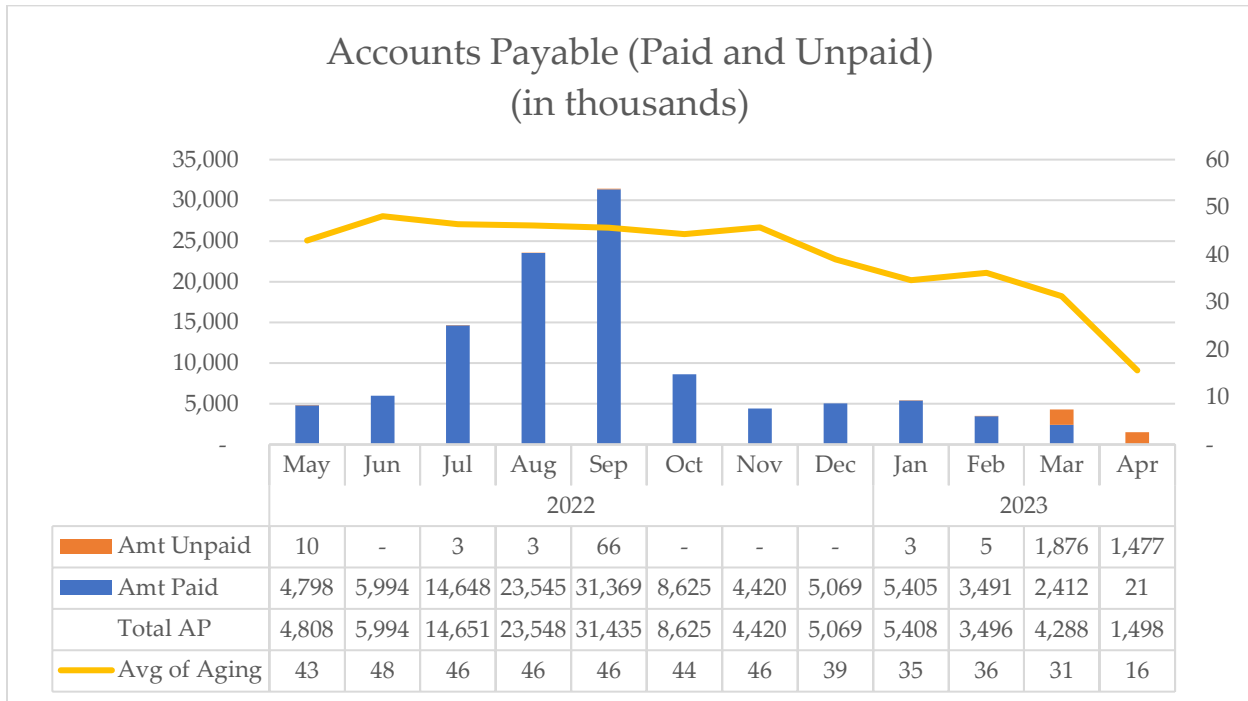
|                                       | 23-Mar     |            | 23-Apr     | 23-May     |
|---------------------------------------|------------|------------|------------|------------|
|                                       | Projection | Actual     | Projection | Projection |
| <b>Total Revenue</b>                  | \$27,303   | \$27,254   | \$13,069   | \$38,243   |
| <b>Total Expenditures</b>             | (\$16,924) | (\$23,024) | (\$19,159) | (\$22,711) |
| <b>Net Total Exp/Rev</b>              | \$10,378   | \$4,230    | (\$6,090)  | \$15,532   |
| <b>Beginning Cash Balance</b>         | \$66,377   | \$66,377   | \$70,184   | \$64,094   |
| <b>End of Month Cash Balance*</b>     | \$76,755   | \$70,184   | \$64,094   | \$79,626   |
| Less: Dedicated Funds                 | (\$18,383) | (\$20,693) | (\$20,859) | (\$21,549) |
| <b>End of Month Main Cash Balance</b> | \$58,372   | \$49,490   | \$43,235   | \$58,077   |
| <b>Available GF Appr</b>              | \$30,631   | \$29,405   | \$21,513   | \$7,546    |
| <b>Available Resources</b>            | \$89,003   | \$78,895   | \$64,748   | \$65,624   |

\* Includes reconciliation for non-cash revenue and expenditure transactions.

## Accounts Payable

Department-wide expenditure activity for the reporting period continues to reflect early spring trends (Figure 2). Accounts payable invoices associated with prior periods have been loaded into OregonBuys over the past month, which accounts for the change in average aging as well as the unpaid balances in May, July, August, and September.

Figure 2 - Accounts Payable as of Apr. 24, 2023



### Accounts Receivable

Between March and April, there was a net decrease of \$662,000 in the total accounts receivable balance (Figure 3).

The negative receivable balance of (\$479,000) reported as due from State in the 61 to 90 Days aged column relates to a receivable due from Washington Department of Natural Resources (WDNR) that was paid by both WDNR and the United States Forest Service (Figure 4). ODF Revenue Unit staff are coordinating with both entities to resolve the overpayment.

Accounts aged over 120 days equate to \$49.9 million, or 76.4%, of the total balances owed to ODF (Figure 4). Of these aged accounts, the majority are due from FEMA (\$36.2 million), federal partners (\$5.6 million), and private parties for cost recovery (\$6.2 million).

Figure 3 – Total Accounts Receivable as of Apr. 24, 2023

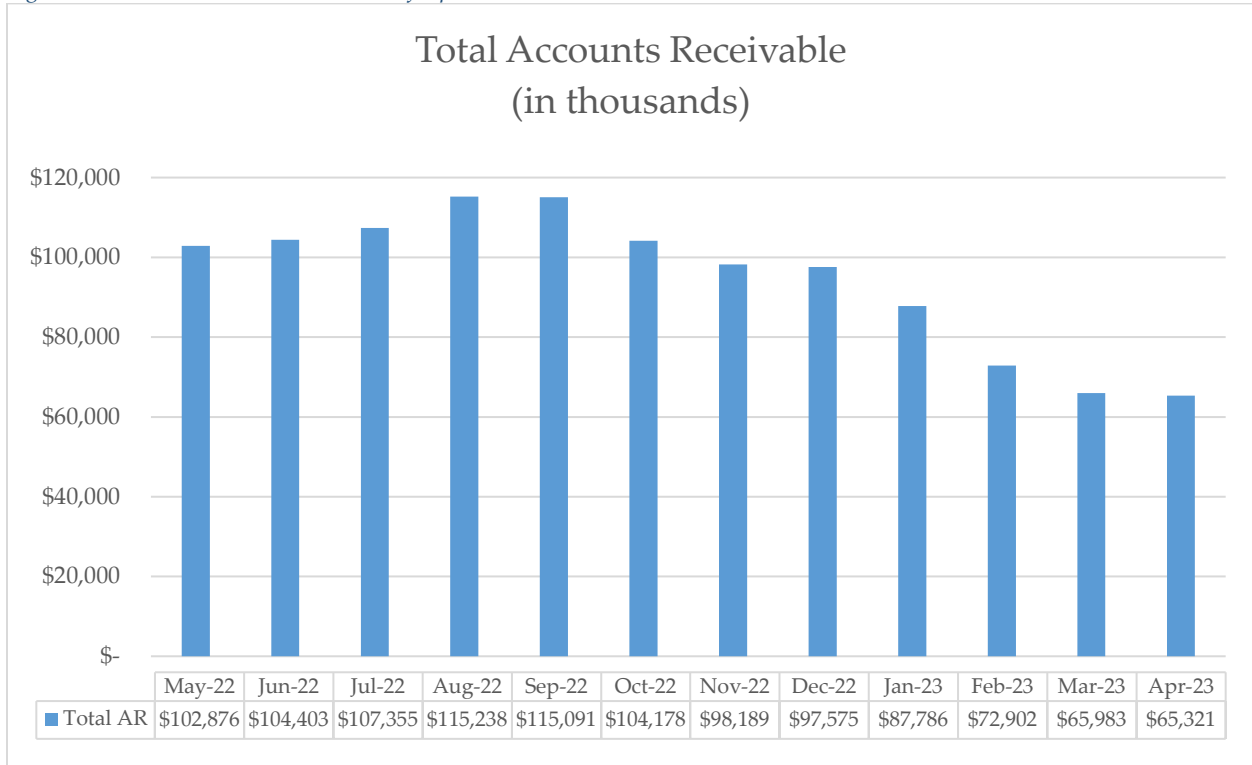
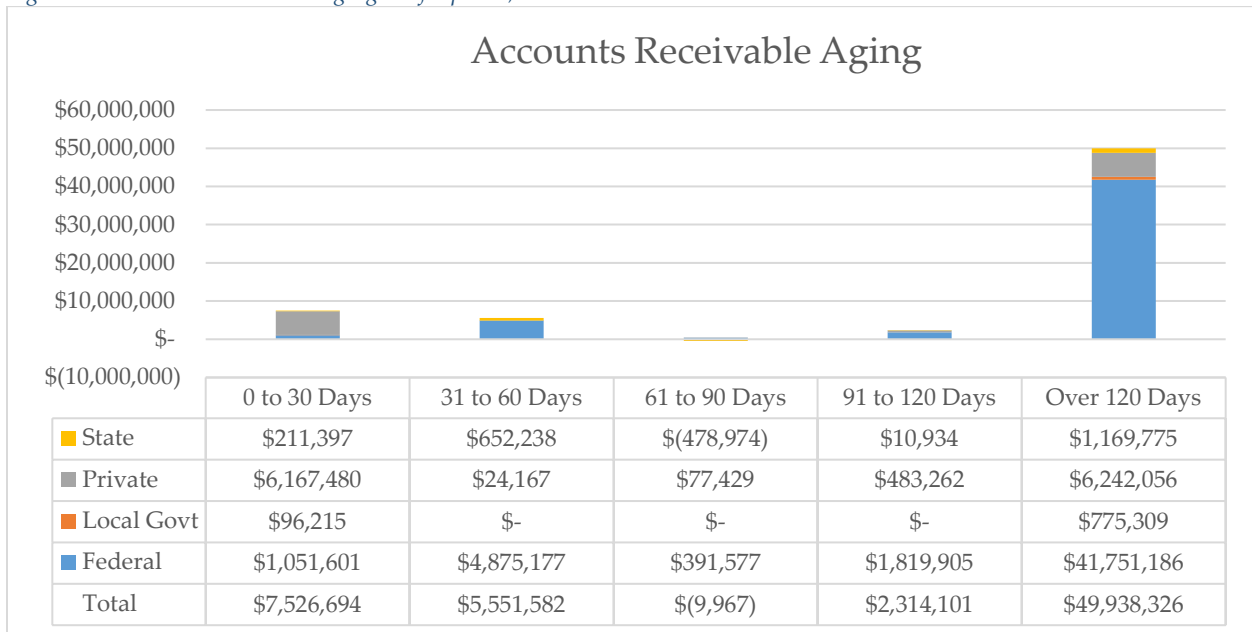


Figure 4 – Accounts Receivable Aging as of Apr. 24, 2023



**Fire Costs**

The department recovers some fire costs through two FEMA grants programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via cost share agreements, cooperative agreements, and/or private party cost recovery. All cost recovery types are included in the numbers provided in Table 2.

*Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of Apr. 24, 2023*

| Gross Fire Cost Summary |        |        |        |         |         |         |         |
|-------------------------|--------|--------|--------|---------|---------|---------|---------|
| Fire Season             | 2017   | 2018   | 2019   | 2020    | 2021    | 2022    | Total   |
| Fire Costs              | 61.35  | 108.09 | 33.66  | 138.80  | 147.53  | 49.15   | 538.58  |
| Currently Invoiced      | (0.29) | (0.22) | (0.24) | (35.58) | (5.02)  | (5.41)  | (46.76) |
| Outstanding to Invoice  | (0.00) | (0.38) | (0.43) | (2.46)  | (32.33) | (20.98) | (56.58) |

FEMA-Public Assistance (PA) grants are awarded to Oregon Department of Emergency Management (ODEM) who, in turn, passes the funds through to ODF. FEMA-FMAG grants are awarded directly to ODF, and the department has immediate access to the funds once obligated.

***FEMA grant applications submitted***

As of April 24, 57 grant applications totaling \$40.5 million have been submitted to FEMA, \$36.4 million (41 grants) of which were FEMA-PA grants. All 41 FEMA-PA grant applications have been obligated by FEMA and are pending ODEM audit/review and distribution to ODF.

The 16 grant applications totaling \$4.1 million submitted through the FEMA-FMAG program are in various stages of FEMA review: three (\$596,000) have been obligated, three (\$1.4 million) are pending FEMA final review and ten (\$2.1 million) are in the initial FEMA review stage.

***FEMA grant applications not yet submitted***

An additional \$7.3 million in estimated FEMA-PA and FMAG grant applications (22) have yet to be submitted to FEMA. The 13 FEMA-FMAG applications associated with administrative costs (\$1.1 million) cannot be submitted to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

The remaining 9 grant applications associated with estimated suppression costs will be submitted to FEMA after all cost-share reconciliations have been completed. This includes five FEMA-PA grants totaling \$689,000 and four FEMA-FMAG grants totaling \$5.5 million.

### **MGO Update**

This month, the department focused on several internal policy-related deliverables defined in the [Implementation Management Plan v5](#). A meeting is also scheduled this month for continued direct work with Macias, Gini & O'Connell (MGO) on our cash flow projection tools. [MGO's third interim assessment review](#) provides an evaluation of risks mitigated and completion status. The department and MGO will continue to perform subsequent reviews and reporting to the Board of Forestry through 2023.

Sincerely,



Cal Mukumoto  
Oregon State Forester

c:  
Legislative Fiscal Office  
Chief Financial Office  
Oregon State Treasury  
Board of Forestry  
Governor's Office





June 1, 2023

Sen. Elizabeth Steiner, Co-Chair  
Rep. Tawna Sanchez, Co-Chair  
Joint Committee on Ways and Means  
900 Court St. NE, H-178  
Salem, OR 97301

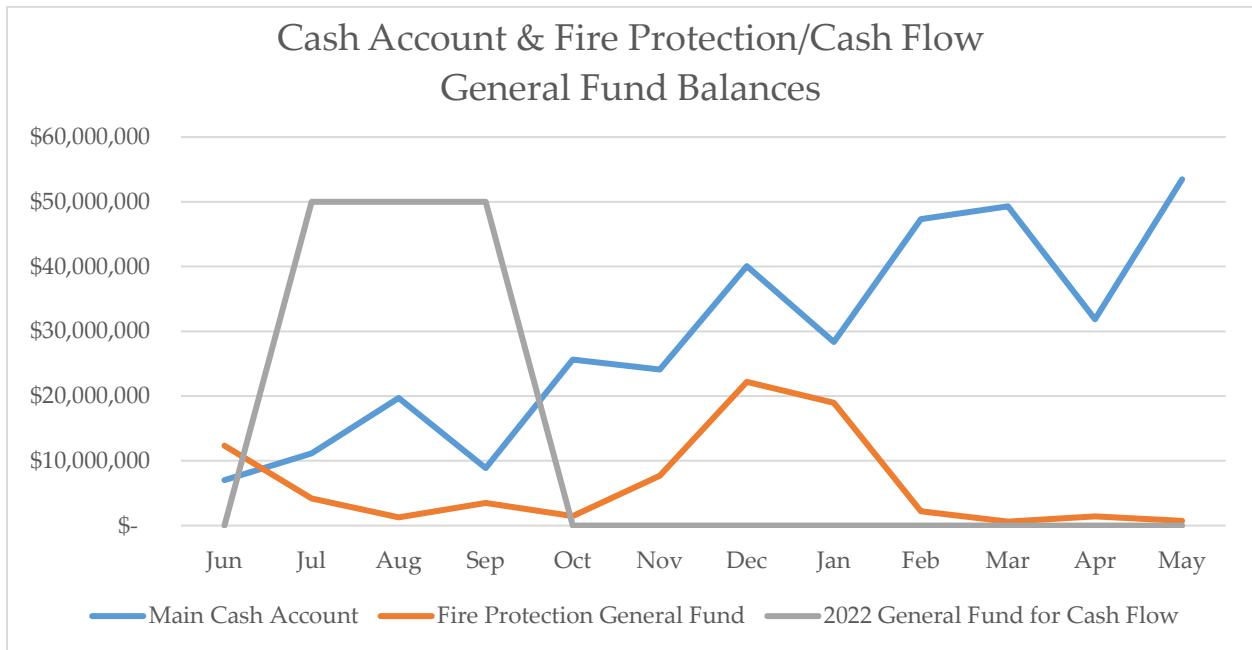
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

### Cash and General Fund Balances

As of May 24, ODF's main cash account balance was \$53.5 million, and the Protection Division General Fund appropriation balance was \$709,000 (Figure 1). Between April and May, the cash account balance had a net increase of \$21.6 million while the Protection Division General Fund balance had a net decrease of \$689,000.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of May 24, 2023



### Financial Projections

Net financial activity for April 2023 resulted in a decrease of \$13.2 million to the department's end of month cash balance (Table 1). The net decrease was primarily attributable to the quarterly county distribution for the period ending March 31, 2023.

Though timber sales revenue has been consistently received over the past four months, reimbursements associated with cooperative agreements and large fire activities were less than anticipated. This is due in part to ongoing financial reporting challenges associated with payroll costing issues.

Table 1 - Financial Projections through May 24, 2023 (in thousands)

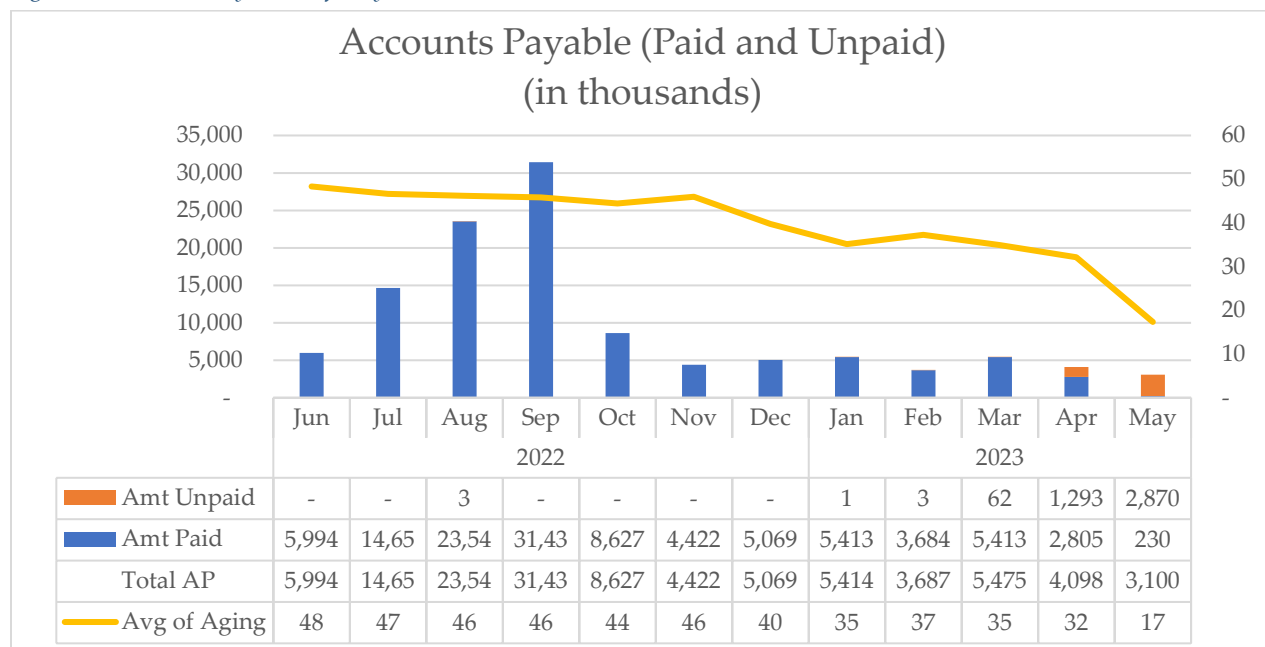
|                                       | 23-Apr     |            | 23-May     | 23-Jun     |
|---------------------------------------|------------|------------|------------|------------|
|                                       | Projection | Actual     | Projection | Projection |
| <b>Total Revenue</b>                  | \$13,069   | \$4,122    | \$34,119   | \$27,826   |
| <b>Total Expenditures</b>             | (\$19,159) | (\$17,274) | (\$20,896) | (\$20,145) |
| <b>Net Total Exp/Rev</b>              | (\$6,090)  | (\$13,152) | \$13,223   | \$7,681    |
| <b>Beginning Cash Balance</b>         | \$70,184   | \$70,184   | \$53,945   | \$67,168   |
| <b>End of Month Cash Balance*</b>     | \$64,094   | \$53,945   | \$67,168   | \$74,849   |
| Less: Dedicated Funds                 | (\$20,859) | (\$20,806) | (\$21,473) | (\$21,783) |
| <b>End of Month Main Cash Balance</b> | \$43,235   | \$33,139   | \$45,695   | \$53,066   |
| <b>Available GF Appr</b>              | \$21,513   | \$23,945   | \$12,814   | \$6,086    |
| <b>Available Resources</b>            | \$64,748   | \$57,084   | \$58,508   | \$59,152   |

\* Includes reconciliation for non-cash revenue and expenditure transactions.

### Accounts Payable

Department-wide expenditure activity for the reporting period continues to reflect early spring trends (Figure 2). While total accounts payable amounts are low, the volume of corresponding activity remains high (e.g., high volume of low dollar value invoices). As the department prepares for the 2023 fire season, an increase in accounts payable balances is anticipated.

Figure 2 - Accounts Payable as of May 25, 2023



### Accounts Receivable

Between April and May, there was a net decrease of \$5.7 million in the total accounts receivable balance (Figure 3). This decrease is due in part to the department receiving \$11 million in FEMA fire suppression and preposition reimbursements associated with the 2020 fire season.

Accounts aged over 120 days equate to \$40.7 million, or 68.4%, of the total balances owed to ODF (Figure 4). Of these aged accounts, the majority are due from FEMA (\$25.1 million), federal partners (\$7.3 million), and private parties for cost recovery (\$5.9 million).

Figure 3 – Total Accounts Receivable as of May 24, 2023

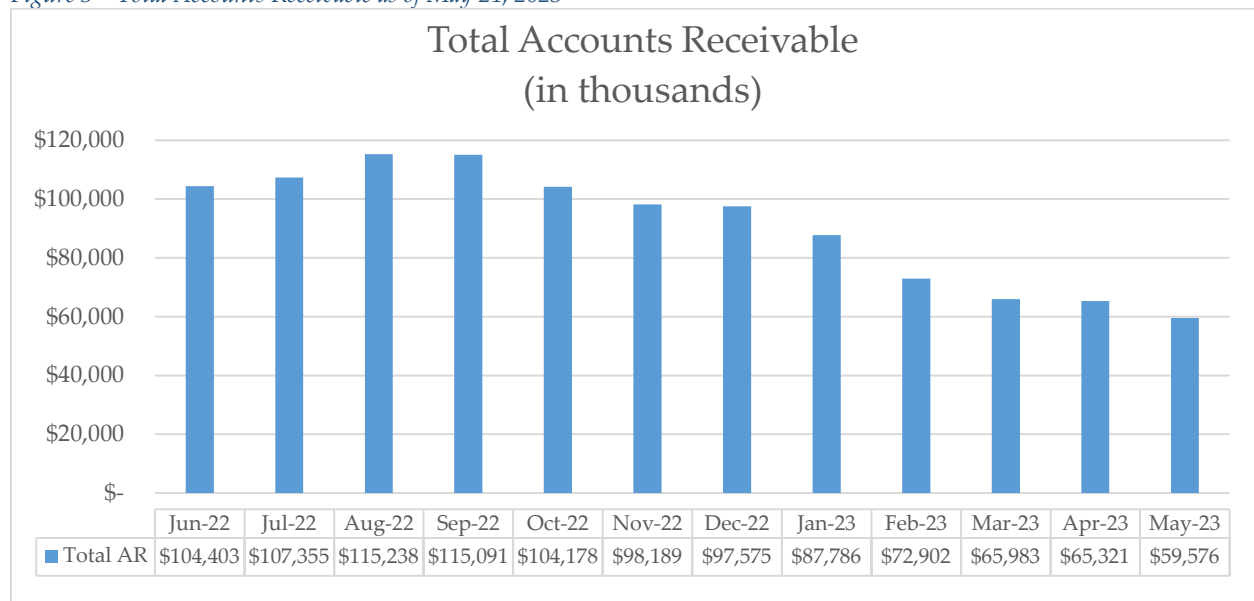
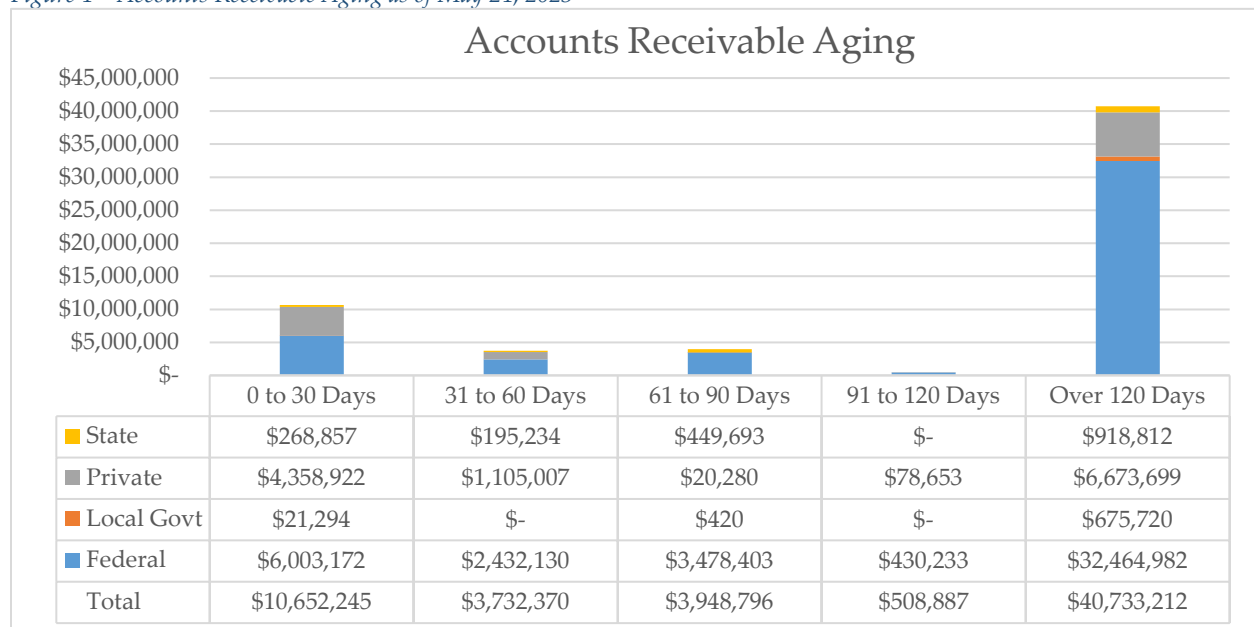


Figure 4 – Accounts Receivable Aging as of May 24, 2023



**Fire Costs**

The department recovers some fire costs through two FEMA grants programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via cost share agreements, cooperative agreements, and/or private party cost recovery. All cost recovery types are included in the numbers provided in Table 2.

*Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of May 19, 2023*

| Gross Fire Cost Summary |        |        |        |         |         |         |         |
|-------------------------|--------|--------|--------|---------|---------|---------|---------|
| Fire Season             | 2017   | 2018   | 2019   | 2020    | 2021    | 2022    | Total   |
| Fire Costs              | 61.35  | 108.09 | 33.66  | 138.82  | 147.42  | 49.28   | 538.62  |
| Currently Invoiced      | (0.29) | (0.22) | (0.19) | (34.83) | (5.79)  | (5.32)  | (46.64) |
| Outstanding to Invoice  | (0.00) | (0.49) | (0.47) | (2.26)  | (30.68) | (21.87) | (55.77) |

FEMA-Public Assistance (PA) grants are awarded to Oregon Department of Emergency Management (ODEM) who, in turn, passes the funds through to ODF. FEMA-FMAG grants are awarded directly to ODF, and the department has immediate access to the funds once obligated.

***FEMA grant applications submitted***

As of May 24, 52 grant applications totaling \$29.4 million have been submitted to FEMA, \$25.7 million (40 grants) of which were FEMA-PA grants. All 40 FEMA-PA grant applications have been obligated by FEMA and are pending ODEM audit/review and distribution to ODF.

The 12 grant applications totaling \$3.8 million submitted through the FEMA-FMAG program are in various stages of FEMA review: one (\$477,000) has been obligated, two (\$1.3 million) are pending FEMA final review and nine (\$2 million) are in the initial FEMA review stage.

***FEMA grant applications not yet submitted***

An additional \$7.1 million in estimated FEMA-PA and FMAG grant applications (21) have yet to be submitted to FEMA. The 13 FEMA-FMAG applications associated with administrative costs (\$1.1 million) cannot be submitted to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

The remaining eight grant applications associated with estimated suppression costs will be submitted to FEMA after all cost-share reconciliations have been completed. This includes five FEMA-PA grants totaling \$698,000 and three FEMA-FMAG grants totaling \$5.4 million.

**MGO Update**

The department is continuing to engage with Macias, Gini & O’Connell (MGO) on improvements to our cash flow projection tools providing valuable external expertise and insight into our financial accounting practices. Internally, work has focused on completing deliverables associated with our internal policy organization as defined in the department’s

[Implementation Management Plan v5](#). In coming months the department will collaborate with MGO on an update to [MGO's third interim assessment review](#) providing an overall evaluation of risks mitigated and their completion status. The department and MGO will continue to perform subsequent reviews and reporting to the Board of Forestry through 2023.

Sincerely,



Cal Mukumoto  
Oregon State Forester

c:  
Legislative Fiscal Office  
Chief Financial Office  
Oregon State Treasury  
Board of Forestry  
Governor's Office

|                       |                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | B                                                                                                                                       |
| Work Plan:            | Administrative                                                                                                                          |
| Topic:                | Board Governance Performance Self-Evaluation                                                                                            |
| Presentation Title:   | 2023 Board Governance Performance Self-Evaluation                                                                                       |
| Date of Presentation: | June 7, 2023                                                                                                                            |
| Contact Information:  | Sabrina Perez, Senior Strategy Manager<br>(503) 945-7311 <a href="mailto:sabrina.perez@odf.oregon.gov">sabrina.perez@odf.oregon.gov</a> |

## **SUMMARY**

The Board of Forestry has completed its annual self-evaluation for 2023 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 criterion 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 the spring of 2023, board members completed individual self-evaluations utilizing the Board Governance Performance Measure Best Management Practices Self-Evaluation Criteria. A summary of the 2023 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**

All seven board members serving in the 2022 calendar period completed the evaluation. Results of the evaluation suggest that current board members see the board functioning in a satisfactory manner across the majority of best practices in governance; however, slight disagreement in a few criterion ratings affected the Board’s ability to meet their performance measure target of 100% for 2023. The Board found common agreement in reaching 92% of their best practices as compared to the prior year’s evaluation of 97%.

The Board found common agreement in meeting best practices of governance in areas of:

- defined performance expectations for the State Forester and recent evaluation,
- review of the agency’s annual key performance measures, as well as key financial information and audit findings as they are released,
- agency adherence to accounting rules and financial controls,
- board members responsibly serving as public representatives, coordinating with other public agencies and boards where statutory authority overlaps, attending appropriate training and technical information sessions, utilizing outreach and engagement of stakeholders and special interest committees, and annually evaluating their adherence to best practices in governance.

Areas for further improvement include:

- completion of the Board's strategic plan in the *Forestry Program for Oregon* with current agency mission, high-level goals, and defined strategic initiatives and priorities,
- increasing communication with the Board surrounding complex or significant operational-level decisions and communication strategies associated with those efforts,
- commitment of the Board to attend the rural community board meetings and field tours,
- increasing coordination with partnering agencies, continuing to hear from a broad range of diverse perspectives and information sources, reliance, and use of the best available science,
- enhancing the detail of financial information provided, and the interrelated financial impact associated with key policy decisions before the Board; including, overall financial risk to the agency and challenges within the biennial budgeting process, and
- securing stable funding for management of state forests and the counties supported by state lands, and the highly variable cost of wildfire funding.

Overall, the Board had positive reflections on their effectiveness as a board with recognition for the significant volume of complex issues requiring their attention and continuing room for improvement.

## **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 92% 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 92% 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 the first alternative and approve the summary evaluation report as the conclusion of the 2023 self-evaluation process.

## **NEXT STEPS**

The Board will further discuss this year's collective self-evaluation at the annual planning retreat in October 2023. Results of the collective self-evaluation will be included in the Department's *2023 Annual Performance Progress Report* submitted to the Department of Administrative Services and Legislative Fiscal Office.

## **ATTACHMENT**

- 1) 2023 Summary of Best Practices Performance Evaluation (*Oregon Board of Forestry*)

**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

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

**Target:** 100%

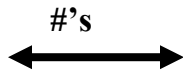
**Period:** Annual

**ODF Key Performance Measure:** #2

**Board Adopted:** September 6, 2006

**Summary of Individual Board Member Evaluations – May 19, 2023**

**Key:** Within Each Criteria:






= Board member tally count  
= range of ratings

| Oregon Board of Forestry Best Practices Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Strongly Agree | Agree  | Disagree | Strongly Disagree |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------|----------|-------------------|
| <p><b>1. Executive Director’s performance expectations are current.</b><br/><i>The Board understands this to mean that the State Forester’s Position Description is current.</i></p> <p><u>Comments:</u> none</p>                                                                                                                                                                                                                                                                                                                                                                                                                           | 1<br>↔         | 6<br>↔ | 0        | 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> none</p>                                                                                                                                                                                                                                                                                                                                                       | 1<br>↔         | 6<br>↔ | 0        | 0                 |
| <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 and Oregon Forest Practices Act/Rules</u> are current.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• The FPFO revision should address this.</li> <li>• Agency’s mission and high level goals will be updated with the new FPFO.</li> <li>• When FPFO updates is complete, these goals will be current.</li> <li>• Still working on the FPFO right now. Making great progress, but the current document is no longer current.</li> </ul> | 0              | 4<br>↔ | 3        | 0                 |





**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

| Oregon Board of Forestry Best Practices Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Strongly Agree | Agree | Disagree | Strongly Disagree |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------|----------|-------------------|
| <p><b>4. The Board reviews the <u>Annual Performance Progress Report</u>.</b><br/><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> none</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1              | 6     | 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>• There have been large decisions, with significant financial impact, that the Board of Forestry has not voted on this past year. While I understand there is a deep divide on the HCP that the board has disagreed on, I don't agree with the State Forester decision to move the harvest levels down so significantly, thus creating financial pressure on the impacted counties in addition to the Dept. of Forestry. The Board also did not see, review or agree on the recent Coho lawsuit settlement language/agreement.</li> <li>• Board is appropriately informed of key efforts but not necessarily in the communications strategy associated with those efforts.</li> </ul>                                                                                                                                                              | 1              | 5     | 1        | 0                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |       |          |                   |
| <p><b>6. The Board is appropriately involved in policy-making activities.</b><br/><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>• Yes, part of the board understands the essential nature of getting to rural communities; holding community meetings; understanding the tremendous challenges and differences in various growing regions of our state; and appreciating the Department of Forestry field staff that is working with local communities. This is hard work for our field staff. Growing trees in Astoria could not be more different than growing trees in Wallowa. The whole board is not participating in these far reaching rural community board meetings, tours and efforts.</li> <li>• Board is meeting around the state. This is critical to understand different areas issues and perspective. FPFO work in the retreat was helpful understanding goals related to statewide policy.</li> </ul> | 3              | 3     | 1        | 0                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |       |          |                   |





**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

| Oregon Board of Forestry Best Practices Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Strongly Agree | Agree | Disagree | Strongly Disagree |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------|----------|-------------------|
| <p><b>7. The agency’s policy option packages are aligned with their mission and goals.</b> <i>The Board understands this to mean the packages included in the biennial budget process as part of the Agency Request Budget.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• There should be a more focused effort on securing funds to support management of state forests and the counties in which they occur.</li> <li>• The State Forestry Department is a high financial risk agency, but the undisciplined nature of the agency creates MORE financial risk for the State of Oregon. We have a three year fire average of \$111 million; we owe the E-Board \$50 million; and the State Forester just cut revenue to State Lands by about \$30 million +/- thru a reduced harvest decision. These three items are about \$191 million of an annual agency budget that is about \$280 million. These three items are about 70% of our annual budget. We cannot predict what annual large fire will be, but we do have control of these other two items and decisions.</li> <li>• Communication of the prioritization process associated with POPs could be improved.</li> </ul> | 1              | 5     | 1        | 0                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |       |          |                   |
| <p><b>8. The Board reviews all proposed budgets.</b> <i>The Board understands this to mean the Department of Forestry’s biennial budget at the Agency Request Budget level.</i></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• The Board did not review the recent budget impact of the State Foresters HCP decision, which will have a deep financial impact on the State Lands budget. These State Lands dollars are the MOST important dollars in funding large fire costs. While the staff hopes for a ballot measure or other large fire cost funding, the reality is we have self financed these large fires. The State is holding budgets, and likely projecting for a downturn. Our staff is playing the lottery without board approval.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                             | 1              | 5     | 1        | 0                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |       |          |                   |
| <p><b>9. The Board periodically reviews key financial information and audit findings.</b> <i>The Board understands this to mean significant financial issues and as audits are released.</i></p> <p><u>Comments:</u> none</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2              | 5     | 0        | 0                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |       |          |                   |

**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

| Oregon Board of Forestry Best Practices Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Strongly Agree                                                                           | Agree                                                                                    | Disagree | Strongly Disagree |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|----------|-------------------|
| <p><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></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• More information on succession management would be helpful.</li> <li>• Many of these topics are included in consent agenda items. May be helpful to track some keymetrics in dashboard style (current vacancies, retirement projections etc.)</li> </ul>                                            | 0                                                                                        | 6<br> | 1        | 0                 |
| <p><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></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• Yes. Please understand there is a significant difference between the MGO efforts and the large, significant policy decisions that so impact our cash flow and revenues. MGO helps improve and clean up our basic systems and checks and balances. MGO is essential to this agency. The policy decisions I am referencing to are large financial impacts to our revenue streams.</li> </ul> | 2<br> | 5                                                                                        | 0        | 0                 |

**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

| Oregon Board of Forestry Best Practices Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Strongly Agree | Agree                                                                                      | Disagree | Strongly Disagree |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------|----------|-------------------|
| <p><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></p> <p><u>Comments:</u> none</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 2              | 5<br>   | 0        | 0                 |
| <p><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></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• Coordinating does occur, on issue by issue basis. But perhaps it might be worthwhile to coordinate across key partners annually?</li> <li>• We could do a better job coordinating with other public boards and commissions and one thought is to have an informal open meeting among all board and commission chairs once or twice a year to share perspectives. Coordination with the USFS, BLM, and the USFWS could be improved.</li> </ul> | 0              | 7<br>   | 0        | 0                 |
| <p><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></p> <p><u>Comments:</u> n/a</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1              | 6<br> | 0        | 0                 |
| <p><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></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• In progress, I see working on strategic framework part of addressing best practices and emerging issues.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1              | 6<br> | 0        | 0                 |

**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

| Oregon Board of Forestry Best Practices Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Strongly Agree | Agree  | Disagree | Strongly Disagree |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------|----------|-------------------|
| <i>Listed below is an additional best practice for the Board of Forestry; not included in calculating the percentage adherence to best practices.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |        |          |                   |
| <p><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></p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• Also a continuous process, with the initiation of surveys.</li> <li>• Appreciate that this topic will be explored during retreat including whether any revised or new advisory committees could be helpful.</li> </ul> | 2<br>←         | 5<br>→ | 0        | 0                 |
| <b>Total Number</b> (Criteria 1-15)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 17             | 80     | 8        | 0                 |
| <b>Percentage of Total in Each Evaluation Category</b> (Criteria 1-15)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 16.19%         | 76.19% | 7.62%    | 0%                |
| <b>Percentage of Total in “Agree” and “Disagree”</b> (Criteria 1-15)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 92%            |        | 8%       |                   |

**Oregon Board of Forestry  
Governance Performance Measure  
2023 Summary of Best Practices Performance Evaluations**

**Summary Questions for Consideration:**

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

- OK, but there needs to be a greater effort to avoid any political agendas on the part of someboard members.
- Challenged!
- The Board is faced with several difficult issues. Outreach to the public has been good this year and we have received a high volume of input. Navigating this input, hearing what is said, and using this information will be critical for our success dealing with these difficult issues.
- Okay
- Pretty good
- Overall, the Board is doing a satisfactory job. Progress is being made on large policy initiatives, improving education and outreach practices, supporting best practices to improve the financial standing of the agency and beginning a re-visioning process through FPFO discussions. Additionally, the Board members are engaging together in a collegial and thoughtful manner. There is continuing room for improvement however.

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

- Political divisiveness. Also some roles of the Board being displaced by decisions from the Governor's office.
- The agency is bipolar. The field staff is working with local communities; forest owners; constituencies; etc.....they follow the Land Grant model of understanding best practices on the ground. The central Salem staff seems very "top down" -- this is how we want you to do it. This agency difference is very apparent and needs rectified.
- High volume of difficult issues.
- State HCP controversy.
- Board results are affected at times by condensed timeframes associated with certain decisions, legislative actions, budget decisions and sufficiency of information received in advance of decisions.

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

- Agreement among board members that we: 1. Will use the best available science from the refereed literature on which to base policy decisions 2. Represent the best interest of all Oregonians including those who we do not hear from during open meetings.
- We have great projects in these rural communities that have tremendous community support and collaborative buy-in. We have idealistic board members that don't bother to travel, tour and listen to these rural community collaboratives & members. This is a deep divide between the academic, elite and those rural residents in every corner of Oregon that depend on timber revenue; success and strive for healthy forest policy.
- FPFO completion and completion of the Board Policy Manual.
- It is helpful to receive information well in advance of Board meetings when possible especially when decisions are on the agenda. Manageable Board agendas. Continued efforts to hear from a diverse range of perspectives and information sources on relevant topics.

|                       |                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | C                                                                                                                                               |
| Topic:                | Forest Practice Rules Maintenance                                                                                                               |
| Date of Presentation: | June 7, 2023                                                                                                                                    |
| Contact Information:  | Josh Barnard, Forest Resources Division Chief<br>503-551-8568, <a href="mailto:josh.w.barnard@odf.oregon.gov">josh.w.barnard@odf.oregon.gov</a> |

## **SUMMARY**

This agenda item seeks from the Board of Forestry the approval to make technical adjustments and conforming amendments to previously adopted rules that implement Senate Bill (SB) 1501 (2022), SB 1502 (2022), and the Private Forest Accord (PFA) Report. This is a decision item.

## **BACKGROUND**

SB 1501 directed the Board to adopt a single rule package consistent with the PFA Report by November 30, 2022. This rule package was adopted by the Board on October 26, 2022. SB 1501 authorizes the Board to make minor, conforming changes to the rules, without undergoing typical rulemaking processes, until July 1, 2023.

Following the adoption of the rule package, staff and agency partners identified technical issues that need to be addressed and previously unresolved rule language has been developed and needs to be incorporated into the rules.

## **RECOMMENDATION**

The department recommends the Board adopt the proposed rule revisions as submitted.

## **NEXT STEPS**

The department will submit the rule changes to the Secretary of State for filing.

## **ATTACHMENTS**

- (1) Summary of revisions for adoption.
- (2) Detailed, mark up of revisions to the following Oregon Administrative Rules (OAR)  
Chapter 629 Divisions:
  - 600 Definitions
  - 603 Adaptive Management Program
  - 605 Planning Forest Operations
  - 607 Small Forestland Owners
  - 625 Forest Road Construction and Maintenance
  - 630 Harvesting
  - 643 Water Protection Rules: Vegetation Along Streams
  - 678 Compliance Monitoring

## Summary of revisions to Forest Practice Rules as adopted in October 2022

This document contains proposed modifications to the Forest Practices Rules. Modifications shaded in green would be effective 7/1/23, rather than 1/1/24.

### Division 600. Definitions

| Rules affected             | Summary of modification                                                                                                                                                  | Reason for changes                                                                                                                                                           |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0100(13) to (99)/<br>(103) | Moves the effective date of defined terms from 1/1/24 to 7/1/23, renumbers as necessary. Substantive changes have not been made to the definitions as approved in 10/22. | Definitions for common ownership, Eastern Oregon, small forestland, small forestland owner, and Western Oregon are needed to support forest practice rules effective 7/1/23. |
| 0100(89)/(92)              | Modifies the definition of “Type SSBT stream”.                                                                                                                           | Needed to align with the new stream classifications.                                                                                                                         |
| 0100(16)                   | Modifies the definition of “Biological goals and objectives”.                                                                                                            | Minor change so the term has meaning before the approval of a plan.                                                                                                          |
| 0100(39)                   | Deletes the “Dry channel area” definition in its entirety.                                                                                                               | The term as defined is not referenced in the rules and is inaccurate.                                                                                                        |
| 0100(53/52)                | Modifies the definition of “Forest conservation tax credit”.                                                                                                             | Technical correction to refer to “small forestland owners” as defined.                                                                                                       |
| 0100(119) to (163)         | Establishes “Significantly disproportionately impacted” as a defined term, renumbers as necessary.                                                                       | This addition is needed to fulfill the intent of the Private Forest Accord report and its authors.                                                                           |

### Division 603. Adaptive Management Program

| Rules affected | Summary of modification                                        | Reason for changes                                                  |
|----------------|----------------------------------------------------------------|---------------------------------------------------------------------|
| 0000(6)(c)     | Modifies the definition of “Biological goals and objectives”.  | Minor change so the term has meaning before the approval of a plan. |
| 0000(6)(f)     | Modifies the definition of “Research agenda”.                  | Technical correction to match the 1/1/24 629-600-0100 definition.   |
| 0100(1)        | Reorganizes the section and makes minor modifications to text. | Minor change to reduce redundancies and clarify intent.             |
| 0200(2)        | Modifies the due date for items related to the AMPC and IRST.  | These additional six months are needed for implementation.          |
| 0200(6)(b)(H)  | Removes unnecessary text.                                      | Minor change for clarity.                                           |
| 0200(8)(b)     | Adds the word “board” before meeting.                          | Minor change for clarity as the word was inadvertently missed.      |
| 0300(5)        | Modifies the time an interim member can serve on the AMPC.     | Needed to better align with the formal appointment process.         |

### Division 605. Planning Forest Operations

| Rules affected                          | Summary of modification                                                                                                         | Reason for changes                                                                                                          |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 0170(10)(a)(G) and<br>(10)(a)(H) to (K) | Deletes (10)(a)(G) in its entirety removing the ability to waive a written plan in a specific scenario. Renumbers as necessary. | Needed to address a contradiction in the following subsection that states a written plan is not waivable for that scenario. |
| 0173(5)(w) to (aa)                      | Updates rule references and modifies text to reflect the new geographic regions and stream classifications.                     | Technical changes needed to align and conform with rules adopted in 10/22.                                                  |

### Division 607. Small Forestland Owner

| Rules affected | Summary of modification                                                                       | Reason for changes                                                                                        |
|----------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 0000(5)        | Deletes (5) in its entirety, without an implementation impact.                                | The language of (5) was placeholder language.                                                             |
| 0100           | Updates rule heading from “Prescriptive Alternatives”.                                        | Technical change for accuracy.                                                                            |
| 0100(1)        | Corrects rule reference, removes language for clarity.                                        | Technical change is needed for consistency and accuracy.                                                  |
| 0100(2)        | Reorganizes the section, adds a missing rule reference, corrects a rule reference and a typo. | Technical changes needed to add a reference that was inadvertently missed, increase accuracy and clarity. |



|                                            |                                                                                                                      |                                                                                                    |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 0100(3)                                    | Creates alternatives for significantly disproportionately impacted SFO parcels.                                      | This addition is needed to fulfill the intent of the Private Forest Accord report and its authors. |
| 0200(1)                                    | Replaces “defined” with “described”.                                                                                 | Technical correction needed for accuracy.                                                          |
| 0200(1)(c)                                 | Adds a subsection as intended.                                                                                       | Technical correction as the subsection was inadvertently missed.                                   |
| 0250(3)(d)                                 | Adds a subsection to create notification requirements for significantly disproportionately impacted parcels.         | This addition is needed to fulfill the intent of the Private Forest Accord report and its authors. |
| 0250(6), (7) and (8)                       | Adds a section to require a Forest Management Plan for significantly disproportionately impacted SFOs and renumbers. | This addition is needed to fulfill the intent of the Private Forest Accord report and its authors. |
| 0250(7)                                    | Updates text to refer to “small forestland owners”.                                                                  | Technical correction to refer to “small forestland owners” as defined.                             |
| 0400(4) and (5)                            | Makes minor adjustments to text for clarity.                                                                         | Technical changes for accuracy and clarity.                                                        |
| 0450(3)                                    | Adjusts the date the 50 year conservation timeline begins.                                                           | Minor change needed for implementation purposes.                                                   |
| 0600(2) and (3)                            | Makes minor adjustments and turns a “shall” into a “may”.                                                            | Minor changes needed for implementation purposes.                                                  |
| 0750(1)(b) and (c) and (2)(b), (c) and (e) | Adjusts the text to align with Department of Revenue processes.                                                      | Minor changes needed for implementation purposes.                                                  |
| 0800(1)                                    | Establishes a timeline for notices of disagreement.                                                                  | This addition is needed for implementation purposes.                                               |

**Division 625. Forest Road Construction and Maintenance**

| Rules affected               | Summary of modifications                                                                                  | Reason for changes                                                                  |
|------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 0100(7) and sections of 0320 | Deletes the words “fish” or “non fish”.                                                                   | Technical correction to align with the new stream classifications.                  |
| 0600(8) and (9)              | Moves unchanged language from (8)(c) to a new (8), established (9) with unchanged language and renumbers. | Minor placement change for accuracy as the text did not belong as part of the list. |
| 0900(6)(a)(D) and (b)        | Updates text to read “FRIA initial inventory submission”.                                                 | Technical correction for consistency.                                               |
| 0920(2)                      | Updates text to read “Forest Road Inventory and Assessment”.                                              | Technical correction to refer to the term as defined.                               |

**Division 630. Harvesting**

| Rules affected | Summary of modifications                                 | Reason for changes                                              |
|----------------|----------------------------------------------------------|-----------------------------------------------------------------|
| 0700(3)(d)     | Adds “Type” to appropriately refer to “Type NP streams”. | Technical correction to refer to the term as defined.           |
| 0910(4)        | Deletes redundancies without a change to impact.         | Technical correction to reduce redundancy and increase clarity. |

**Division 643. Water Protection Rules: Vegetation Along Streams**

| Rules affected | Summary modifications                                                           | Reason for changes                                                                          |
|----------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 0140(4)        | Adds clarifying language and updates a rule reference.                          | Technical correction needed for accuracy and clarification.                                 |
| 0300(2)        | Updates text to include a section as intended and updates “areas” to “regions”. | Technical correction as the section reference was inadvertently missed and for consistency. |

**Division 678. Compliance Monitoring**

| Rules affected | Summary modifications                              | Reason for changes                                          |
|----------------|----------------------------------------------------|-------------------------------------------------------------|
| 0110(1)        | Adds clarifying language to align with the intent. | Technical correction needed for accuracy and clarification. |

## Forest Practice Rule Revisions for Adoption 6/7/23

*Bold text indicates new language, text with a strikethrough indicates a deletion, and "..."* indicates there is language before or after what is shown that does not have proposed changes. Revisions marked with "\*" are proposed for a 7/1/23 effective date therefore track changes may reflect on current rule language rather than the rules adopted 10/2022. Additional numbering changes will occur where necessary. Previously adopted rules with an effective date of 7/1/23 include notes clarifying implementation dates which will be deleted 1/1/24 as they will no longer be necessary.

### **629-600-0100 Definitions**

**\* (13) "Common ownership" means direct ownership by one or more individuals or ownership by a corporation, partnership, association, or other entity in which an individual owns a significant interest, as defined in section 16(1), chapter 33, Oregon Laws 2022.**

(16) "Biological goals and objectives" means the biological goals and objectives as set by the department for an approved habitat conservation plan **to meet requirements of section 11 (1) chapter 33, Oregon Laws 2022.**

**\* (21) "Eastern Oregon" means the region east of the Cascade Crest in Oregon as described in OAR 629-635-0220.**

~~(39) "Dry channel area" means that area between the inside edge of the small forestland owner minimum option and the edge of the dry stream channel that:~~

- ~~(a) Is within a surveyed dry channel portion of a small Type Np stream in Western Oregon that under the small forestland owner minimum option is a required no harvest buffer;~~
- ~~(b) Does not flow water year-round; and~~
- ~~(c) Is 100 feet or more in length.~~

~~\* (413) "Lake" means a body of year-round standing open water.~~

- ~~(a) For the purposes of the forest practice rules, lakes include:
  - ~~(A) The water itself, including any vegetation, aquatic life, or habitats therein; and~~
  - ~~(B) Beds, banks or wetlands below the high water level which may contain water, whether or not water is actually present.~~~~
- ~~(b) "Lakes" do not include water developments as defined in section (157) of this rule.~~

~~(532) "Forest conservation tax credit" means a tax credit available to small forestland landowners who choose to follow the standard practice used by large forest landowners and claim a tax credit for some of the value committed to conservation.~~

~~\* (7173) "Small forestland" means forestland that has an owner that owns or holds common ownership interest in less than 5,000 acres of forestland in this state, regulated under section 5(1)(b), chapter 33, Oregon Laws 2022. for the purpose of implementing a wildlife food plot means forestland as defined in ORS 527.620 that:~~

- ~~(a) Has an owner that owns or holds common ownership interest in at least 10 acres of Oregon forestland but less than 5,000 acres of Oregon forestland; and~~
- ~~(b) Constitutes all forestland within a single tax lot and all forestland within contiguous parcels owned or held in common ownership by the owner.~~

**\* (74) "Small forestland owner" pursuant to section (16), chapter 33, Oregon Laws 2022 and section 2, chapter 34, Oregon Laws 2022, means a landowner who:**

- (a) Owns or holds in common ownership interest in less than 5,000 acres of forestland in this state;**
- (b) Has harvested no more than an average yearly volume of two million board feet of merchantable forest products from the landowner's forestlands in this state, when averaged over the three years prior to:
  - (A) The date the department receives a harvest notification from the landowner; or**
  - (B) If applying for a Small Forestland Investment in Stream Habitat Program grant, the date the landowner submits a grant application; and****
- (c) Affirms that they do not expect to exceed an average yearly volume of two million board feet of merchantable forest products to be harvested from the landowner's forestlands in this state for 10 years after the department receives the harvest notification or grant application; or**

**(d) Emergency exception: Any landowner who exceeds the two million board feet average harvest threshold from their land in the three years prior to submitting a harvest notification or grant application to the department, or who expects to exceed the threshold during any of the following 10 years, shall still be deemed a "small forestland owner" if the landowner establishes to the department's reasonable satisfaction that the harvest limits were, or will be, exceeded to raise funds to pay estate taxes or for a compelling and unexpected obligation, such as for a court-ordered judgment or for extraordinary medical expenses.**

**\*~~(769)~~** "Stream" means a channel, such as a river or creek, which carries flowing surface water during some portion of the year.

- (a) For the purposes of the forest practice rules, streams include:
  - (A) The water itself, including any vegetation, aquatic life, or habitats therein;
  - (B) Beds and banks below the high water level which may contain water, whether or not water is actually present;
  - (C) The area between the high water level of connected side channels;
  - (D) Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
  - (E) Stream-associated wetlands.
- (b) "Streams" do not include:
  - (A) Ephemeral overland flow (such flow does not have a channel); or
  - (B) Road drainage systems or water developments as defined in ~~section (157)~~ of this rule.

**\*~~(8992)~~** "Type SSBT stream" means a ~~small or medium~~ stream that is classified as a Type F stream and ~~that~~ has SSBT use. ~~Stream sizes are determined by the State Forester as described in OAR 629-635-0200(15).~~

**\*~~(99)~~** "Western Oregon" means the region west of the Cascade Crest as described in OAR 629-635-0220.

**\*~~(95100)~~** "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas. Wetlands do not include water developments as defined in ~~section (157)~~ of this rule.

**(121) "Significantly disproportionately impacted" means a small forestland owner parcel that:**

- (a) If it contains a dwelling, is 10 acres or more in size;**
- (b) Has a total encumbrance from all small forestland minimum option riparian management areas, as described in OAR 629-643-0140, greater than 20% of the forested acreage of the parcel; and**
- (c) Generates timber revenue that is relied upon to sustain management activities on forest properties, cover annual costs of ownership, provide regular contributions to income, or more than 5% of the revenue is contributed to a planned estate investment as demonstrated by a Forest Management Plan.**

#### **629-603-0000 Adaptive Management Program Purpose**

**\*~~(6)~~** For the purposes of this rule division, the following definitions apply:

- (a) .....
- (c) "Biological goals and objectives" means the biological goals and objectives as set by the department for an ~~approved~~ habitat conservation plan **to meet requirements of section 11 (1) chapter 33, Oregon Laws 2022.**
- (f) "Research agenda" means the ~~prioritized research proposals and associated budget plan~~ developed by the AMPC pursuant to OAR 629-603-0200(5)(a).

#### **629-603-0100 Adaptive Management Program Overview**

**\*~~(1)~~** The adaptive management program must:

- (a) Conduct effectiveness monitoring by assessing the degree to which the rules facilitating particular forest conditions and ecological processes achieve the biological goals and objectives. This assessment may include evaluation of cumulative effects.

- (b) Conduct research inquiry and validation monitoring ~~to on the following:~~
  - ~~(A) Evaluating if the biological goals and objectives are being met to achieve overall program goals;~~
  - ~~(B) (A) Assessing whether~~ **Determine if** additional scientific inquiry is needed to fill-in knowledge gaps ~~to inform if related to biological goals and objectives are being met to achieve overall program goals;~~ and
  - (C) Testing and improving **existing and new** models and methodologies used to design and implement forest practices rules **intended to meet the biological goals and objectives.**

**629-603-0200 Adaptive Management Program Process Steps**

\*~~(2) By August 1, 2023~~ **January 31, 2024:**

- (a) The AMPC shall:
  - (A) Complete their charter per OAR 629-603-0300(2); and
  - (B) Develop the initial list of research topics including the priorities in OAR 629-603-0100(8). Following completion of this list, the AMPC shall integrate the list into a Research Agenda developed via sections (3) through (5) of this rule.
- (b) The IRST shall complete their charter per OAR 629-603-0400(2) and determine best available science per OAR 629-603-0400(4).

\*~~(6) Step 4:~~ The IRST shall implement the research agenda approved by the board pursuant to subsection (5)(d) of this rule.

- (a).....
- (b) The IRST shall develop request for proposals (RFP) in an open, competitive process for research projects in the research agenda. The RFP shall include:
  - (A) .....
  - (H) Other RFP elements required by the IRST Housing Agency ~~agreed to perform work~~ specified in OAR 629-603-0450.

\*~~(8) Step 6:~~ The AMPC and the board shall assess the IRST reports described in section (7) of this rule and determine next steps per the following process.

- (a) .....
- (b) By the second regular **board** meeting after receipt of the AMPC report, the AMPC shall present their recommendations to the board for a vote.

**629-603-0300 Adaptive Management Program Committee**

\*~~(5) An organization on the AMPC may designate someone to serve as an interim member in place of their current member for up to 90 days.~~ The interim member will have all the rights and responsibilities of that organization’s voting status per Section 36, Chapter 33, Oregon Laws 2022. The organization must submit in writing to the adaptive management program coordinator:

- (a) The name of the interim member; and,
- (b) The duration of their interim status, **not to exceed one year.**

**629-605-0170 Written Plans**

\*~~(10) Non-Statutory Written Plans.~~

(a) An operator must submit a written plan as required by ORS 527.670(2) and the rules listed below unless the State Forester waives the written plan requirement. Written plans required by the rules listed below are not subject to the provisions of ORS 527.700(3) or ORS 527.670(10), (11) and (12).

- (A) .....
- ~~(G) 629-630-0700(3)(f) — Cable yarding across small Type Np or Type Ns streams located within designated debris flow traversal areas as described in, OAR 629-630-0905, or designated sediment source areas, as described in OAR 629-630-0910;~~
- ~~(HG) .....~~

### 629-605-0173 Plans for Alternate Practice

\* (5) The following rules require an operator to submit a plan for an alternate practice and obtain approval from the State Forester of the plan before starting the specified practice or operation:

- ....(w) ~~629-643-0100(8)~~~~642-0100(13)~~ — Modifying the vegetation retention requirements in the riparian management area along a Type F **and Type SSBT streams in Western Oregon** to allow the removal of roadside trees **upslope of roads** which pose a safety hazard;
- (x) ~~629-643-0105(10)~~~~642-0105(15)~~ — Modifying the vegetation retention requirements in the riparian management area along a Type ~~NSSBT~~ **streams in Western Oregon** to allow the removal of roadside trees **upslope of roads** which pose a safety hazard;
- (y) ~~629-643-0120(8)~~~~642-0400(14)~~ — Modifying the vegetation retention requirements in the riparian management area along a Type ~~F and Type SSBT~~ **or Type N streams in Eastern Oregon** to allow the removal of roadside trees **upslope of roads** which pose a safety hazard;
- (z) ~~629-643-0125(8)~~~~642-0500(4)~~ — ~~Placing wood in a Type F or Type SSBT stream or conducting other activities to meet the same purpose as leaving green trees and snags along small Type N streams subject to rapidly moving landslides~~ **Modifying the vegetation retention requirements in the riparian management area along Type N streams in Eastern Oregon to allow the removal of trees upslope of roads which pose a safety hazard;**
- (aa) ~~629-643-0400(1)~~~~642-0700(1)(a)~~ — Utilizing site specific vegetation retention prescriptions for streams and riparian management areas;.....

### 629-607-0000 Purpose and Goals

~~(5) In some rare circumstances, a small forestland ownership may become highly encumbered by Forest Practice Administrative Rules. This high encumbrance is most likely to be true in ownerships with a dense concentration of streams when the encumbrances affect an owner of modest means who is highly dependent on revenue from encumbered locations. For these extraordinary cases, the department will work to develop a process prior to July 1, 2023, to address the significantly disproportionate impacts on small forestland owners of modest means who are highly dependent on revenue from locations with highly dense concentrations of streams by the Forest Practice Administrative Rules.~~

### 629-607-0100 Prescriptive Small Forestland Owner Alternatives

~~(1) Forest Practice Administrative Rules practice rules apply to small forestland owners, as they would to any other non-federal landowner, unless addressed directly or by reference in the small forestland owner rules.~~

~~(2) Resource protection standards may have a disproportionate economic or operational impact on small forestland owner parcels or highly encumber harvest operations. The State Forester shall provide the following minimum options:~~

~~(a) Small forestland owner minimum options:~~

- ~~(A) Along riparian management areas as described in OAR 629-643-0140, 629-643-0141, 629-643-0142, 629-643-0143, and 629-643-0145;~~
- ~~(b) Harvest a~~ **Along fish streams with stream adjacent failures as described in in OAR 629-630-0920;**
- ~~(c) Harvest n~~ **Near seeps or springs as described in OAR 629-643-0145; and**
- ~~(d) Harvest type 1, 2, or 3 e~~ **On steep slopes with designated debris flow traversal areas as described in OAR 629-630-091220;**

~~(eb) On forest roads~~ **An exemption from the requirements of the Forest Road Inventory and Assessment program as described in in OAR 629-625-0920; and**

~~(fc) Plans for alternate practice for (a) through (e), and as otherwise allowed under OAR 629-605-0173.~~

**(3) For small forestland owner parcels that are significantly disproportionately impacted as defined in 629-600-0100, the State Forester shall:**

**(a) Exempt the small forestland owner from the watershed cap described in OAR 629-643-0140; and**

**(b) Allow the small forestland owner to count all trees retained in the riparian management areas described in OARs 629-643-0141, 629-643-0142 and 629-643-0143, towards the wildlife leave tree retention requirements described in ORS 527.676.**

**629-607-0200 Program Participation**

(1) Small forestland owners intending to implement minimum options as ~~defined~~ **described** in OAR 629-607-0100, exclusively available to small forestland owners, shall do the following:

(a) .....

(c) At the discretion of the State Forester, the department may deem a landowner to qualify as a small forestland owner and allow that landowner access to options and incentives of the program even if they have an exceedance of harvest volumes in **(1)(b)(B) or (1)(b)(C)**, if the small forest landowner provides documentation of a need for the funds to:

(A) .....

**629-607-0250 Notification Requirements**

(3) At the time of notification, small forestland owners conducting operations around or adjacent to protected streams and associated riparian management areas shall indicate their intention of implementing:

(a) The standard practice;

(b) The small forestland owner minimum option; ~~or~~

(c) The forest conservation tax credit option; ~~or~~

**(d) An option exclusively available for significantly disproportionately impacted parcels as described in OAR 629-607-0100.**

**(6) Small forestland owners intending to exercise an option exclusively available for significantly disproportionately impacted parcels, as described in OAR 629-607-0100, must submit for approval a Forest Management Plan demonstrating the parcel is “significantly disproportionately impacted” as defined in OAR 629-600-0100.**

~~(7)~~ Upon completion of an operation, a small forestland owner shall provide notice and reportable details consistent with requirements in OAR 629-605-0150. Notification to State Forester - When, Where and How; OAR 629-605-0170 Statutory Written Plans; OAR 629-605-0140 Notification to the State Forester - Types of Operation. If a small forestland landowner conducts a timber harvest under the provisions of OAR 629-643- 0140(4) Small Forestland Owner Minimum Option Vegetation Retention Prescription Requirements, they must report to the State Forester within 90 days.

**629-607-0400 Forest Conservation Tax Credit – Process for Determining Eligibility**

(4) After receiving certification, a small forestland owner shall sign and record the deed **restriction**, in the county where the eligible forest conservation area is located, ~~the deed restriction~~ **which** prohibits the owner and the owner’s successors in interest from conducting a harvest or otherwise removing trees within the forest conservation area.

(5) If the small forestland owner is taxed as a trust, partnership, or S corporation, the entity can distribute the forest conservation tax credit to owners or beneficiaries, as ~~appropriate~~ **allowed by law**.

**629-607-0450 Forest Conservation Tax Credit Area**

(3) Once a forest conservation tax credit has been issued for a riparian management area, the small forestland owner and any future owners must adopt the standard practice in that riparian management area for a period of 50 years from the date the ~~notification of operation was filed~~ **certification was issued**.

**629-607-0600 Forest Conservation Tax Credit - Transfer to Heirs**

(2) The executor of the small forestland owner’s estate ~~shall~~ **may be required to** provide additional documentation to the Department of Revenue (e.g., a probate judgement or additional tax identification information), for verification and forest conservation tax credit tracking.

(3) After receiving and reviewing documentation provided by the executor of the estate, the Small Forestland Owner Assistance Office shall provide heirs **or devisees** of the estate an amended certification. Heirs **or devisees** must provide ~~the amended certificate to~~ **documentation prescribed by** the Department of Revenue to maintain the forest conservation tax credit.

#### **629-607-0750 Forest Conservation Tax Credit – Deed Restriction Removal**

(1) If the small forestland owner, or their estate heirs or devisees, elect to conduct a timber harvest in the forest conservation area for which the forest conservation tax credit has been claimed or otherwise elects to remove the harvest restriction:

(a) ...

(b) The small forestland owner shall repay the Department of Revenue any tax credit that has been deducted from their tax liability with interest from the due date of the original return(s) where the tax credit was taken and shall forfeit any unused tax credit. ~~The interest rate shall be the underpayment rate. The repayment amount can be paid directly to the Department of Revenue or be added to the taxpayer's income tax liability.~~ **The repayment procedure and interest rate shall be prescribed by the Department of Revenue.**

(c) The Small Forestland Owner Assistance Office shall provide the small forestland owner with form(s) to ~~repay~~ **provide evidence that the tax credit has been repaid** and **to** remove the deed restriction from the county records.

(d) .....

(2) If a subsequent small forestland owner wishes to conduct a timber harvest in the forest conservation area for which the forest conservation tax credit has been claimed or otherwise elects to remove the harvest restriction:

(a) ...

(b) The subsequent small forestland owner shall ~~repay~~ the Department of Revenue ~~the original~~ **an amount equal to of the full certified** tax credit received by the previous owner with interest from the date of transfer of the title to the successor owner. ~~The interest rate shall be the underpayment rate. The repayment amount can be paid directly to the Department of Revenue or be added to the taxpayer's income tax liability.~~ **The repayment procedure and interest rate shall be prescribed by the Department of Revenue.**

(c) The Small Forestland Owner Assistance Office shall provide the small forestland owner with form(s) to ~~repay~~ **provide evidence that the tax credit has been repaid** and **to** remove the deed restriction from the county records.

(e) The Small Forestland Assistance Office shall verify the original forest conservation area has not been harvested. After verification, the Small Forestland Assistance Office shall modify their records to reflect that there is no longer a restriction on that riparian management area and provide the small forestland owner with the appropriate documentation to have the deed **restriction** removed.

(f) .....

#### **629-607-0800 Forest Conservation Tax Credit – Appeal Rights**

(1) A small forestland owner shall notify the State Forester in writing that they disagree with the decision and explain why they disagree **within 90 days of the determination**; and

#### **629-625-0100 Written Plans for Road Construction**

(7) In addition to the written plan requirements in OAR 629-605-0170(12) and (13), written plans for Type F and Type SSBT ~~fish~~ streams shall include the following: .....

#### **629-625-0320 Water Crossing Structures**

(2) In selecting a crossing design strategy, operators constructing or reconstructing crossings in all typed waters and lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, wetlands, inlets, and canals shall first consider vacating the water crossings. For water crossings in all Type F and Type SSBT ~~fish~~ streams where vacating the water crossing is not feasible or desired by the landowner, permanent channel-spanning structures shall be

prioritized before other crossing strategies. This section does not require the landowner to utilize any specific crossing design strategy.

(3) Operators shall design and construct permanent water crossings to:

(a) Convey, at a minimum, the 100-year peak flow in Type N and D ~~non-fish~~ streams and in Type F and Type SSBT ~~fish~~ streams. When determining the size of the culvert needed to convey a flow corresponding to the 100-year return interval, operators shall select a size adequate to preclude the ponding of water higher than the top of the culvert.

(b) Operators shall design permanent water crossing culverts in Type F and Type SSBT ~~fish~~ streams using the stream simulation approach. Water crossing design in Type F and Type SSBT ~~fish~~ streams shall consider and incorporate the stream's geomorphic processes and anticipated changes over the life of the structure. Operators shall design water crossings in Type F and Type SSBT ~~fish~~ streams to allow for the movement of water, wood, sediment, and organisms to the maximum extent feasible and minimize obstacles to stream processes. The design of the water crossings in Type F and Type SSBT ~~fish~~ streams shall avoid fragmentation of aquatic habitats by replicating the natural conditions of the stream being crossed. Where the operator determines it is not possible to achieve stream simulation, operators may propose alternatives if the alternative can accommodate a 100-year peak flow and does not obstruct fish passage.

(c) ...

(4) Permanent Channel-Spanning Structures. For permanent channel-spanning structures, including long and short-span bridges, and open-bottom culverts, that span the entire bankfull width of the stream, operators shall design and construct the structure to conform with all the following:

(a).....

(i) Design permanent channel-spanning structures in Type F and Type SSBT ~~fish~~ streams using stream simulation and comply with the following:

(A) .....

(6) Permanent Water Crossing Culverts in Fish Streams. For permanent water crossing culverts in Type F and Type SSBT ~~fish~~ streams, operators shall conform to (5)(a) through (f) and design and construct culverts using a stream simulation as follows:

(a)....

(e) Culvert bed materials. Culvert bed materials shall have a similar composition to natural bed materials that form the natural stream channels adjacent to the road crossing in the reference reach. Design the culvert to allow sufficient transported bed material to maintain the integrity of the streambed over time.

(A) New water crossings in Type F and SSBT ~~fish~~ streams shall require manual placement of culvert bed materials during bed construction.

(B) .....

(7) Fords. For fords, operators shall design and construct those structures to meet all the following criteria:

(a)...

(g) For Type F and Type SSBT ~~fish~~ streams, any ford structure shall:

(A) ....

(8) Temporary Water Crossings. For temporary water crossings, operators shall design and construct those structures to conform with the following:

(a) Design temporary water crossings in Type N and Type D ~~non-fish~~ streams to pass at minimum the flows expected during crossing use with a minimum culvert diameter of 18 inches.

(b) Use temporary water crossings in Type F and Type SSBT ~~fish~~ streams only during the in-water work period defined by the Department of Fish and Wildlife, or when the department in consultation with the Department of Fish and Wildlife and applicant can agree to specific dates of installation and removal, and the extended dates result in equivalent levels of resource protection.



(c) .....

(d) Only use temporary water crossings on Type N and Type D ~~non fish~~ streams:

(A) .....

(10) Construction of Water Crossings. In the construction of water crossings, operators shall do the following:

(a)....

(d) In-Water Work, Worksite Isolation, and Dewatering. To address in-water work, worksite isolation and dewatering needs of water crossing projects, operators shall do the following:

(A) .....

(C) For all water crossings in Type F and Type SSBT ~~fish~~ streams, operators shall do the following:

(i) Worksite isolation:

(I) .....

(II) When constructing water crossings in Type F and Type SSBT ~~fish~~ streams with any stream bypass, operators shall have an exclusion and recovery plan to ensure safe capture and relocation of fish trapped in the work zone when stream flow has been diverted.

(III)....

#### **629-625-0600 Road Maintenance**

**(8) Where needed to protect water quality, as directed by the State Forester, operators shall place additional cross drainage structures on existing active roads within their ownership prior to hauling to meet the requirements of OAR 629-625-0330.**

(89) In order to maintain fish passage through water crossing structures, operators shall:

(a) ....

(b) As reasonably practicable, keep structures cleared of woody debris and deposits of sediment that would impair fish passage; **and**

~~(c) Where needed to protect water quality, as directed by the State Forester, operators shall place additional cross drainage structures on existing active roads within their ownership prior to hauling to meet the requirements of OAR 629-625-0330; and~~

~~(d)~~ ....

#### **629-625-0900 Forest Road Inventory and Assessment**

(6) Landowners shall submit an initial inventory of all active, inactive, and known vacated or abandoned roads no later than January 1, 2029.

(a) The initial inventory shall include three documents:

(A) .....

(D) At minimum, the FRIA initial inventory ~~plan~~ submission shall include:

(i).....

(b) The FRIA ~~initial inventory plan~~ submission shall identify each road segment as:

(A) .....

#### **629-625-0920 Road Condition Assessment**

(2) The requirements of the ~~Forest Road Inventory and Assessment~~ program described in OAR 629-625-0900 do not apply to small forestland owners.

#### **629-630-0700 Yarding; Cable Equipment Near Waters of the State**

(3) Operators may use cable yarding corridors through retained trees if the numbers and widths of yarding corridors are minimized. Operators shall submit a written plan to the State Forester when yarding across any of the waters listed in subsections (a) through (g) of this section:

- (a) .....
- (d) Large or medium **Type Np** streams;
- (e) .....

**629-630-0910 Western Oregon Harvesting; Standard Practice; Designated Sediment Source Areas and Slope Retention Areas**

(4) The landowner representative may adjust the distribution and location of slope retention areas, notwithstanding section (3) of this rule, if the selected slope retention areas:

- ~~(a) Reduce worker safety, as described in OAR chapter 437, division 7, Forest Activities; or~~
- ~~(b) Eligible concerns that may warrant selection of non-priority areas to satisfy the minimum 50 percent designated sediment source area requirement are the priority areas that would:~~

- ~~(Aa) Clearly reduce worker safety, as described in OAR chapter 437, Division 7, Forest Activities; or~~
- ~~(Bb) Cause more resource impact, such as additional road or landing construction, excessive sidehill yarding, or other yarding practices that clearly increase ecological impacts.~~

**629-643-0140 Small Forestland Owner Minimum Option Vegetation Retention Prescription Requirements**

(4) Fifth field watershed restriction for using the small forestland owner minimum option. There is a limit to the use of the small forestland owner minimum option within a fifth field watershed as delineated by the U.S. Geological Survey. It is limited to five percent of the riparian areas **owned by small forestland owners** in a fifth field watershed within a five-year period. The department will track the use of the small forestland owner minimum options as described in ~~(5)(b)~~ **(4)(a)(C)**. Within 90 days after a small forestland owner completes a timber harvest adjacent to a riparian area, the small forestland owner who selects the small forestland owner minimum option shall report to the State Forester the total lineal feet of riparian area where the small forestland owner minimum option is applied within the harvest area. When reporting total lineal feet, the small forestland owner shall include each side of the stream. The small forestland owner shall report lineal feet in horizontal distance. The small forestland owner may use the small forestland owner minimum option harvest prescription in any defined fifth-field watershed based on the following criteria:

- (a) .....

**629-643-0300 Alternative Vegetation Retention Prescriptions**

(2) Section (3) **and (4)** of this rule are alternative vegetation retention prescriptions described for the geographic ~~areas~~ **regions** in Figure 1, that the operator may apply if the basal area in the riparian management area is no more than one-half of the standard target indicated in either Table 5 or Table 6, as may be applicable, and conditions described in the alternative prescription are applicable.

**629-678-0110 Rule Group Priorities for Compliance**

(1) The compliance monitoring program shall prioritize rules related to biological and aquatic resources, including the following:

- (a) Division 625 Forest Road Construction and Maintenance rules.
- (b) Division 630 Harvesting rules **for steep slopes**.
- (c) Division 643 Water Protection Rules: Vegetation Along Streams rules.

(2) The compliance monitoring program may monitor other rules as directed by the Board of Forestry.

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | D                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Work Plan:            | Forest Resources Division                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Topic:                | Implementing Legislative Direction                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Presentation Title:   | Adaptive Management Program Committee Nominees to the Independent Research and Science Team                                                                                                                                                                                                                                                                                                                                                                     |
| Date of Presentation: | June 7, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Contact Information:  | Josh Barnard, Chief of Forest Resources Division, ODF, <a href="mailto:Josh.W.Barnard@odf.oregon.gov">Josh.W.Barnard@odf.oregon.gov</a><br>Nick Hennemann, Deputy Chief of Forest Resources Division, ODF, <a href="mailto:Nick.Hennemann@odf.oregon.gov">Nick.Hennemann@odf.oregon.gov</a><br>Terry Frueh, Adaptive Management Program Coordinator, Forest Resources Division, ODF, <a href="mailto:Terry.Frueh@odf.oregon.gov">Terry.Frueh@odf.oregon.gov</a> |

**SUMMARY**

This agenda item is for the Board to appoint members to the Independent Research and Science Team (IRST). The Adaptive Management Program Committee (AMPC) compiled nominations and recommends the nominees below. This is a decision item.

**CONTEXT**

The legislature directed the board to set up an adaptive management program. The program will help inform future rulemaking and support an application for a programmatic habitat conservation plan, and subsequent incidental take permit. The goal of the program is to use the best available science to assess the effectiveness of rules for protecting several fish and other aquatic species. The IRST’s main functions are to implement a research agenda requested by the Adaptive Management Program Committee (AMPC), then report the findings to the AMPC and the Board.

**BACKGROUND**

In February 2020, conservation and forest industry groups offered to revise the Forest Practices Act and administrative rules through a memorandum of understanding to include mediated discussions, known as the Private Forest Accord (PFA). The bill set the timeline and topics for making changes to the Forest Practices Act and rules from which the Board could apply for a programmatic habitat conservation plan (HCP). The PFA concluded in late 2021. In March 2022, the legislature adopted the PFA recommendations through Senate Bills 1501 and 1502, and House Bill 4055. Senate Bill 1501 incorporated by reference the Private Forest Accord Report dated February 2, 2022. The PFA Report further detailed the recommended changes to the Act and rules and a pathway for an HCP. A key part of the rules is the Adaptive Management Program.

## ANALYSIS

Senate Bill 1501 specifies that the Board shall appoint the first voting members of the IRST from a list of candidates provided by the AMPC. The AMPC solicited interest in serving on the IRST from representatives of different organizations. AMPC members were asked to consider diversity in the nominations. Attachment 1 provides biographies of all the proposed members.

The AMPC invited tribes to submit nominees to the IRST. Although tribes are interested in participating on the IRST, the representative from the Legislative Commission on Indian Services indicated that they do not currently have the capacity to participate. The AMPC believes it is important for the IRST and the Board to continue seeking tribal participation.

In recommending the slate of IRST nominees to the Board, the AMPC acknowledges that the IRST needs to have at least one representative from each of three groups (public institution, timber, and conservation) per section 38(2)(b), chapter 33, Oregon Laws 2022. Although the AMPC did not specifically identify which nominee represents the public institution, timber, and conservation seats, they worked to ensure balanced representation of those perspectives in their selection and for consistency with these statutory requirements. The AMPC selected the slate of nominees due to a combination of disciplinary expertise, ability to work well with differing viewpoints, and leadership skills.

## RECOMMENDATION

The AMPC recommends that the Board appoint the following nominees to the IRST:

| <u>IRST Nominee</u>        | <u>Organization</u>          |
|----------------------------|------------------------------|
| Ellen Morris Bishop, Ph.D. | Eagle Cap Press              |
| Kelley Burnett, Ph.D.      | Self-employed                |
| Rebecca Flitcroft, Ph.D.   | United States Forest Service |
| Jessica Homyack, Ph.D.     | Weyerhaeuser Co.             |
| Jeff Light, M.S.           | Self-employed                |

The AMPC respectfully requests that the Board carefully consider the balance of perspectives on the IRST and ensure alignment with statutory requirements<sup>1</sup> for representation with future appointments to the IRST.

## NEXT STEPS

The department will continue to coordinate with the IRST Housing Agency named in rule, which is the Institute of Natural Resources, to start the IRST work.

## ATTACHMENT

- (1) IRST nominees

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<sup>1</sup> Section 38(2)(b), chapter 33, Oregon Laws 2022.

## **Adaptive Management Program Committee Nominees for the Independent Research and Science Team**

### **Ellen Morris Bishop, Ph.D.**



#### Collaboration:

- Founding member of the Grande Ronde Model Watershed Council. Vice Chair of council for one year term. As the environmental representative, worked collaboratively with reps of irrigated agriculture, ranchers, commercial forestry, CTUIR, USFS, and local government to develop, modify, approve, and monitor projects to restore salmonid habitat in Grande Ronde watershed streams. Participated in the development of Wallowa County Salmon Restoration Plan.
- Community Outreach Coordinator for Oregon, Pacific Rivers Council.
- Collaborated with many researchers and co-authors for research and publications including papers on geology of accreted terranes in eastern Oregon, Arkansas/Oklahoma alkalic province, and Eocene volcanic rocks, central and eastern Oregon.
- Currently am a team member, Baker County Search and Rescue, which requires close work and coordination with team members in multiple specialties.

#### Working with other disciplines:

- Served on a variety of faculty committees to develop and teach multi-discipline courses, including:
  - Environmental Studies, Whitman College
  - Rangeland landscapes & ecology, Sul Ross State University
  - Oceanography and also planetary geology, Oregon State University
- Current research project: Ethnogeology of Columbia Plateau Tribes includes working with Nez Perce Cultural Resource office, Nez Perce Elders, Linguists (Phil Cash, Univ. Arizona) Anthropologists (Ken Lokensgard, WSU; Loren Davis, OSU) and other disciplines.
- Board member, Eastern Oregon Climate Change Coalition. Develop programs and other activities with board of diverse backgrounds and interests.

#### Experience evaluating and interpreting science:

- Book about Oregon's geology, In Search of Ancient Oregon, won Oregon Book award for non-fiction. (Timber Press, 2004)

- Wrote column on geology (Time Travel) for Oregonian.
- Science/environmental reporter, Vancouver Columbian newspaper.
- Agricultural/forestry reporter, covering Eastern Oregon western Idaho, for Capital Press.
- Founding partner of natural history center in Wallowa County (Wallowology). Developed and wrote (and photographed) many of the displays.
- Book about PNW geology, Living with Thunder, pub. by Oregon State University Press, is used as basic text for intro PNW geology courses in many colleges across Oregon and Washington.
- Journalist, Wallowa County Chieftain, included covering stories re salmon, Nez Perce tribal restoration of habitat for salmon, condor, lamprey, ranching, forestry, forest fires, Firewise Communities, and other natural resource projects. Won Oregon Newspaper Assoc awards for best feature articles for story on composition, nutrition, and production processing of Impossible Burger vs grass-fed beef, Nez Perce 16,500 year-old site, Coopers Ferry, ID.
- Editor of Wallowa County Chieftain. Won Oregon Newspaper Assoc award for best small newspaper in Oregon. Wrote and included at least one story on science related to Wallowa County in each issue. Those covered a broad range of topics, including new discoveries about mammoths, pollinators, forestry/forest management, and salmonids.
- Frequently invited to present lectures, lead field trips and hikes, and present classes on geology, ecology for the public by local organizations including the Western Rivers Conservancy, Wallowa Land Trust, Oregon Natural Desert Assoc., and Weston Public Library, Oregon Historical Society, and others.
- Reviewer for NSF and other granting entities

**Kelley Burnett, Ph.D.**



I would be honored to serve as a member of the Independent Science and Research Team. I hold a PhD in Fisheries Science and have over 30 years' experience in conducting policy relevant studies and communicating findings to decision makers. My research has focused on understanding how stream habitats are distributed and used by fish, how watershed processes and human uses influence aquatic ecosystems, and how complex systems can be best represented by data and models to plan for and evaluate the effects of land management. I served as the acting National Fish and Aquatic Program Leader (USDA Forest Service, Washington Office Research and Development) and was awarded the National Rise to the Future Award by the Chief of the US Forest Service for professional excellence in research.

Much of my career has focused on collaborating with partners across disciplines, agencies, and jurisdictions on the science and policy of forested environments. I have collaborated extensively to assess available data and distinguish important gaps; identify areas of high restoration/conservation value; formulate integrated forest management plans; inform monitoring approaches; review landscape plans for consistency with best available science; and synthesize the state of science, identifying key uncertainties, for policy makers, administrators, regulators, and stakeholders. Three examples highlight my experience in large, collaborative interdisciplinary projects. I was a member of the Forest Ecosystem Management and Assessment Team and continued in the role of science liaison to help translate the FEMAT Report through the NEPA process that resulted in the Northwest Forest Plan. I also led the aquatic component of the Coastal Landscape Analysis and Modeling Study, which developed and evaluated concepts and models to understand and analyze the aggregate ecological and socio-economic consequences of different forest policies across land ownership classes in western Oregon. And, finally, I provided science support for the conservation coalition in the Private Forest Accord and subsequent processes to amend regulations for the Oregon Forest Practices Act and develop a Habitat Conservation Plan.

I am also a trained and experienced mediator. My training includes 30 hours through the UO School of Law and 100 hours through the non-profit organization, Neighbor-to-Neighbor Mediation, in Salem, Oregon. I served on the Executive Board of the Center for Resolution, Vision, and Change, which was a non-profit organization that sought to foster ecological sustainability and economic health through dispute resolution, education, and community building. Skills gained in mediating disputes between community member, parties in small claims court, victims and juvenile offenders, and parents and their teenagers have benefited me in effectively collaborating and communicating in all other arenas.

Thank you for your consideration of my application to serve as a member of the IRST.

**Rebecca Flitcroft, Ph.D.**



*Collaborative working relationships* have been a cornerstone of my career in management settings with National Forest Systems partners in the development and implementation of monitoring designs, with private and non-profit partners such as watershed councils and landowners in the identification/evaluation/design of restoration projects, and with state partners particularly as it relates to conservation planning linked to patterns of fish habitat and fish population distribution. In each setting, a key consideration in effective collaborative engagement is the ability to listen to the needs and perspectives of partners and jointly consider

solutions and approaches. A specific example is participation on the Oregon Watershed Enhancement Board's Upper Willamette Technical Review team where I have worked with a suite of individuals to evaluate proposed restoration projects. Through this work, I collaborated with partners to develop guidance documents for in-stream restoration monitoring for large-river restoration generally, and the Willamette in particular (<https://doi.org/10.3133/ofr20221037>).

My academic training and background is quite varied, (see educational experience in C.V.) which has given me a broad perspective when it comes to considering research questions, and I tend to naturally think across *different disciplines*. I have worked with a wide variety of academic partners through a diverse portfolio of different research projects, partnering with institutions in Oregon and western states, as well as the UK. I have a strong and long-term working relationship with the OSU Water Resources Graduate Program, where most of the students I have supervised are affiliated. I tend to be interested in the effect of disturbance processes (e.g., climate change, wildfires, anthropogenic effects) on the landscape-scale distribution and resilience of native aquatic biota, which leads me to pursue working relationships with a diverse cadre of experts from a variety of disciplines. Recently, I led a synthesis effort for floodplain restoration (commonly referred to as Stage 0), that brought together results from across Oregon, and from a diversity of disciplines, to describe effects on hydrology, geomorphology, and biota ([https://www.fs.usda.gov/pnw/pubs/journals/pnw\\_2022\\_flitcroft001.pdf](https://www.fs.usda.gov/pnw/pubs/journals/pnw_2022_flitcroft001.pdf)).

In my role as a USFS scientist, I am often brought in to *evaluate and interpret the best available science* as it relates to specific management actions, or to understand how large-scale management actions are affecting aquatic conditions (such as the Northwest Forest Plan). I served as an external agency reviewer for the WA DNR Cooperative Monitoring, Evaluation, and Research Committee focusing on study design and review of a research program focused on the response of forest stands to riparian harvest conditions over time. Another example is an analysis I led of fish and habitat conditions related to forest stand management on the Tongass National Forest (the largest of the national forests at 16.7 million acres - [https://www.fs.usda.gov/pnw/pubs/pnw\\_gtr1009.pdf](https://www.fs.usda.gov/pnw/pubs/pnw_gtr1009.pdf)).

### **Jessica Homyack, Ph.D.**

As the Director of Environmental Research and Operational Support for Weyerhaeuser, I serve as the scientific advisor and research program lead supporting environmental stewardship and sustainability across 10+ million acres of managed lands in the United States. I manage a multi-disciplinary scientific program of 24 scientists and staff that include aquatic ecology, geology, wildlife biology, and forest hydrology experts who support policy and management decisions. Below, I provide additional detail about the alignment of my career experience and background with the desired competencies for the Independent Research and Science Team (IRST).

First, I value collaborative science and model a steady path to problem solving. I approach conflict by finding a common purpose, creating innovative solutions and engaging effectively with stakeholders. Two relevant examples of my engagement in collaborative forest science in the Pacific Northwest include my service on Oregon State University's Advisory Council for the Institute for Working Forest Landscapes and the Endowed Program in Forest Policy, both which



address priority research topics from diverse stakeholder groups. My extensive publication record speaks to my ability to effectively collaborate with researchers from academic, public, and private organizations.

Additionally, I have had six adjunct faculty positions, including two at Oregon State University. Committee roles provide direct contributions to graduate committees and link academic institutions to relevant applied outcomes for forest landowners. Through my director position with Weyerhaeuser, I am familiar with Washington's Adaptive Management Program and would bring that knowledge to the IRST to ensure success.

I have a long history of educational and professional experience in the intersection of forest management and environmental science. I received my post-secondary degrees from three land-grant universities with strong forestry programs, and my MS and PhD research specifically focused on the influence of forest management on conservation-oriented questions. As a scientific researcher, I have authored/co-authored >50 peer-reviewed publications ([Link](#)) and am an expert on topics of interest to the Adaptive Management Program, such as impacts of forest harvesting on amphibians, using eDNA to sample aquatic species, environmental impacts of tethered harvesting, and forest hydrology. I regularly work with people across environmental, silvicultural and biometrics backgrounds to lead large-scale multi-disciplinary projects. These include ongoing work to quantify the response and recovery of managed forest following wildfires, and broader risk assessments from the multi-faceted and complex effects of climate change on forest ecosystems.

Finally, evaluating and interpreting scientific proposals and results are a frequent part of my roles as an editor, peer-reviewer, contributor, and program administrator. Through advisory committees and reviews of internal or collaborative research proposals, I am well-versed in critically examining scientific proposals and results for appropriate scope and interpretations. As described above, I collaborate with universities, agencies, non-profits, and other organizations to achieve scientific excellence in the context of forest practices.

**Jeff Light, M.S.**



Jeff has a B.S. in biology from the University of Colorado, and a M.S. in Fisheries from the University of Washington. He has worked for more than 30 years studying salmonid ecology and related sciences that describe watershed structure and function and the ways land management, principally commercial forestry, can affect fish habitat and water quality.

### Experience working collaboratively

Throughout my career I have worked collaboratively with individuals representing a wide array of interests and organizations. I studied the high seas migration and distribution of salmon and steelhead alongside Canadian and Japanese scientists. For more than 12 years, as part of the Timber/Fish/Wildlife agreement, I worked with technical experts, resource managers, and policy representatives from the timber industry, Native American Tribes, environmental groups, and state natural resource agencies in Washington. Together we developed Watershed Analysis, a method of evaluating, anticipating, and avoiding potential cumulative effects of forest management. Since moving to Oregon, I have collaborated with researchers and administrators from Oregon State University, state and federal agencies, and industry scientists to study the effectiveness of forest practices on fish and water quality (e.g., the Watersheds Research Cooperative, OSU's Fish and Wildlife in Working Forests research program, the Institute for Working Forests, and the timber industry's National Council of Air and Stream Improvement's Forested Watershed Science Task Group). Beyond my professional life, I worked collaboratively with individuals in my community to complete numerous successful downtown improvement projects (as president of the Philomath Downtown Association).

### Examples of working with experts from different disciplines

By its nature, the understanding of salmonid ecology requires a working knowledge of, and collaboration with, a number of disciplines outside fish biology. For example, a technical analysis of forest management in the context of whole watersheds (i.e., Watershed Analysis) uses the combined talents of geologists, fluvial geomorphologists, forest hydrologists, soils scientists, riparian ecologists, and fish biologists. As the leader of two teams of watershed scientists, I was responsible for guiding, reviewing, interpreting, and presenting their work. Experience with non-scientific disciplines was also necessary and welcomed, for example foresters, road engineers, land managers, lawyers, and policy makers. My work on advisory boards also enabled me to work with a diverse array of disciplines, representing scientific and non-scientific, professional and lay perspectives.

### Experience Evaluating and Interpreting Science

The adequacy of rules and regulations governing management of private timberlands for the protection of fish and wildlife habitat and water quality is constantly scrutinized and challenged. To respond to these challenges, and to guide improvements to land management practices, it is vital to gather and interpret relevant scientific research results. Often it is also important to conduct research specifically to evaluate the effectiveness of existing or new practices. Consequently, careful evaluation and interpretation of science has been an essential feature of my work. I have developed and used this skill to test the effectiveness of forest practices in Washington (Cooperative Monitoring, Evaluation, and Research program of the Timber/Fish/Wildlife agreement), and Oregon (Riparian Function and Stream Temperature [RIPSTREAM] study, Alsea Paired Watershed Study Revisited). I have used it to develop conservation commitments for Plum Creek Timber Company's Native Fish Habitat Conservation Plan, to evaluate proposed water quality rule changes for stream temperature in Washington and Oregon, and turbidity in Oregon. Most recently I interpreted science for development of forest practice rule changes in Oregon as part of the Private Forests Accord.

|                       |                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | E                                                                                                                                                                                |
| Work Plan:            | Fire Protection                                                                                                                                                                  |
| Topic:                | Annual Topic: Approval of Rangeland Fire Protection Association Budgets                                                                                                          |
| Date of Presentation: | June 7, 2023                                                                                                                                                                     |
| Contact Information:  | Levi Hopkins, Wildfire Prevention & Policy Manager<br>Fire Protection Division<br>503-949-3572; <a href="mailto:levi.a.hopkins@odf.oregon.gov">levi.a.hopkins@odf.oregon.gov</a> |

**SUMMARY**

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

**CONTEXT/BACKGROUND**

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

Every year, RFPAs suppress dozens of fires across over 17 million acres in Oregon. Many people describe this as “neighbors helping neighbors” model. RFPA funds go toward administrating guidance, fire suppression training, facilitating access to federal grants and surplus firefighting equipment, as well as some administrative cost reimbursement. RFPA fire prevention and suppression help conserve habitat as well as safeguarding local economic resources.

The Board’s approval will assist these associations of landowners in building partnerships, investing in their community, and providing their own local wildfire protection.

**RECOMMENDATION**

The Department recommends the Board approve the fiscal year 2024 budgets of the Ashwood-Antelope, Bakeoven-Shaniko, Blue Mountain, Brothers Hampton, Burnt River, Crane, Fields-Andrews, Frenchglen, Gateway, Greater Pine Valley, Grizzly, High Desert, Ironside, Jordan Valley, Juntura, Lone Pine, Lookout Glasgow, Lower Bridge, North Harney, Petersburg, Post Paulina, Silver Creek, Twickenham, Vale, Wagontire, Warner Valley, WC Ranches, and Wheeler County Fire & Rescue Rangeland Fire Protection Associations.

## **ATTACHMENTS**

- 1) Rangeland Fire Protection Associations Fact Sheet
- 2) Fiscal Year 2024 Rangeland Fire Protection Associations Budgets
- 3) 2022 Rangeland Fire Protection Association Annual Report Statistics
- 4) Rangeland Fire Protection Association Total Protected Acres Annual Summary



# Oregon's Rangeland Fire Protection Associations

**Protecting 17.7 million acres of range and critical Sage Grouse habitat in Oregon**

The RFPAs operate as independent associations of landowners that provide their own local wildfire protection. ODF supports the associations through administrative guidance, some administrative cost reimbursement, fire suppression training and facilitating access to federal grants and surplus firefighting equipment. RFA fire prevention and suppression helps in conserving sage grouse habitat as well as safeguarding livestock forage and now crop lands, which are crucial to local economies.

## Expansion of the Rangeland Program

The rangeland program has seen vast expansion following the passing of SB 590 in the 2021 legislature, going from 24 to 28 RFPAs. This includes the formation of Lower Bridge RFA in Deschutes and Jefferson counties, North Harney RFA in Harney county, Petersburg RFA in Wasco county, and Grizzly RFA in Jefferson county. Burnt River and Frenchglen RFPAs expanded their boundary to include acres not previously included in protected acres. These expansions and new formations have grown the number of acres protected by these volunteer associations from 16 million to 17.7 million!

ODF was awarded added capacity to more adequately support the RFPAs in 2022. This included 3 Rangeland Fire Protection Specialists and 1 Communications System Analyst (radio technician).

**Brandon Daniels:** will be providing technical assistance to the vast network of communication equipment used by the RFA's to coordinate response to wildfires in Oregon. He is based in Baker City, Oregon.



*Basic Fire Training for Petersburg RFA*

## Training

The Rangeland Program has provided basic and advanced fire training to thousands of RFA members, landowners, and professionals over the years, and continues its commitment to providing this crucial training. This year the Basic Fire Training underwent an overhaul based on feedback from students and changes to the national curriculum put out by NWCG. The training introduces basic fire behavior, the incident command system, use of maps and radios, and basic suppression tactics. Partnering with ODF staff are instructors from the USFS, USF&WS, BLM, Rural Agencies, and ODF protection staff. The support shown by partnering agencies has been critical in developing supportive relationships with landowners and RFPAs, having a profound effect on interoperability on fire scenes.

The expansion of the program allows for multiple trainings to happen simultaneously, improving our ability to reach more Oregonians interested in preventing and protecting the natural resources and residents of eastern Oregon.



## Outstanding Neighbor Award

The ODF Rangeland program recognized Dale & Pat Martin of Silver Creek RFA for their long term and influential dedication.

Joining in recognition are ODF retirees Gordon Foster and Frank Vetter. Mr. Vetter was instrumental helping form RFA's while he was Unit Forester for ODF in John Day. Mr. Foster was the first RFA program coordinator for ODF and helped begin to shape the programs assistance to RFA's as we see it today.

# Rangeland Response and Prevention



Lone Pine RFFPA helping plan PCL fuel breaks.

## Neighbors Helping Neighbors

The RFPAs continued to support Oregon’s complete and coordinated response to wildfire through efforts within their areas of responsibility and providing mutual aid well outside of their boundaries. Early in June 2022 the Willow Creek Fire burned 42,000 acres and saw response from Burnt River , Lookout-Glasgow, and Vale RFPAs in conjunction with BLM. In August Bakeoven-Shaniko RFFPA and ODF Rangeland staff provided critical mutual aid on the Miller Rd Fire aiding ODF, Juniper Flats Rural Fire Protection District, BLM and OSFM in stopping that fire at 10,847 acres.



Bakeoven-Shaniko RFFPA and ODF Rangeland staff conducting critical burn to catch the Miller Rd Fire near Maupin, OR.

## Fire Prevention

RFPAs have become increasingly active in planning and mitigation efforts across the desert. In Jefferson and Harney counties, they have been critical in developing CWPP’s. RFPAs have been a big part of the High Desert Partnership, doing work in identifying critical areas for fuel breaks as Potential Control Lines through the Stinking Water Project. This collaborative work has resulted in cross boundary targeted prevention work that will undoubtedly prove valuable in reducing the impact wildfire has in those communities.

RFPAs accomplish hundreds of acres of prescribed burning and Juniper abatement to increase available ground water and to maintain healthy levels of brush and grass for wildlife habitat.



WC Ranches RFFPA RX Burn

## Equipment

ODF staff continue to assist RFPAs in acquiring fire fighting equipment through the excess property programs and grants meant to aid in purchasing equipment. In addition the BLM provides equipment through the Rural Fire Readiness program. This program is another example of how critical RFFPA partnerships with state, federal, and municipal agencies is to reducing the impact wildfire has to all Oregonians.



Prineville BLM Transfer water tender to Wheeler Co Fire and Rescue RFFPA



For more information:  
Oregon Department of Forestry  
503-945-7200  
[www.oregon.gov/odf](http://www.oregon.gov/odf)



## Fiscal Year 2024 Rangeland Fire Protection Association Budget Summary

| RFPA                | Income           |                 |                |                  |                     |                 |                  | Expenses         |                          |                     |                              |                 |                               |                                   |                 |                 |                  | Reserve Account  |
|---------------------|------------------|-----------------|----------------|------------------|---------------------|-----------------|------------------|------------------|--------------------------|---------------------|------------------------------|-----------------|-------------------------------|-----------------------------------|-----------------|-----------------|------------------|------------------|
|                     | Membership Fees  | Donations       | Fund Raising   | Grants           | Reimbursed Expenses | Other           | Total Income     | Insurance        | CPA & Non-profit Filings | Equipment Purchases | Equipment Repair/Maintenance | Fuel            | Supplies For Fire Suppression | Communications Equipment & Repair | Office Expenses | Other           | Total Expenses   |                  |
| Ashwood-Antelope    | \$7,000          |                 |                | \$10,000         | \$7,000             |                 | \$24,000         | \$6,750          | \$500                    | \$2,000             | \$7,000                      | \$2,500         | \$750                         | \$3,000                           | \$500           | \$2,000         | \$25,000         | \$25,783         |
| Bakeoven-Shaniko    | \$9,000          | \$5,000         |                | \$10,000         | \$3,825             |                 | \$27,825         | \$3,400          | \$425                    | \$10,000            | \$1,000                      | \$1,500         | \$1,000                       |                                   | \$250           | \$2,000         | \$19,575         | \$7,925          |
| Blue Mountain       | \$1,400          | \$3,500         |                |                  | \$4,200             |                 | \$9,100          | \$3,700          | \$500                    |                     | \$750                        |                 |                               |                                   |                 |                 | \$4,950          | \$10,000         |
| Brothers-Hampton    | \$1,200          | \$500           |                | \$7,700          | \$4,850             | \$1,200         | \$15,450         | \$4,800          | \$50                     | \$2,500             | \$5,000                      | \$3,000         |                               | \$200                             | \$200           | \$180           | \$15,930         | \$12,019         |
| Burnt River         | \$5,000          |                 |                | \$10,000         | \$5,400             |                 | \$20,400         | \$4,800          | \$200                    | \$7,500             | \$3,500                      | \$900           | \$2,500                       |                                   | \$200           | \$220           | \$19,820         | \$54,529         |
| Crane               | \$30,000         | \$2,000         | \$4,000        | \$10,000         | \$12,500            | \$2,500         | \$61,000         | \$13,000         | \$500                    | \$11,500            | \$12,000                     | \$4,000         | \$3,500                       | \$2,000                           | \$2,000         | \$12,500        | \$61,000         | \$20,000         |
| Fields Andrews      | \$5,700          |                 |                | \$1,550          | \$4,723             |                 | \$11,973         | \$4,648          | \$75                     |                     | \$2,426                      | \$1,825         | \$2,000                       | \$300                             | \$500           |                 | \$11,774         | \$24,865         |
| Frenchglen          | \$6,000          |                 |                | \$10,000         | \$3,700             | \$500           | \$20,200         | \$3,000          | \$500                    | \$1,000             | \$1,500                      | \$3,000         | \$850                         |                                   | \$100           | \$10,250        | \$20,200         | \$9,265          |
| Gateway             | \$600            | \$2,000         |                |                  | \$4,400             |                 | \$7,000          | \$4,400          |                          | \$1,000             | \$1,000                      | \$500           | \$500                         | \$500                             | \$100           |                 | \$8,000          | \$28,000         |
| Greater Pine Valley | \$825            |                 |                |                  | \$2,059             |                 | \$2,884          | \$3,214          | \$125                    |                     |                              | \$250           |                               |                                   | \$137           | \$50            | \$3,776          | \$1,775          |
| Grizzly             | \$3,000          |                 |                | \$10,000         |                     |                 | \$13,000         | \$3,000          | \$1,000                  | \$2,000             | \$500                        | \$1,000         | \$2,000                       |                                   | \$500           |                 | \$10,000         | \$0              |
| High Desert         | \$13,700         | \$15,050        |                | \$10,000         | \$8,500             |                 | \$47,250         | \$8,500          | \$90                     | \$10,000            | \$12,000                     | \$5,000         | \$6,000                       | \$3,500                           | \$550           |                 | \$45,640         | \$4,800          |
| Ironside            | \$3,700          |                 |                |                  | \$3,575             |                 | \$7,275          | \$3,500          | \$75                     |                     | \$500                        | \$500           | \$600                         | \$300                             | \$500           |                 | \$5,975          | \$12,859         |
| Jordan Valley       | \$0              | \$0             |                |                  | \$6,400             | \$10,670        | \$17,070         | \$5,800          | \$600                    | \$2,500             | \$20,000                     |                 |                               | \$3,500                           | \$200           | \$50            | \$32,650         | \$25,670         |
| Juntura             | \$5,500          | \$800           |                | \$2,150          | \$5,700             |                 | \$14,150         | \$5,500          | \$200                    | \$1,000             | \$2,150                      |                 | \$200                         | \$300                             | \$100           | \$4,700         | \$14,150         | \$40,000         |
| Lone Pine           | \$5,100          |                 |                | \$10,000         | \$2,933             |                 | \$18,033         | \$2,633          | \$300                    | \$10,000            | \$2,510                      | \$500           | \$500                         | \$1,000                           | \$260           | \$470           | \$18,173         | \$8,000          |
| Lookout-Glasgow     | \$2,000          | \$1,000         |                | \$10,000         | \$3,400             | \$2,500         | \$18,900         | \$3,300          | \$100                    | \$10,000            | \$3,000                      | \$1,000         | \$500                         | \$500                             | \$250           |                 | \$18,650         | \$14,697         |
| Lower Bridge        | \$9,500          |                 |                | \$10,000         | \$2,700             | \$5,000         | \$27,200         | \$2,200          | \$500                    | \$2,500             | \$3,500                      | \$2,500         | \$2,500                       | \$700                             | \$1,000         | \$4,000         | \$19,400         | \$12,715         |
| North Harney        | \$8,000          | \$4,000         |                | \$10,000         | \$4,000             |                 | \$26,000         | \$3,000          | \$1,000                  | \$3,000             | \$2,000                      | \$1,000         | \$500                         | \$500                             |                 |                 | \$11,500         | \$4,500          |
| Petersburg          | \$3,000          |                 |                | \$10,000         | \$3,940             |                 | \$16,940         | \$3,840          | \$1,100                  | \$4,000             | \$1,500                      |                 | \$4,500                       |                                   | \$100           |                 | \$15,040         | \$10,000         |
| Post Paulina        | \$1,000          |                 |                |                  | \$6,002             | \$4,500         | \$11,502         | \$5,952          | \$50                     | \$1,000             | \$5,000                      | \$1,000         | \$300                         | \$250                             | \$350           | \$350           | \$14,252         | \$21,333         |
| Silver Creek        | \$15,000         | \$1,000         |                |                  | \$7,750             | \$1,350         | \$25,100         | \$5,700          | \$2,050                  | \$3,350             | \$3,600                      | \$4,750         | \$1,000                       | \$1,500                           | \$1,200         | \$2,400         | \$25,550         | \$26,570         |
| Twickenham          | \$2,200          | \$150           |                | \$5,000          | \$4,000             |                 | \$11,350         | \$3,800          | \$70                     |                     | \$5,000                      |                 | \$2,000                       | \$200                             | \$80            |                 | \$11,150         | \$12,661         |
| Vale                | \$3,000          | \$1,000         |                | \$10,000         | \$3,500             |                 | \$17,500         | \$2,500          | \$100                    | \$5,000             | \$2,000                      |                 | \$1,000                       | \$5,000                           | \$900           |                 | \$16,500         | \$9,227          |
| Wagontire           | \$3,000          | \$10,000        |                | \$3,500          | \$3,500             |                 | \$20,000         | \$3,500          | \$500                    | \$3,000             | \$5,000                      | \$3,000         | \$1,500                       | \$500                             | \$250           |                 | \$17,250         | \$7,525          |
| Warner Valley       | \$13,000         | \$3,000         |                | \$10,000         | \$4,700             | \$2,000         | \$32,700         | \$9,500          | \$750                    | \$500               | \$6,000                      | \$2,500         | \$800                         | \$10,000                          | \$500           | \$2,000         | \$32,550         | \$1,600          |
| WC Ranches          | \$2,200          |                 |                | \$10,000         | \$7,500             |                 | \$19,700         | \$5,500          | \$2,000                  | \$5,700             | \$1,000                      |                 |                               | \$3,000                           | \$300           | \$2,200         | \$19,700         | \$400            |
| Wheeler County      |                  | \$5,000         | \$4,000        | \$18,000         | \$4,500             |                 | \$31,500         | \$4,500          |                          |                     | \$2,500                      | \$4,000         | \$3,000                       | \$18,000                          |                 |                 | \$32,000         | \$28,000         |
| <b>Total</b>        | <b>\$159,625</b> | <b>\$54,000</b> | <b>\$8,000</b> | <b>\$187,900</b> | <b>\$135,257</b>    | <b>\$30,220</b> | <b>\$575,002</b> | <b>\$133,937</b> | <b>\$13,360</b>          | <b>\$99,050</b>     | <b>\$111,936</b>             | <b>\$44,225</b> | <b>\$38,000</b>               | <b>\$54,750</b>                   | <b>\$11,527</b> | <b>\$43,370</b> | <b>\$550,155</b> | <b>\$434,718</b> |

2022 Annual RFPA Annual Report Statistics

| Rangeland Fire Protection Association | Total Acres      | Private Acres 3/ | State, County, Acres 2/ | Federal Acres 1/ | Est. | No. of Fires | Mutual Assist Fires | Smoke Chases | State & Private Acres Burned | Total Acres Burned | *Large Fires over 500 ac | Fire Suppress. Hours | Admin Hours   | POV Mileage   | Prescribe Fire Acres | Mem Properties (estimate) | Support Personnel | Trained Firefighters | Fire Eng Type 4 | Fire Eng Type 5&6 | Slip-ons Pickup | Slip on Trailers | ATV/UT V tanks | Tenders   | Graders   | Dozers    | Tractor w/ Transport | Tractor w/ Disk | Other                       |
|---------------------------------------|------------------|------------------|-------------------------|------------------|------|--------------|---------------------|--------------|------------------------------|--------------------|--------------------------|----------------------|---------------|---------------|----------------------|---------------------------|-------------------|----------------------|-----------------|-------------------|-----------------|------------------|----------------|-----------|-----------|-----------|----------------------|-----------------|-----------------------------|
| Ashwood-Antelope                      | 357,004          | 314,589          | 356                     | 42,059           | 2009 | 4            | 1                   | 3            | 34                           | 34                 |                          | 50                   | 1,534         | 700           | 1,300                | 37                        | 50                | 15                   | 3               | 5                 | 9               |                  | 6              | 1         | 1         | 11        | 3                    |                 |                             |
| Bakeoven-Shaniko                      | 183,102          | 176,683          | 81                      | 6,338            | 2019 | 0            | 3                   | 2            | 0                            | 0                  |                          | 341                  | 306           | 1,036         | 57                   | 18                        | 28                | 27                   | 4               | 10                | 28              | 3                | 16             | 1         | 4         | 3         | 0                    | 4               | 1 Airplane<br>10 drones     |
| Blue Mountain                         | 1,157,908        | 75,059           | 2,896                   | 1,079,953        | 2013 | 2            |                     | 4            | 0                            | 3                  |                          | 108                  | 300           | 2,500         |                      | 7                         | 10                | 29                   | 8               | 2                 | 4               |                  | 6              |           |           | 1         |                      |                 | 5 Tender<br>Trailers        |
| Brothers / Hampton                    | 998,928          | 257,785          | 34,826                  | 706,318          | 2006 | 5            | 0                   | 2            | 4                            | 5                  |                          | 25                   | 1,115         | 1,220         | 10                   | 47                        | 15                | 26                   | 3               | 5                 | 2               | 4                | 1              |           | 2         | 2         |                      | 4               |                             |
| Burnt River                           | 263,915          | 161,431          | 3,334                   | 99,151           | 2000 | 6            | 3                   | 0            | 31                           | 100                |                          | 276                  | 527           | 944           | 0                    | 57                        | 16                | 43                   | 2               | 1                 | 12              |                  | 2              | 1         | 1         | 7         | 1                    |                 |                             |
| Crane                                 | 1,415,068        | 601,120          | 102,748                 | 711,200          | 1998 | 17           | 1                   | 5            | 128                          | 138                |                          | 233                  | 2,500         | 2,500         | 0                    | 300                       | 20                | 40                   | 23              | 9                 | 7               | 3                |                | 3         |           | 2         | 1                    |                 |                             |
| Fields / Andrews                      | 970,347          | 159,304          | 485                     | 810,559          | 1998 | 3            | 2                   | 2            | 0                            | 2                  |                          | 68                   | 658           | 3,399         | 0                    | 7                         | 5                 | 44                   | 3               | 6                 | 2               |                  |                | 5         | 3         | 4         | 5                    | 3               |                             |
| Frenchglen                            | 1,429,813        | 388,316          | 2,460                   | 1,039,037        | 2013 | 1            | 0                   | 1            | 0                            | 1                  |                          | 64                   | 636           | 7,776         | 0                    | 30                        | 5                 | 39                   | 2               | 3                 | 4               | 1                |                | 1         |           | 1         | 1                    |                 |                             |
| Gateway                               | 9,306            | 8,701            | 0                       | 604              | 2010 | 0            | 0                   | 0            | 0                            | 0                  |                          | 270                  | 159           | 1,513         | 464                  | 10                        | 4                 | 6                    | 2               | 2                 |                 | 3                | 0              | 2         | 1         | 3         |                      |                 |                             |
| Greater Pine Valley                   | 75,503           | 30,009           | 0                       | 45,494           | 2016 | 1            | 0                   | 1            | 100                          |                    |                          | 164                  | 622           |               | 100                  | 29                        | 3                 | 26                   | 2               | 2                 | 2               |                  | 1              | 1         | 1         | 1         | 1                    | 1               |                             |
| Grizzly                               | 98,329           | 56,221           | 105                     | 42,003           | 2023 |              |                     |              |                              |                    |                          |                      |               |               |                      |                           |                   |                      | 1               |                   | 2               | 5                | 1              |           | 1         | 1         | 2                    |                 | 3 skidsteer w<br>mulch head |
| High Desert                           | 1,739,231        | 384,666          | 38,158                  | 1,316,407        | 2018 | 22           | 5                   | 4            | 170                          | 210                |                          | 40                   | 500           | 1,200         | 950                  | 104                       | 5                 | 40                   | 9               | 14                | 4               | 3                | 3              | 6         |           | 5         | 6                    | 1               |                             |
| Ironside                              | 355,967          | 330,383          | 1,648                   | 23,936           | 1964 | 3            | 3                   | 1            | 2,887                        | 3,438              | 1                        | 150                  | 900           | 1,277         | 0                    | 36                        | 6                 | 20                   | 1               | 2                 | 11              | 6                |                | 3         | 2         | 2         | 2                    | 4               |                             |
| Jordan Valley                         | 2,495,409        | 292,999          | 178,507                 | 2,023,903        | 2008 | 8            | 5                   | 0            | 0                            | 2,782              | 6                        | 1,280                | 250           | 500           | 0                    |                           | 20                | 112                  | 7               | 2                 | 26              |                  | 25             | 8         | 2         | 3         | 1                    |                 |                             |
| Juntura                               | 952,048          | 181,351          | 82,137                  | 688,561          | 2007 | 6            | 1                   | 10           | 4                            | 1,904              | 2                        | 65                   | 707           | 1,688         | 0                    | 12                        | 12                | 19                   | 1               | 5                 | 1               | 1                | 2              | 1         | 2         | 2         | 1                    |                 |                             |
| Lone Pine                             | 55,312           | 25,426           | 3,673                   | 26,213           | 2013 | 0            | 2                   | 1            | 0                            | 0                  |                          | 150                  | 561           | 2,913         | 150                  | 17                        | 5                 | 17                   | 2               | 2                 | 6               | 1                |                | 2         | 1         | 6         | 4                    | 2               |                             |
| Lookout Glasgow                       | 263,448          | 166,593          | 122                     | 96,733           | 2014 | 3            | 3                   | 4            | 0                            | 198                |                          | 305                  | 236           | 1,050         | 100                  | 20                        | 5                 | 30                   | 4               |                   | 5               |                  | 6              | 1         | 5         | 2         |                      |                 |                             |
| Lower Bridge                          | 34,194           | 15,554           | 926                     | 16,906           | 2022 | 6            | 2                   | 4            | 2                            | 2                  |                          | 146                  | 1,119         | 1,431         | 40                   | 38                        | 17                | 30                   | 1               | 1                 | 1               | 1                | 2              | 2         |           |           | 2                    |                 |                             |
| North Harney                          | 184,024          | 172,919          | 2,174                   | 8,931            | 2022 | N/A          |                     |              |                              |                    |                          | 425                  | 220           |               |                      | 40                        |                   | 12                   |                 |                   |                 |                  |                |           |           |           |                      |                 |                             |
| Petersburg                            | 84,927           | 80,060           | 1,497                   | 3,370            | 2023 | N/A          |                     |              |                              |                    |                          |                      |               |               |                      |                           |                   | 68                   | 1               |                   | 16              |                  |                | 5         |           |           |                      | 6               |                             |
| Post / Paulina                        | 639,580          | 351,749          | 22,566                  | 265,265          | 2006 | 11           | 2                   | 4            | 405                          | 408                |                          | 300                  | 800           | 1,200         | 500                  | 40                        | 65                | 25                   | 1               | 7                 | 12              | 5                | 10             |           | 3         | 8         | 6                    |                 |                             |
| Silver Creek                          | 728,270          | 231,712          | 5,461                   | 491,097          | 2001 | 6            | 0                   | 0            | 94                           | 96                 |                          | 72                   | 784           | 9,859         | 0                    | 76                        | 65                | 40                   | 9               | 10                | 2               | 4                | 0              | 2         | 0         | 6         | 3                    | 3               |                             |
| Twickenham                            | 124,301          | 75,499           | 40                      | 48,762           | 2001 | 1            | 1                   | 1            | 5                            | 10                 |                          | 52                   | 818           | 186           | 210                  | 44                        | 4                 | 11                   | 3               | 2                 |                 | 2                | 2              |           |           |           |                      |                 |                             |
| Vale                                  | 1,023,221        | 204,570          | 22,347                  | 796,305          | 2008 | 10           | 2                   | 7            | 26,175                       | 44,049             | 3,4,5                    | 536                  | 373           | 2,676         | 0                    | 28                        | 14                | 26                   | 2               | 1                 | 11              | 1                | 34             |           | 2         | 7         |                      | 7               | Airplane                    |
| Wagontire                             | 301,268          | 37,844           | 68,610                  | 194,814          | 2015 | 0            | 0                   | 0            | 0                            | 0                  |                          | 0                    | 410           | 900           | 0                    | 3                         | 10                | 6                    |                 | 3                 |                 |                  | 2              | 2         |           | 2         | 2                    | 2               |                             |
| Warner Valley                         | 1,319,875        | 169,153          | 69,116                  | 1,081,606        | 2011 | 6            |                     | 2            | 88                           | 88                 |                          | 92                   | 416           | 4,263         | 0                    | 129                       | 13                | 22                   | 2               | 8                 | 5               | 2                | 4              | 8         | 1         | 3         | 2                    |                 |                             |
| WC Ranches                            | 49,193           | 41,489           | 1,947                   | 5,757            | 2015 | 1            | 1                   | 4            | 1                            | 1                  |                          | 106                  | 1,079         | 3,501         |                      |                           | 3                 | 15                   | 2               | 5                 | 1               |                  | 5              |           |           | 5         | 1                    |                 |                             |
| Wheeler Co. F & Res                   | 393,710          | 285,503          | 548                     | 107,659          | 2016 | 9            | 4                   | 5            | 321                          | 321                |                          | 301                  | 1,326         | 3,210         | 0                    | 0                         | 3                 | 14                   | 2               | 5                 |                 |                  | 1              | 3         |           | 1         | 1                    |                 |                             |
| <b>17,703,201</b>                     | <b>5,276,687</b> | <b>646,767</b>   | <b>11,778,940</b>       |                  |      | <b>131</b>   | <b>41</b>           | <b>67</b>    | <b>30,449</b>                | <b>53,790</b>      |                          | <b>5,194</b>         | <b>19,061</b> | <b>57,662</b> | <b>3,881</b>         | <b>1,129</b>              | <b>403</b>        | <b>802</b>           | <b>99</b>       | <b>113</b>        | <b>171</b>      | <b>41</b>        | <b>123</b>     | <b>68</b> | <b>28</b> | <b>89</b> | <b>47</b>            | <b>41</b>       |                             |

1/ RFPAs do not protect Federal acres, this list is just the federal land within the RFPA Bdy.

2/ RFPAs protect DSL lands as a membership in the RFPA, also OPRD lands are protected under a protection agreement with ODF

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

\*

- 1) Amelia Rd 3237 ac Malheur Co. 7) 13)
- 2) Hat Top 1,894 ac Malheur Co. 8/19 8) 14)
- 3) Willow Crk 40,306 ac Malheur Co. 6/28 9) 15)
- 4) MM365 1,256 ac Malheur Co. 9/1 10) 16)
- 5) Vines Hill 2,427 ac Malheur Co. 9/28 11) 17)
- 6) Sheephead 1950 ac Malheur Co. 9/9 12)



## Rangeland Fire Protection Association Total Protected Acres Annual Summary

### Row One

| Year | No. of RFPA | Total Acres Protected | Private Acres <sup>3</sup> | State Acres <sup>2</sup> | Federal Acres <sup>1</sup> | No. of Fires | Mutual Assist Fires | Smoke Chases | State & Private Acres Burned | Total Acres Burned | Fires over 500 Acres | Fire Suppression Hours | Admin Hours    | POV Mileage    |
|------|-------------|-----------------------|----------------------------|--------------------------|----------------------------|--------------|---------------------|--------------|------------------------------|--------------------|----------------------|------------------------|----------------|----------------|
| 2017 | 22          | 15,967,400            | 4,553,896                  | 639,901                  | 10,773,603                 | 146          | 35                  | 47           | 29,580                       | 103,388            | 17                   | 9,556                  | 21,148         | 76,589         |
| 2018 | 23          | 16,556,081            | 4,855,598                  | 639,982                  | 11,060,501                 | 168          | 52                  | 57           | 25,579                       | 76,380             | 17                   | 8,692                  | 21,075         | 82,000         |
| 2019 | 24          | 16,556,081            | 4,855,598                  | 639,982                  | 11,060,501                 | 114          | 32                  | 76           | 3,308                        | 34,475             | 5                    | 5,624                  | 17,802         | 84,770         |
| 2020 | 24          | 16,556,081            | 4,855,598                  | 639,982                  | 11,060,501                 | 142          | 37                  | 78           | 19,005                       | 79,516             | 14                   | 8,068                  | 17,264         | 62,050         |
| 2021 | 24          | 16,556,081            | 4,855,598                  | 639,982                  | 11,060,501                 | 114          | 32                  | 34           | 5,643                        | 14,493             | 9                    | 5,228                  | 15,816         | 56,938         |
| 2022 | 28          | 17,703,201            | 5,276,687                  | 646,767                  | 11,778,940                 | 131          | 41                  | 67           | 30,449                       | 53,790             | 6                    | 5,194                  | 19,061         | 57,662         |
|      |             |                       |                            |                          |                            | <b>684</b>   | <b>229</b>          | <b>359</b>   | <b>113,564</b>               | <b>362,041</b>     | <b>68</b>            | <b>42,362</b>          | <b>112,165</b> | <b>420,009</b> |

### Row Two

| Year | Prescribed Fire Acres | Member Properties (estimate) | Support Personnel | Trained Firefighters | Fire Eng Type 4 | Fire Eng Type 5 & 6 | Slip-on Pickup | Slip-on Trailer | ATV UTV Tank | Tenders | Graders | Dozers | Tractor w/ Transport | Tractor w/ Disk |
|------|-----------------------|------------------------------|-------------------|----------------------|-----------------|---------------------|----------------|-----------------|--------------|---------|---------|--------|----------------------|-----------------|
| 2017 | 4,174                 | 671                          | 516               | 512                  | 80              | 76                  | 127            | 18              | 72           | 54      | 26      | 86     | 51                   |                 |
| 2018 | 9,060                 | 1,007                        | 400               | 648                  | 92              | 97                  | 146            | 31              | 89           | 62      | 30      | 87     | 45                   |                 |
| 2019 | 1,198                 | 988                          | 406               | 684                  | 97              | 108                 | 140            | 19              | 82           | 55      | 24      | 76     | 48                   | 13              |
| 2020 | 3,394                 | 996                          | 443               | 655                  | 98              | 103                 | 139            | 23              | 84           | 50      | 25      | 101    | 47                   | 16              |
| 2021 | 3,345                 | 1,185                        | 412               | 639                  | 93              | 111                 | 140            | 38              | 103          | 55      | 31      | 95     | 44                   | 16              |
| 2022 | 3,881                 | 1,129                        | 403               | 802                  | 99              | 113                 | 171            | 41              | 123          | 68      | 28      | 89     | 47                   | 41              |
|      | <b>17,826</b>         |                              |                   |                      |                 |                     |                |                 |              |         |         |        |                      |                 |

1. RFPAs do not protect federal acres, this is the acres of federal land within the RFPA boundary.
2. RFPAs protect DSL lands as a membership of the RFPA; OPRD lands are protected under a protection agreement with ODF
3. RFPAs protect all private lands regardless of membership in the Association as per agreement with the Board of Forestry

|                       |                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No:       | F                                                                                                                              |
| Title:                | Board Chair Letter to Joint Committee on Ways and Means Regarding Fire Protection Budgets                                      |
| Date of Presentation: | June 7, 2023                                                                                                                   |
| Contact Information:  | Cal Mukumoto, State Forester<br>503-689-6884; <a href="mailto:Cal.T.Mukumoto@odf.oregon.gov">Cal.T.Mukumoto@odf.oregon.gov</a> |

**SUMMARY**

On May 2, 2023, Board of Forestry Chair Jim Kelly sent a letter to the Co-Chairs of the Joint Committee on Ways and Means providing information about impacts to landowners from increases to forest patrol assessment rates. The intent of the letter was to provide context around concerns coming from the Oregon Department of Forestry’s Forest Protection Districts related to increased costs as a landowner rate offset provided by Senate Bill 762 (2021) phases out. This information is important as the Joint Committee on Ways and Means considers state agency budgets. The letter is attached for awareness to other Board members.

**ATTACHMENTS**

- 1) Board Chair Letter to Joint Committee on Ways & Means



# Oregon

Tina Kotek, Governor

Oregon Board of Forestry

2600 State St

Salem, OR 97310-0340

503-945-7200

[www.oregon.gov/ODF](http://www.oregon.gov/ODF)

May 2, 2023

Sen. Elizabeth Steiner, Co-Chair  
Rep. Tawna Sanchez, Co-Chair  
Joint Committee on Ways and Means  
900 Court St. NE, H-178  
Salem, OR 97301

Dear Co-Chairs:

The Oregon Board of Forestry is the approval authority for the annual forest protection district budgets. As the topic of a potential landowner rate offset is directly connected to those budgets and the provision of an adequate level of fire protection, I wanted to provide the committee with some background information to help inform your upcoming discussions.

Under Senate Bill 762 (2021), the Oregon Department of Forestry was directed to increase its wildfire readiness and response capacity, including increases to fire suppression response personnel, aviation assets, fireline leadership and necessary administrative support personnel. To avoid a significant and sudden increase to protection costs for landowners, the Legislature included a one-time rate subsidy of \$15 million as part of SB 762.

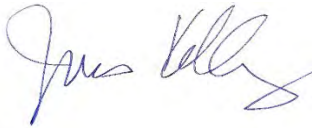
The department's Agency Request Budget for the 2023-25 biennium included a policy option package requesting another one-time rate subsidy of \$14 million in recognition that a long-term fire funding fix has not yet been addressed. Ultimately, this POP was not included in the Governor's Budget. Please note, the offset does not directly impact the department's ability to provide an adequate level of protection as directed by statute. The lack of the offset does, however, mean many Oregonians are looking at dramatic increases to their forest patrol assessment rates for the coming year. Increases in some parts of the state are in excess of 40%. This is especially critical in drier parts of the state where these increases create a disincentive for landowners to own marginal rangeland and forestland and to maintain them as working lands. I am one of those owners. Ownership of much of these lands has already shifted to wealthy owners more interested in hunting and recreation than keeping them as working lands. Not addressing these increases will only increase that trend.

Fixing this situation is admittedly a band-aid, but a necessary one. What Oregon really needs is for the legislature to pass a "big fix" to our fire-funding system. That fix is sorely needed – thanks to the not-so-new normal of fire activity and intensity we have been experiencing for over a decade now. Much attention has been paid to the large fire funding structure in recent years due to its role in the department's financial issues that reached a breaking point in 2019.

However, what we have learned while trying to fix those problems is that changes to any aspect of the fire funding system must be considered in the context of the whole.

As the Chair of the Board of Forestry, I strongly encourage the Legislature to support a broad effort to identify solutions for a new way of paying for wildfire in Oregon. That support begins with another short-term funding solution for many Oregonians that pay for wildfire protection at the base level. Our state needs an adaptable, sustainable, and equitably representative funding structure to protect the health and safety of all Oregonians into the future and the Board of Forestry stands ready to support those efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Kelly". The signature is fluid and cursive, with the first name "Jim" and last name "Kelly" clearly distinguishable.

Jim Kelly, Chair  
Oregon Board of Forestry

Cc: Cal Mukumoto, State Forester  
Doug Grafe, Governor's Office  
Geoff Huntington, Governor's Office  
Board of Forestry Members

## STAFF REPORT

|                       |                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | G                                                                                                                                       |
| Work Plan:            | Forest Resources                                                                                                                        |
| Topic:                | Committee Appointments                                                                                                                  |
| Presentation Title:   | Committee for Family Forestlands Appointment                                                                                            |
| Date of Presentation: | June 7, 2023                                                                                                                            |
| Contact Information:  | Mike Kroon, Forest Resources Deputy Chief<br>503-400-4815, <a href="mailto:mike.e.kroon@odf.oregon.gov">mike.e.kroon@odf.oregon.gov</a> |

### SUMMARY

This agenda item includes an update on the appointment and reappointment for members of the Committee for Forestlands (CFF). Wendy Gerlach has served her first term and would like to be reappointed for a second term and continue to serve as chair. One nomination has been submitted to fill the Forest Industry Representative position (Eric Kranzush).

### 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. Additional information on the CFF can be found [here](#).

As of July 1, the Citizen-at-large position is in need of reappointment and there is an open position for the Forest Industry Representative.

### RECOMMENDATION

The Department recommends the re-appointment of Wendy Gerlach as Citizen-at-large and Chair and the appointment of Eric Kranzush as the Forest Industry Representative member of the CFF. Their biographies are noted in Attachment 2.

### ATTACHMENTS

- (1) Proposed CFF Voting Members Appointment Schedule
- (2) Member Nomination Biography

## Proposed Committee for Family Forestlands Voting Members Appointment Schedule

**June 7<sup>th</sup>, 2023**

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>2023</b> | <b>2024</b> | <b>2025</b>  | <b>2026</b>  |
|-------------------------------------------------------------|------------------|-------------|-------------|--------------|--------------|
| Citizen at Large<br><b>Wendy Gerlach (Chair)</b>            | 2020             |             |             |              | June 30<br>X |
| Conservation Community<br><b>Kaola Swanson (Vice Chair)</b> | 2019             |             |             | June 30<br>X |              |
| Forest Industry<br><b>Eric Kranzush</b>                     | 2023             |             |             |              | June 30      |
| Southern Oregon Area<br><b>Gary Jensen</b>                  | 2021             |             | June 30     |              |              |
| Landowner at Large<br><b>Kate McMichael</b>                 | 2021             |             | June 30     |              |              |
| Eastern Oregon Area<br><b>Maurizio Valerio</b>              | 2021             |             | June 30     |              |              |
| Northwest Oregon Area<br><b>Scott Hayes</b>                 | 2023             |             |             | June 30      |              |

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

## 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 and the Oregon League of Conservation Voters. She is a past board member of the Coalition of Oregon Land Trusts and currently serves on its pro-bono legal team and government relations committee. 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.

## Eric Kranzush

My name is Eric Kranzush and I am a Professional Forest Manager at Giustina Land & Timber Co. in Eugene, Oregon. Giustina Land & Timber Co., is a 4<sup>th</sup> generation family-owned company, which has been in business in Oregon since 1917. Further, we are an SFI certified landowner, with an eye toward long-term (longer rotation) sustained yield forestry. We are honored to provide Oregonians with the clear water, clean air, abundant wildlife habitat, recreational opportunities and the sustainably certified forest products they demand.

I received a B.S. in Forest Management from OSU in 2001 and an MBA from UO in 2014. For over 20-years, I have been active in Oregon's forest industry.

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



|                       |                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 2                                                                                                                                                                                                                                                                                                                                |
| Work Plan:            | Fire Protection                                                                                                                                                                                                                                                                                                                  |
| Topic:                | Ongoing Topic; Forest Patrol Assessment                                                                                                                                                                                                                                                                                          |
| Presentation Title:   | *Requests for Hearings Before the Board and Proposed Final Orders                                                                                                                                                                                                                                                                |
| Date of Presentation: | June 7, 2023                                                                                                                                                                                                                                                                                                                     |
| Contact Information:  | Tim Holschbach, Deputy Chief of Policy & Planning – Fire Protection<br>503-480-9756 <a href="mailto:Tim.J.Holschbach@odf.oregon.gov">Tim.J.Holschbach@odf.oregon.gov</a><br>Levi Hopkins, Wildfire Prevention & Policy Manager<br>503-949-3572, <a href="mailto:Levi.A.Hopkins@odf.oregon.gov">Levi.A.Hopkins@odf.oregon.gov</a> |

## **SUMMARY**

The purpose of this agenda item is to address a request for a hearing under ORS 477.260(2) and OAR 629-041-0035(4) by landowners in Jackson County regarding the addition of certain properties to the forest patrol assessment roll. This staff report informs the Board of the process undertaken thus far, describes the issues raised by the forestland owner and proposes final resolutions of the matters. In addition, the Department requests that the Board hear briefly from the parties and then issue a final order that either revises or accepts the proposed final orders attached to this report.

## **CONTEXT**

As required by ORS 477.250(2), written notices were sent by mail to specific landowners in Jackson County that they were going to be added to their county forest patrol assessment roll. The same law also requires that the notice inform the landowners of the procedures for appeals and hearings prescribed in ORS 477.205 to 477.281. Those procedures were included in the mailings.

The Department of Forestry (ODF) received objections to being added to the assessment roll from 31 landowners in Jackson County. 10 landowner’s classification status was an obvious error, and was corrected under the authorities granted to the Department in OAR 629-045-0055(2)(b).

## **BACKGROUND AND ANALYSIS**

ORS 477.210(1) states that it is the responsibility of each owner of forestland to “provide adequate protection against the starting or spread of fire thereon or therefrom...” The same statute, in subsection (4), states that when a landowner fails to provide that protection, “...then the forester under the direction of the Board shall provide forest protection...”

The principal funding source provided by law for ODF’s fire protection system is a pro rata acreage assessment against classified forestland within each forest protection district. The land classifications are determined by a county forestland classification committee that examines and then classifies all forestland within a county and the forest protection district. The lands classified as “forestland,” if not otherwise protected by individual plan or membership in a forest protective association, are then included in the county forest patrol assessment roll and assessed their pro rata share of the district’s fire protection costs. The fire protection costs are collected by the county assessor in the same manner as ad valorem taxes.

The Jackson County Forestland Classification Committees completed their work and filed their final order with the Jackson County Clerk in April 2021. Any landowner who was aggrieved by the classification had the right to appeal the decision under ORS 526.332, by filing an appeal to circuit court within 30 days of the decision. There were 2 appeals of the forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

As a result of the forestland classification final orders, properties that were newly classified as forestland and which were otherwise subject to the forest patrol assessment were added to the county forest patrol assessment roll. Written notices were mailed to each landowner notifying them of the addition and the process for appeals and hearings before the Board.

Based on the language in ORS 477.260(2), landowners subject to ORS 477.205 to 477.281 may discuss at the hearing, "... any subject pertaining to the activities of the forester or board affecting the land." In these specific hearings, the issue before the Board is the addition of tax lots to the forest patrol assessment roll, The Department outlined four issues of fact that went into the decision of whether to assess the properties in question. Those four items are:

1. Has the land been classified as forestland by a county classification committee?
2. Is the owner of the land correctly identified?
3. Are the acres and tax lot number correctly identified?
4. Has the owner provided protection through a plan approved by the Board on their own or through membership in a forest protective association?

The Department conducted the necessary research and review, and confirmed that the landowner's tax lot in question was properly assessed, they are the owners of the lot in question, the lands had been classified as forestland by the appropriate County Forestland Classification Committee, their names, tax lot and acreage were all correct as noted in the County Assessor's records, and this tax lot is not protected under a protection plan approved by the Board of Forestry, nor does the owner belong to a forest protective association.

As further described in the proposed order (Attachment 2), the Department has determined that the properties in question were properly assessed pursuant to the applicable law.

### **ALTERNATIVES CONSIDERED**

Upon review of the letter from the landowner, additional testimony during the Board meeting, and the facts described above and presented in the proposed final order (Attachment 2), the Board may:

1. Remand the matter to Department staff for further review on such issues as the Board specifies and to prepare a revised proposed order as appropriate;
2. Reject the proposed order and direct the Department to prepare a different final order;  
or
3. Adopt the proposed order as the Board's final order.

## **RECOMMENDATION**

The Department recommends that the Board adopt the proposed final order as written for Craig Berry, Nancy Bradley, Daryl Briten, Rose Brummett, Joel Caswell (Pine Ridge Meadows LLC), Harold and Jeannette Center, Dan Colcleaser, Allen Drescher, Gary and Marie Gilbreth, Richard and Melody Goodboe, Frederic and Bonazzoli Grewe, Lara Grosz, Michael Hilmer, Sarah Kreisman, Patricia Logan, Robert Methvin, Ross and Tamara Miller, Luke Scott, Lloyd Sloggett, Bruce Stanbridge, and Dennis and Patricia Sullivan.

## **ATTACHMENTS**

- (1) Letters requesting a hearing before the Board of Forestry
- (2) Proposed Final Orders

March 1, 2023

State Forester  
2600 State Street  
Salem, OR 97310

RE: Hearing Request; Forest Patrol Assessment

I would like to request a hearing for the unfair and unreasonable assessments levied against my following properties located in Jackson County:

10313556  
10981670  
10981667

Please advise on next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke Scott", with a large, sweeping flourish extending to the right.

Luke Scott  
3378 Cadet DR  
Medford, OR 97504

To whom it may concern,

2/14/2023

This is Sarah Kreisman, owner of tax lots 10887469 and 10607441. I received a  
an official letter from ODF regarding Forest Patrol Assessment and classification regarding my property. Our land is not Class 1 forestland. The property is mostly grazing land and used for sheep when irrigation allows us to grow pasture. We have irrigation rights for the entire property minus the house and barn pad. Please reclassify this land as we have fruit trees and oaks along the driveway as well as landscape trees around the yard area but that is all. We are not forestland and request to be classified properly. This is an EFU property used for farming and is not in any way forestland.

Best regards,

Sarah Kreisman

541-324-6263

sarahkreisman@hotmail.com

A handwritten signature in black ink, appearing to read 'Sarah Kreisman', written in a cursive style.

REC'D FEB 16 2023

February 10, 2023

Department of Forestry  
Southwest Oregon District Headquarters  
5286 Table Rock Rd.  
Central Point, OR. 97502

Dear Tyler McCarty,

I received a letter from the Forestry Department with your signature on it. Stating that you had placed my property into a Forest Patrol Assessment Roll. I live on a half acre lot in East Medford, not zoned Forestry by any means. As a retired realtor of 35 years I do know the difference. My home is surrounded by concrete and very few trees. There are not many trees in my neighborhood and all were planted. I do not agree with your classifying my home as forestland. You refer to it as "wildfire protection to all owners of forestland" well this isn't forestland, this is in the city of Medford. My property taxes are adjusted to owning property zoned as living in the city. I do not get a forestland exemption. Therefore, I believe it is not forestland and would like to opt out of your "Patrol Assessment". My lot and those homeowners surrounding mine keep our properties free of anything that would catch or start a fire. It is up to the city to take care of the homeless responsible for the recent fires. There is lots of concrete and asphalt up here and my home is stucco as well. Please take another individual look at my tax lot.

This property does not meet the definition of forestland by state law. By definition in part, "forestland includes"...Woodland, brushland, timberland, grazing land, or clearing that during any time of year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. So the judgement is yours.

It is not the cost that is offensive, it is that the state continues to tax us and tax us and tax us.

Please let me know how and when I can attend a hearing so I can have my attorney on hand.

Thank you,

Patricia Logan

541-601-1737

5621 Saddle Ridge Drive  
Medford, OR 97504

law. By definition in part, "forestland" includes: "...woodland, brushland, timberland, grazing land, or clearing, that during any time of year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed." Oregon Revised Statutes (ORS) 477.001(9).

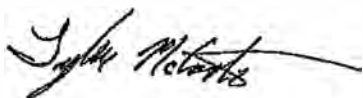
The Southwest Oregon District has two classes of forestland. Forestland suitable for the production of timber is classified as Class 1. Forestland suitable for grazing or other agricultural use is classified as Class 3. Class 2 forestland does not apply in southwestern Oregon. Due to changes in vegetative cover and use over time, land may be reclassified based on current vegetation type. Each of these class types may include lands on which structures are present.

ORS 477.270 requires that owners of forestland pay an annual Forest Patrol Assessment. Forest Patrol Assessments are used in conjunction with State of Oregon General Fund appropriations to maintain and operate the Department of Forestry's wildfire prevention and suppression system. Last year, the assessment rate for the Southwest Oregon District was \$2.97 per acre for Class 1 timber lands and \$0.48 per acre for Class 3 grazing lands. These per acre assessments may increase or decrease from year to year based on many factors. ORS 477.295 requires a minimum annual assessment of not less than \$18.75 per lot or parcel. If the lot or parcel has an improvement as defined by the County Assessor's Office, an additional \$47.50 surcharge will be levied, per ORS 477.277. The surcharge is one of the funding sources to support the Oregon Forest Land Protection Fund and is used for equalizing emergency fire suppression costs on large fires under Oregon Department of Forestry jurisdiction. **The forest patrol assessment will appear on your 2023 property tax statement** and is paid to Jackson County in the same manner as any other property tax or assessment.

Additionally, any owner of grazing land or timberland within the boundary of the Southwest Oregon Forest Protection District who is adversely affected by a proposed district budget may file an appeal within 30 days after the date of the public budget meeting, ORS 477.260(1). Also, any owner of grazing land or timberland subject to ORS 477.205 to 477.281 (the series of statutes that govern establishment of forest protection districts, requirement for protection, costs and assessment) shall, upon request, be granted a hearing by the State Board of Forestry on any subject pertaining to the activities of the Forester or Board affecting the land, ORS 477.260(2). This could include the assessment of forestlands. The Board of Forestry has adopted rules governing the conduct of such appeals and hearings. See Oregon Administrative Rule 629-041-0035. Also note that any request for a hearing regarding this assessment notice must be received by the State Forester within 30 days of the date of this written notice. ~~If you wish to request such a hearing, please send a letter with that request to the State Forester at 2600 State Street, Salem OR 97310.~~

If you have questions about the forestland classification process, please call the Southwest Oregon District at (541) 664-3328.

Sincerely,



Tyler McCarty  
ODF Southwest Oregon District Forester

Miché Helmér  
1579 Upland Dr.  
Medford

Re: Forest Patrol Assessment

My lot is not forestland, will never be forestland, even if I read my home to do so.

Second, how many forest parcels have a Medford fire hydrant outside their front door.

Third, the most destructive wild fire, to date, went thru the center of the Rogue Valley, not its perimeter.

In conclusion, if every parcel in Medford pays the surcharge, then I am O.K. with it. However, if I & others have been singled out through some arcane & nonsensical method just as an excuse to raise more taxes, then count me out.

Sincerely





February 23, 2023

State Forester  
2600 State Street  
Salem, OR 97310

Dear Sir or Madam,

We recently received the attached "Forest Patrol Assessment" letter. By this letter we are requesting a hearing by the State Board of Forestry for our properties identified by the Jackson County Assessor as follows:

Tax Lot 381W02DA 800, Tax Account 10025013, Situs: 2604 David Lane, Medford Oregon 97504  
Tax Lot 381W02DA 700, Tax Account 10025005, Situs: David Lane, Medford Oregon 97504

We have reviewed the referenced statutes and fail to see where our properties (we own two) meet the definition of "Grazing Land". Both of our properties are landscaped with lawn and are irrigated by water from the Talent Irrigation District. In addition our properties are Zoned UR-1 (urban Residential). We do not recognize where our properties meet the definition of grazing lands?

Our concern is the ORS 477.205 – 281 may define "Grazing Land" in a broad scope to justify the tax and fails to consider local planning codes simply to collect a tax. We fully support all fire departments and will pay our share to properly fund each one. Please take appropriate action to correct this inappropriate tax.

Thanks for your assistance



Harold and Jeannette Center  
2604 David Lane  
Medford, OR 97504

Email contacts Harold: [center1071@gmail.com](mailto:center1071@gmail.com), Jeannette: [jmcenter90@gmail.com](mailto:jmcenter90@gmail.com)  
Phone: Harold: 541-535-6108, Jeannette: 541-531-7964

Oregon Department of Forestry  
State Forester  
2600 State St.,  
Salem, Oregon 97310

February 21, 2023

This letter constitutes an appeal to the Forest Patrol Assessment regarding the property located at 950 Granite Ridge Circle, Jacksonville, Oregon 97530. The referenced account is 10985465. The Estimated Forest Patrol Assessment is \$18.75. We feel this assessment is improper and not justified for this property.

This property is neither timberland nor grazing land. It is a .46 acre parcel containing a single family residence. There are, in addition 4 small oak trees on the property spaced far apart. There are no trees or other materials on the property that pose even the slightest fire risk.

Please review and advise.



Gary and Marie Gilbreth

March 3, 2023

Oregon Department of Forestry  
Cal Mukumoto, State Forester  
2600 State Street  
Salem, OR 97310

**RE: Notice of Appeal | Forest Patrol Assessment Roll**

Mr. Mukumoto,

We are in receipt of a notice dated Feb 6, 2023 informing us that the following tax lots will be added to the Forest Patrol Assessment Roll effective July, 1 2023. This letter constitutes our formal appeal of this assessment as described in OAR 629-041-0035.

**We request oral arguments before the board, or alternately that reclassification committee reviews current information before making a reclassification determination.**

Landowner: Pine Ridge Meadows LLC (subsidiary of Caswell Thompson LLC)  
County: Jackson County, Oregon  
Tax Account No(s): 11012372 & 110012373

The historic use, topography, vegetation, and soil conditions are consistent with the current (and historic) zoning – Exclusive Farm Use. I corresponded with the District Forester, Tyler McCarty on March 2, 2023 regarding the forest classification committee’s process and he confirmed that the committee only relied on non-current aerial imagery rather than a site visit to determine the current forest growth/vegetation/slashing. In this circumstance, we conducted operations last year to plant native grasses and remove vegetative loading and other slashing that **possibly** could have changed the designation according to ORS 477.210 (4) and 477.250 (2) in order to enhance the grazing potential. None of this would have been visible to the committee without a site visit since the aerial imagery they utilized would not have been updated to reflect the conditions at the time of the reclassification. Utilization of current conditions is a requirement in the reclassification process designated by ORS 477.210 (4) and 477.250 (2).

At minimum, the additional assessment should not apply to the entirety of the two tax lots (which are comprised of 7 legal lots). ORS 477.210 (4) and 477.250 (2) do not require that each tax lot is assessed in entirety as either grassland or timberland, and in this circumstance even the old aerial photography clearly illustrates that certain legal lots are almost entirely natural pasture.

Please contact me with any questions,

Joel Caswell  
541.951.5065  
[joel@caswellthompson.com](mailto:joel@caswellthompson.com)

RE: FOREST PATROL ASSESSMENT

I WOULD LIKE TO REQUEST AN APPEAL.

MY NAME IS LLOYD SLOGGETT, 2660 DARK HOLLOW RD  
MEDFORD, OR 97501 ACCOUNT # 10442750

*Lloyd C. Sloggett*

RECEIVED  
2/13/23  
[Signature]

February 28, 2023

Oregon Department of Forestry  
Attn: State Forester  
2600 State Street  
Salem, OR 97310

Re: Forest Patrol Assessment letter dated February 6, 2023

To Whom It May Concern:

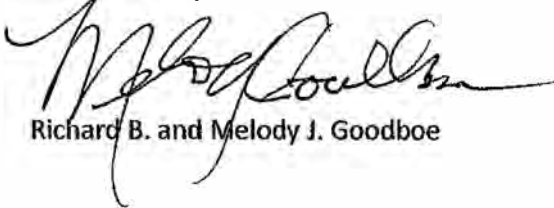
This letter is in response to the above referenced letter, a copy of which is attached hereto.

The tax account number 10513197 was incorrectly addressed with Jackson County Taxation and is being corrected thereto. The owner of the said account is Jerome L. Taylor, P.O. Box 153, Prospect, OR 97536. The above property is within the Prospect Rural Fire Protection District.

The tax account number 10513497, 1.07 commercial lot is located across the street from the Jackson County Library, and the Prospect Rural Fire Protection District's building is two buildings away, and the lot has one tree on the entire property. Therefore, we are requesting the new assessment from your department to be removed.

Also, we have tried numerous times to contact the State Forestry about the dead and dying trees located across the street from our main residence at 740 Mill Creek Drive. We have done a substantial amount of logging on our property, as has our closest neighbor at 920 Mill Creek Drive which was recently completed in 2022. We have, and continue to do our part, now it's up to your department to do theirs.

Most sincerely,



Richard B. and Melody J. Goodboe

Richard B. Goodboe  
Melody J. Goodboe  
P.O. Box 326  
Prospect, OR 97536

Cc: office file

State Forester  
2600 State Street  
Salem, Or 97310

February 9, 2023

Re: REQUEST FOR A HEARING  
2728 Syringa Drive  
Medford, Oregon 97501  
Account 10445480

I received the Forest Patrol Assessment letter today. Based upon the information provided in the Letter, my property does not fit within the definition of "forestland". My property is in a rural subdivision a block from the Griffin Creek School. My parents built the home back in 1956 and I was raised in the home. It has never been "woodland, brushland, timberland, grazing land, or clearing, that during any time of the year, contains enough forest growth, slashing or vegetation to constitute, a fire hazard." There are no trees on the property. Existing trees are on adjacent properties. My property is a subdivision lot which is landscaped and maintained.

Please advise as to the next step



Robert L Methvin  
Methvin Investments Properties LLC  
97 Windsor Ave.  
Medford, Oregon 97504  
541-944-4002

From:  
Ross & Tamara Miller  
17575 North Applegate Road  
Grants Pass, OR 97527  
(831) 594-9495

February 15, 2023

To:  
Oregon State Forester  
2600 State Street  
Salem, OR 97310

Re: Forest Patrol Assessment. Account: 10829771

On, February 8, 2023, I received your notice of classification review, dated February 6, 2023.

I believe it is in error.

I spoke with Forest Officer Dan Moore, from the ODF Central Point office, February 10, 2023. He came out to my residence and we both physically looked at the 0.13 acre parcel referred to in this notice. We also looked at your mapping software in which the photo was grainy and blurry. The property is actually an improved residential yard space with an ornamental hedge row between two residential structures on adjacent tax lots. It is not forestland suitable for the production of timber, as classified Class 1. The tax lot referred to in your notice also has irrigated lawn, (1) plumb tree, (1) cherry tree and a pump house, however there is no timber.

I am including a photo from the Jackson County Tax website.

I am respectfully requesting a reclassification and hearing if necessary.



Ross Miller



Please extend credit to Jackson County GIS in any subsequent works derived from its data, such as maps.



2/14/2023

Craig Berry  
3663 Rogue River Hwy  
Gold Hill, OR 97525  
Tel. 541-582-1962

State Forester  
2600 State Street  
Salem, OR 97310

Request for Hearing

Re: Accounts # 10301746 and 10301738, I, Craig Berry, owner of these tax lot, request a hearing to appeal the attempt to designate these lots as forestland.

These lots are irrigated and manicured year-round and have a predicated wildland fire incidence of 1 in 2000 years.

Respectfully,

Craig Berry

2-16-2023

TO WHOM IT MAY CONCERN:

I'm writing to appeal or request a hearing concerning the classification you have attached to my property for Forest Patrol Assessment.

My account # is 10173970, Class 3 Forestland. Under this classification my property would be suitable for grazing or agricultural use. Neither would be possible on my property because I have no water to apply to either classification which would be needed to accomplish either use. I barely have enough water to maintain my home.

Your classification would apply to orchards, farms, orchards, and vineyards for which my land could be none of these (ie. no water). I'm asking to be removed from your classification for the reasons I have listed.

Thank you for your cooperation in this matter  
Respectfully, Dan Cleaves

5565 Fishers Ferry Rd  
Cools Hill, Or 97525

PH 541-855-5560

To Whom It Concerns,

I received a letter from ODF concerning the Forest Patrol Assessment. In this letter you stated you have been working on this for 3 years yet only give the land owner 30 days to respond. As there is little or no information that can be found on this Process of deciding anything on this matter. How do you expect land owners to not object to your process? There is no transparency in why, who or how it was Decided that Class 1 property owners have to pay 5 times the amount of Class 3 property owners and that no Class 2 applies in Southwest Oregon. Was there anyone involved in the decision making that represented the land owners hit the hardest by this fee/tax? The Forest Patrol Assessment is eerily similar to the Wildfire Risk Map.

According to many Fire fighters wild fires spread faster on tall dry grass lands and on State and Federal lands. Was this considered and will they be considered a Class 0 for a massive fire hazard since they contain the most fuel? Has any research been done on the this new policy that could cause more land owners to remove the trees and brush therefore reducing or destroying wild life habitats, causing desertification, higher levels of water run off, lower carbon absorption levels by trees and brush due to removal, or even the soil erosion problems it will cause? Property owners have to pay for schools even if they have no children attending school. Yet now on fire fees/taxes are being based on vegetation. Is this Fair? This will create a greater hardship on many land owners who are responsible caretakers of the land in that they remove dead trees, debris, maintain roads for access and keep grasses cut low. Also it was stated that the amount one has to pay will be lowered as more properties are added. This is not what property owners have ever seen with any fee, tax, or regulation. Are Federal and State lands going to pay this \$2.97 an acre like everyone else or are they not going to pay their fair share like with property taxes for the counties their land is in? 20 to 30 years ago there was not this massive Fire issue so will Forestry Policies and Practices be returning to those practiced back then to reduce the fuel for the fires? Or will the policies and practices that have caused these fire problems continue? Will the Black Lives Matter and the Antifa organizations be charged with arson and be paying for damages done by their members actions and encouraging arson?

I would appreciate being notified of when the hearing is. Thank you for your time.

Lara Grosz  
112 Shoemaker Way  
Grants Pass OR, 97527

February 21, 2023

To: State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

Re: Forest Patrol Assessment

Dear State Forester,

I received your letter, dated February 6, 2023, informing me that my property at 430 Gold Terrace, in Jacksonville, is going to be assessed a forest patrol fee of \$18.75, to be included in my property tax bill, effective July 1, 2023. This fee is based a reclassification of my property as follows:

**Class 1 forest land at .33 acres and Class 3 forest land at .04 acres.**

You state that Class 1 means the land is “suitable for production of timber” and that Class 3 means the land is “suitable for grazing or other agricultural use.” I dispute both of these classifications and request a hearing to appeal the classifications and the fee that you are proposing to add to my property tax. Prior to this hearing, I will **request and require** that an ODF representative of the Southwest Oregon District meet with me on my property to explain and justify the classifications of my property as Class 1 and Class 3. In addition, there will be a representative from the Jacksonville City Council in attendance to witness and document our discussion.

I have enclosed a copy of an aerial map (Google maps) of my property and surrounding area. Please note that the lower left quadrant is not accurate. It has since become a new subdivision, Gold Terrace Heights, with twenty nine (29) lots and homes. Within this 10 acre development, there are five (5) fire hydrants, which I would think is more fire protection than any other 10 acre contiguous area in Jacksonville.

I welcome a meeting at my property with one of your representatives to discuss the issues I have presented. If you feel that a formal hearing is still necessary, I welcome the opportunity to present my objections to the reclassification of my property and your Forest Patrol Assessment.

Sincerely,



Bryce Stanbridge  
430 Gold Terrace  
Jacksonville OR 97530  
541 899 6904

cc: Tyler McCarty  
ODF Southwest Oregon District Forester



7025 Steelhead Pl  
Gold Hill, Oregon 97525

State Forester  
2600 State St.  
Salem, OR 97310

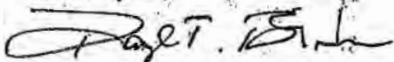
February 18, 2023

Re: Forest Patrol Assessment Roll. account # 10173840

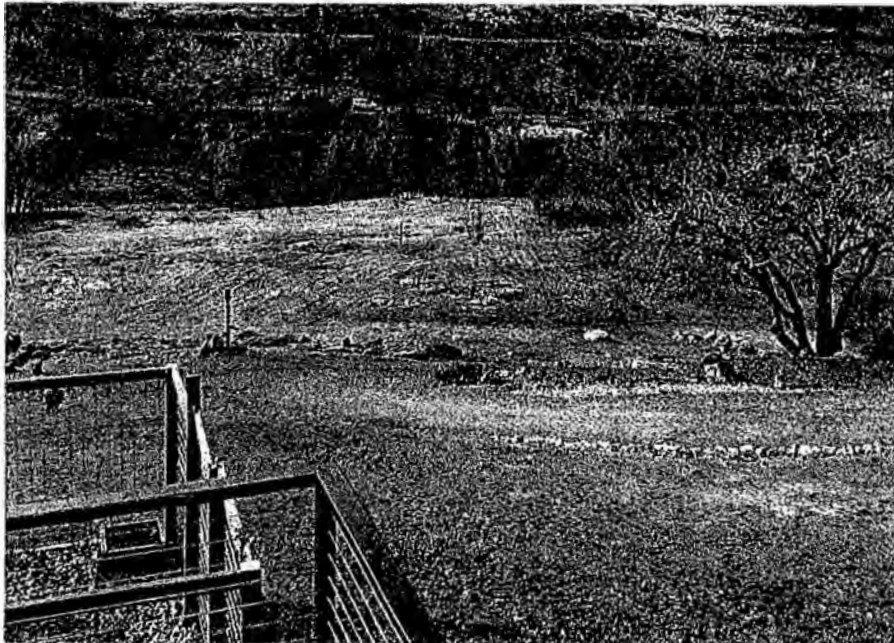
To whom it may concern,

I am writing to appeal the classification of our property as Class 1 Forestland. we have approximately 2 acres in a residential community. The majority of our land is rock ledge with no trees. We have no timber other than a few oak trees for landscaping purposes. There are neighbors on both sides, and behind us, that have no forestland. The fourth side of our property abuts the Rogue River, thus we have no forestland abutting our property. In addition, the property can not be used for grazing land as there is no irrigation or viable pasture due to the ledge. I have included a photo of the property as described.

Thank you,



Daryl T Briten



February 23, 2023

State Forester  
2600 State Street  
Salem, OR 97310

This letter is to inform the ODF that I am requesting a hearing to appeal the forest land classification process regarding my property at the address below. I do not feel my property meets the criteria to be designated forestland. Thank you for the opportunity.

Regards,

A handwritten signature in black ink, appearing to read 'Rose M. Brummett', followed by a long horizontal line extending to the right.

Rose M. Brummett  
5369 Rogue River Highway  
Gold Hill, OR 97525  
Account #10301411

February 24, 2023

State Forester  
2600 State Street  
Salem, OR 97310

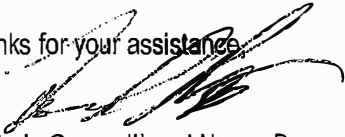
Dear Sir or Madam,

We recently received the attached "Forest Patrol Assessment" letter. By this letter we are requesting a hearing by the State Board of Forestry for our property identified by the Jackson County Assessor as follows:

Tax Lot 381W02DA 900, Tax Account 10025021, Situs: 2632 David Lane, Medford Oregon 97504

We have reviewed the referenced statutes and fail to see where our property meets the definition of "Grazing Land". Our property is landscaped with lawn and is irrigated by water from the Talent Irrigation District. In addition our property is Zoned UR-1 (urban Residential). We do not recognize where our property meets the definition of grazing lands? Please take appropriate action to correct this inappropriate tax.

Thanks for your assistance.



Frederic Grewe III and Nancy Bonazzoli  
2632 David Lane  
Medford, OR 97504

Phone: 541-292-1604



February 10, 2023

State Forester  
2600 State Street  
Salem, OR 97310

Re: Notice of Appeal from Forest Patrol Assessment and Request for Hearing  
Jackson County Real Property Tax Account Number 10995029

Dear State Forester:

The undersigned appeals from the determination of the Southwest Oregon District of the Department of Forestry (the "Determination") adding our residential lot situated at 498 Strawberry Lane, Ashland, Oregon (our "Homesite"), Jackson County Tax Account Number 10995029 (the "Tax Account"), to the Forest Patrol Assessment Roll (the "Assessment Roll"). Attached is a copy of the "Situs Address" for the Tax Account.

The issues raised by this appeal and request for hearing are as follows. Resolution of either issue favorably to the undersigned would result in the Determination being erroneous.

1. The Determination adds our Homesite to the Assessment Roll as Class 1 forestland, which is defined as, "Forestland suitable for the production of timber." (See page two of the Determination). Our Homesite consists of a city lot in an established subdivision with an approved building envelope for the construction of a single family residence and garage. Our Homesite is surrounded by other single family homes. There is no timber on our Homesite, nor is there anywhere on our Homesite where timber could be produced. Our Homesite is not suitable for the production of timber. Our Homesite is not Class 1 forestland.
2. Our Homesite also does not meet the definition of Forestland set forth in ORS 477.001(9) (the "Statute"), a copy of which is attached hereto. The Statute defines Forestland to be a "woodland, brushland, timberland,

February 10, 2023  
State Forester  
Page Two

grazing land or clearing” that meets the other terms of the Statute. Our Homesite is obviously not a woodland, brushland, timberland, or grazing land. The only other category of Forestland defined in the Statute is a “clearing” which is defined in the Statute to mean, “...any grassland, improved area, lake, meadow, mechanically or manually cleared area, road, rocky area, stream or other similar forestland opening that is surrounded by or contiguous to forestland ....” Our Homesite is not an opening within forestland or similar to the forestland openings listed in the above definition. Our Homesite is not Forestland.

Either one of the above two issues would disqualify our Homesite from being added to the Assessment Roll. I respectfully submit that each of the above issues disqualify our Homesite from being added to the Assessment Roll.

Sincerely,

DRESCHER, LLC

By: Allen Drescher  
Allen Drescher, Managing Member

Enc.

ORS 477.001 (9) "Forestland" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgment of the forester, a fire hazard, regardless of how the land is zoned or taxed. As used in this subsection, "clearing" means any grassland, improved area, lake, meadow, mechanically or manually cleared area, road, rocky area, stream or other similar forestland opening that is surrounded by or contiguous to forestland and that has been included in areas classified as forestland under ORS 526.305 to 526.370.

February 10, 2023

State Forester  
2600 State Street  
Salem, OR 97310

Re: Notice of Appeal from Forest Patrol Assessment and Request for Hearing  
Jackson County Real Property Tax Account Number 10977261

Dear State Forester:

The undersigned appeals from the determination of the Southwest Oregon District of the Department of Forestry set forth in the attached letter dated February 6, 2023 (the "Determination") adding our residence situated at 131 Birdsong Lane, Ashland, Oregon (our "Home"), Jackson County Tax Account Number 10977261 (the "Tax Account"), to the Forest Patrol Assessment Roll (the "Assessment Roll"). Attached is a copy of the "Situs Address" for the Tax Account.

The issues raised by this appeal and request for hearing are as follows. Resolution of either issue favorably to the undersigned would result in the Determination being erroneous.

1. The Determination adds our Home to the Assessment Roll as Class 1 forestland, which is defined as, "Forestland suitable for the production of timber." (See page two of the Determination). Our Home consists of a single family residence, garage, swimming pool, garden area, walkways, patio, small pond, and landscaping on a 0.43 acre city lot, surrounded by other single family homes. There is no timber on our property, nor is there anywhere on our Home's lot where timber could be produced. Our Home is not suitable for the production of timber. Our Home is not Class 1 forestland.
2. Our Home, described above, does not meet the definition of Forestland set forth in ORS 477.001(9) (the "Statute"), a copy of which is attached hereto. The Statute defines Forestland to be a "woodland, brushland, timberland,

February 10, 2023  
State Forester  
Page Two

grazing land or clearing” that meets the other terms of the Statute. Our Home is obviously not a woodland, brushland, timberland, or grazing land. The only other category of Forestland defined in the Statute is a “clearing” which is defined in the Statute to mean, “...any grassland, improved area, lake, meadow, mechanically or manually cleared area, road, rocky area, stream or other similar forestland opening that is surrounded by or contiguous to forestland ....” Our Home is not an opening within forestland or similar to the forestland openings listed in the above definition. Our Home is not Forestland.

Either one of the above two issues would disqualify our Home from being added to the Assessment Roll. I respectfully submit that each of the above issues disqualify our Home from being added to the Assessment Roll.

Sincerely,

DRESCHER, LLC

By:   
Allen Drescher, Managing Member

Enc.

Department of Forestry  
State Forester  
2600 State Street  
Salem, OR 97310

Dennis and Patricia Sullivan  
PO Box 597  
Jacksonville, OR 97530

3/5/2023

To Whom it May Concern

Pursuant to ORS 477.260(2) we wish to appeal the determination of the State Department of Forestry concluding that our property should be subject to a "Forest Patrol Assessment."

Our Account number is 10463341, please put me on the calendar for your appeals hearing.

Thank you,



Dennis Sullivan  
Patricia Sullivan

March 2, 2023

STATE FORESTER:

DEAR SIR,

I have lived at my current address  
OR NEXT DOOR for 84 years - except  
for 3 years when I was going to  
School in Merriam.

My Address is 6460 R.R. Hwy,  
GRANTS PASS, ORE. 97527

Account # 10298700 AND #10298718.

THE NORTH BOUNDARY IS THE ROGUE  
RIVER - THE SOUTH BOUNDARY IS  
THE STATE HWY. - ROGUE RIVER HIGHWAY.

THERE HAS NEVER BEEN A NEED FOR  
ODF SERVICE FOR FIRE.

PLEASE REMOVE MY PROPERTIES  
FROM THE TAX ROLLS FOR FEES  
FOR ODF.

ANY QUESTIONS - PLEASE CALL  
541-582-1184.

Sincerely,

Kenney A. Bradley

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Craig Berry**

Introduction

On February 06, 2023, Craig Berry was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Berry owns, property account 10301746 and 10301738 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Berry was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 14, 2023, Mr. Berry timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Berry asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Berry expressed the following points, in summary:

1. Both taxlots are irrigated and manicured.
2. He wishes to appeal the designation of Forestland on his parcels.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk on April 1, 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Craig Berry is the owner of property account 10301746 and 10301738 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10301746 and 10301738 as Forestland in its final order, as filed with the County Clerk April 1, 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10301746 and 10301738 in a manner consistent with law, and that property account 10301746 and 10301738 is forestland.
5. Once property account 10301746 and 10301738 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Craig Berry may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Craig Berry has not provided a bona fide forest protection plan approved by the Board.
7. Craig Berry is not a member in good standing with a forest protective association. Property account 10301746 and 10301738 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Craig Berry is not a member of that association.
8. Since property account 10301746 and 10301738 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10301746 and 10301738 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Craig Berry of the proposed addition of property account 10301746 and 10301738 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Craig Berry requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Craig Berry through a letter to address the concerns raised in the hearing request. No response was received from Mr. Berry. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Craig Berry in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10301746 and 10301738 in Jackson County, owned by Craig Berry shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

BEFORE THE OREGON BOARD OF FORESTRY

In the Matter of:

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FINAL ORDER

Forest Patrol Assessment
Owned by Nancy Bradley

Introduction

On February 06, 2023, Nancy Bradley was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Ms. Bradley owns, property account 10298700 and 10298718 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Ms. Bradley was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On March 2, 2023, Ms. Bradley timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

This is the Board of Forestry’s final order in this matter.

In her letter, Ms. Bradley asked for a hearing “...to request a formal appeal ...”. In her letter, Ms. Bradley expressed the following points, in summary:

- 1. The property is located between the Rogue River and the Highway.
2. ODF fire service has never been needed at this location.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Nancy Bradley is the owner of property accounts 10298700 and 10298718 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10298700 and 10298718 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property accounts 10298700 and 10298718 in a manner consistent with law, and that property accounts 10298700 and 10298718 are forestland.
5. Once property accounts 10298700 and 10298718 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Nancy Bradley may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Nancy Bradley has not provided a bona fide forest protection plan approved by the Board.
7. Nancy Bradley is not a member in good standing with a forest protective association. Property account 10298700 and 10298718 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Nancy Bradley is not a member of that association.
8. Since property accounts 10298700 and 10298718 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 10298700 and 10298718 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Nancy Bradley of the proposed addition of property accounts 10298700 and 10298718 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Nancy Bradley requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Nancy Bradley through a letter to address the concerns raised in the hearing request. Mr. Bradley responded and requested to provide comments at the hearing.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Nancy Bradley in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10298700 and 10298718 in Jackson County, owned by Nancy Bradley shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by     Daryl Briten**

Introduction

On February 06, 2023, Daryl Briten was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Briten owns, property account 10173840 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Briten was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 18, 2023, Mr. Briten timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Briten asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Briten expressed the following points, in summary:

1. The property is located between the Rogue River and the Highway.
2. ODF fire service has never been needed at this location.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 1, 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Daryl Briten is the owner of property account 10173840 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10173840 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10173840 in a manner consistent with law, and that property account 10173840 is forestland.
5. Once property account 10173840 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Daryl Briten may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Daryl Briten has not provided a bona fide forest protection plan approved by the Board.
7. Daryl Briten is not a member in good standing with a forest protective association. Property account 10173840 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Daryl Briten is not a member of that association.
8. Since property account 10173840 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10173840 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Daryl Briten of the proposed addition of property account 10173840 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Daryl Briten requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Daryl Briten through a letter to address the concerns raised in the hearing request. No response was received from Mr. Briten. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Daryl Briten in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10173840 in Jackson County, owned by Daryl Briten shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

**Forest Patrol Assessment  
Owned by      Rose Brummett**

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**FINAL ORDER**

Introduction

On February 06, 2023, Rose Brummett was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Ms. Brummett owns, property account 10301411 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Ms. Brummett was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 23, 2023, Ms. Brummett timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In her letter, Ms. Brummett asked for a hearing “...to request a formal appeal ...”. In her letter, Ms. Brummett expressed the following points, in summary:

1. Wish to appeal the forestland classification determination on her property.
2. Doesn’t believe her property meets criteria to be designated as forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Rose Brummett is the owner of property account 10301411 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10301411 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10301411 in a manner consistent with law, and that property account 10301411 is forestland.
5. Once property account 10301411 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Rose Brummett may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Rose Brummett has not provided a bona fide forest protection plan approved by the Board.
7. Rose Brummett is not a member in good standing with a forest protective association. Property account 10301411 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Rose Brummett is not a member of that association.
8. Since property account 10301411 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10301411 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Rose Brummett of the proposed addition of property account 10301411 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Rose Brummett requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Rose Brummett through a letter to address the concerns raised in the hearing request. No response was received from Ms. Brummett. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Rose Brummett in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10301411 in Jackson County, owned by Rose Brummett shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
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**Forest Patrol Assessment** )  
**Owned by Harold & Jeanette Center** )  
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**FINAL ORDER**

Introduction

On February 06, 2023, Harold & Jeanette Center were sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Harold & Jeanette Center own, property account 10025013 and 10025005 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Harold & Jeanette Center were provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 23, 2023, Harold & Jeanette Center timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

***This is the Board of Forestry’s final order in this matter.***

In their letter, Harold & Jeanette Center asked for a hearing “...to request a formal appeal ...”. In their letter, Harold & Jeanette Center expressed the following points, in summary:

1. Their property is landscaped with urban residential zoning.
2. They don’t believe their property meets the definition of grazing lands.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Harold & Jeanette Center are the owners of property account 10025013 and 10025005 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10025013 and 10025005 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10025013 and 10025005 in a manner consistent with law, and that property account 10025013 and 10025005 is forestland.
5. Once property accounts 10025013 and 10025005 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Harold & Jeanette Center may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Harold & Jeanette Center have not provided a bona fide forest protection plan approved by the Board.
7. Harold & Jeanette Center are not a member in good standing with a forest protective association. Property account 10025013 and 10025005 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Harold & Jeanette Center are not a member of that association.
8. Since property account 10025013 and 10025005 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 10025013 and 10025005 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Harold & Jeanette Center of the proposed addition of property accounts 10025013 and 10025005 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Harold & Jeanette Center requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Harold & Jeanette Center through a letter to address the concerns raised in the hearing request. Mr. and Mrs. Center responded and requested to provide comments at the hearing.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Harold & Jeanette Center in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property accounts 10025013 and 10025005 in Jackson County, owned by Harold & Jeanette Center shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment**  
**Owned by Dan Colcleaser**

Introduction

On February 06, 2023, Dan Colcleaser was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Colcleaser owns, property account 10173970 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Colcleaser was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 16, 2023, Mr. Colcleaser timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

***This is the Board of Forestry’s final order in this matter.***

In his letter, Mr. Colcleaser asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Colcleaser expressed the following points, in summary:

- 1. Does not believe his property meets the definition of Class 3 Forestland.
- 2. Requested removal form the Forestland Classification.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Dan Colcleaser is the owner of property account 10173970 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10173970 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10173970 in a manner consistent with law, and that property account 10173970 is forestland.
5. Once property account 10173970 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Dan Colcleaser may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Dan Colcleaser has not provided a bona fide forest protection plan approved by the Board.
7. Dan Colcleaser is not a member in good standing with a forest protective association. . Property account 10173970 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Dan Colcleaser is not a member of that association.
8. Since property account 10173970 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10173970 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Dan Colcleaser of the proposed addition of property account 10173970 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Dan Colcleaser requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Mr. Colcleaser through a letter to address the concerns raised in the hearing request. Mr. Colcleaser responded and provided written comments to the board.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Dan Colcleaser in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10173970 in Jackson County, owned by Dan Colcleaser shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Allen Drescher**

Introduction

On February 06, 2023, Allen Drescher was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Drescher owns, property account 10995029 and 10977261 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Drescher was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 10, 2023, Mr. Drescher timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Drescher asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Drescher expressed the following points, in summary:

- 1. Property is a homesite in an established subdivision.
- 2. There is no timber on the property, and it should not be classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 477.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Allen Drescher is the owner of property account 10995029 and 10977261 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10995029 and 10977261 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10995029 and 10977261 in a manner consistent with law, and that property account 10995029 and 10977261 are forestland.
5. Once property account 10995029 and 10977261 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Allen Drescher may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Allen Drescher has not provided a bona fide forest protection plan approved by the Board.
7. Allen Drescher is not a member in good standing with a forest protective association. Property account 10995029 and 10977261 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Allen Drescher is not a member of that association.
8. Since property account 10995029 and 10977261 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10995029 and 10977261 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Allen Drescher of the proposed addition of property account 130301746 and 10301738 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Allen Drescher requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Allen Drescher through a letter to address the concerns raised in the hearing request. No response was received from Mr. Drescher. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Allen Drescher in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10995029 and 10977261 in Jackson County, owned by Allen Drescher shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
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**Forest Patrol Assessment** )  
**Owned by Gary & Marie Gilbreath** )  
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**FINAL ORDER**

Introduction

On February 06, 2023, Gary & Marie Gilbreath were sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Gary & Marie Gilbreath own, property account 10985465 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Gary & Marie Gilbreath were provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 21, 2023, Gary & Marie Gilbreath timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In their letter, Gary & Marie Gilbreath asked for a hearing “...to request a formal appeal ...”. In their letter, Gary & Marie Gilbreath expressed the following points, in summary:

- 1. Their property is .46 acres and not timber or grazing land.
- 2. Limited vegetation on the property does not pose a fire risk.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee’s final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of “Forestland” is found in ORS 526.005(6)(a): *“Forestland” means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed.* This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner’s property. Under long established Oregon law, uncontrolled fire is “declared a public nuisance by reason of its menace to life, forest resources or property” (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor’s property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Gary & Marie Gilbreath are the owners of property account 10985465 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10985465 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10985465 in a manner consistent with law, and that property account 10985465 is forestland.
5. Once property account 10985465 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Gary & Marie Gilbreath may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Gary & Marie Gilbreath have not provided a bona fide forest protection plan approved by the Board.
7. Gary & Marie Gilbreath are not a member in good standing with a forest protective association. Property account 10985465 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Gary & Marie Gilbreath are not a member of that association.
8. Since property account 10985465 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10985465 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Gary & Marie Gilbreath of the proposed addition of property account 10985465 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Gary & Marie Gilbreath requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) "on any subject pertaining to the activities of the forester or board affecting the land." Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Gary & Marie Gilbreath through a letter to address the concerns raised in the hearing request. Mr. & Mrs. Gilbreath responded and requested to provide comments at the hearing.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Gary & Marie Gilbreath in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10985465 in Jackson County, owned by Gary & Marie Gilbreath shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Richard & Melody Goodboe**

Introduction

On February 06, 2023, Richard & Melody Goodboe were sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Richard & Melody Goodboe own, property account 10513497 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Richard & Melody Goodboe were provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 28, 2023, Richard & Melody Goodboe timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

***This is the Board of Forestry’s final order in this matter.***

In their letter, Richard & Melody Goodboe asked for a hearing “...to request a formal appeal ...”. In their letter, Richard & Melody Goodboe expressed the following points, in summary:

1. Their property is located in the Prospect Rural Fire Protection District.
2. Their property is a commercial lot that they believe was classified incorrectly.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.



Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Richard & Melody Goodboe are the owners of property account 10513497 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10513497 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10513497 in a manner consistent with law, and that property account 10513497 is forestland.
5. Once property account 10513497 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Richard & Melody Goodboe may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Richard & Melody Goodboe have not provided a bona fide forest protection plan approved by the Board.
7. Richard & Melody Goodboe are not a member in good standing with a forest protective association. Property account 10513497 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Richard & Melody Goodboe are not a member of that association.
8. Since property account 10513497 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10513497 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Richard & Melody Goodboe of the proposed addition of property account 10513497 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Richard & Melody Goodboe requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Richard & Melody Goodboe through a letter to address the concerns raised in the hearing request. No response was received from Richard & Melody Goodboe. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Richard & Melody Goodboe in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10513497 in Jackson County, owned by Richard & Melody Goodboe shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
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 )  
**Forest Patrol Assessment** )  
**Owned by Frederic Grewe III & Nancy Bonazzoli** )  
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 )  
 )

**FINAL ORDER**

Introduction

On February 06, 2023, Frederic Grewe & Nancy Bonazzoli were sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Frederic Grewe & Nancy Bonazzoli own, property account 10025021 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Frederic Grewe & Nancy Bonazzoli were provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 28, 2023, Frederic Grewe & Nancy Bonazzoli timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In their letter, Frederic Grewe & Nancy Bonazzoli asked for a hearing “...to request a formal appeal ...”. In their letter, Frederic Grewe & Nancy Bonazzoli expressed the following points, in summary:

1. Their property is landscaped with a urban residential zoning.
2. They don’t believe their property meets the definition of grazing lands.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority

is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Frederic Grewe & Nancy Bonazzoli are the owners of property account 10025021 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10025021 as Forestland in its final order, as filed with the County Clerk in April 2021.

3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.
4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10025021 in a manner consistent with law, and that property account 10025021 is forestland.
5. Once property account 10025021 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Frederic Grewe & Nancy Bonazzoli may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Frederic Grewe & Nancy Bonazzoli have not provided a bona fide forest protection plan approved by the Board.
7. Frederic Grewe & Nancy Bonazzoli are not a member in good standing with a forest protective association. Property account 10025021 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Frederic Grewe & Nancy Bonazzoli are not a member of that association.
8. Since property account 10025021 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10025021 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Frederic Grewe & Nancy Bonazzoli of the proposed addition of property account 10025021 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Frederic Grewe & Nancy Bonazzoli requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Frederic Grewe & Nancy Bonazzoli through a letter to address the concerns raised in the hearing request. Frederic Grewe & Nancy Bonazzoli responded and requested to provide comments at the hearing.

### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned Frederic Grewe & Nancy Bonazzoli in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10025021 in Jackson County, owned by Frederic Grewe & Nancy Bonazzoli shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry





**BEFORE THE OREGON BOARD OF FORESTRY**

|                                 |   |                    |
|---------------------------------|---|--------------------|
| <b>In the Matter of:</b>        | ) |                    |
|                                 | ) |                    |
|                                 | ) | <b>FINAL ORDER</b> |
| <b>Forest Patrol Assessment</b> | ) |                    |
| <b>Owned by     Lara Grosz</b>  | ) |                    |
|                                 | ) |                    |
|                                 | ) |                    |
|                                 | ) |                    |
|                                 | ) |                    |

Introduction

On February 06, 2023, Lara Grosz was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Ms. Grosz owns, property account 10827747 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Ms. Grosz was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). Ms. Grosz timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In her letter, Ms. Grosz asked for a hearing “...to request a formal appeal ...”. In her letter, Ms. Grosz expressed the following points, in summary:

- 1. Concerns about the Forest Patrol Assessment not being split equitably amongst all landowners.
- 2. Concerns about assessment (fees/taxes) based on vegetation.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee’s final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of “Forestland” is found in ORS 526.005(6)(a): *“Forestland” means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed.* This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner’s property. Under long established Oregon law, uncontrolled fire is “declared a public nuisance by reason of its menace to life, forest resources or property” (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor’s property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Lara Grosz is the owner of property account 10827747 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10301411 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10827747 in a manner consistent with law, and that property account 10827747 is forestland.
5. Once property account 10827747 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Lara Grosz may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Lara Grosz has not provided a bona fide forest protection plan approved by the Board.
7. Lara Grosz is not a member in good standing with a forest protective association. Property account 10827747 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Lara Grosz is not a member of that association.
8. Since property account 10827747 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10827747 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Lara Grosz of the proposed addition of property account 10827747 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Lara Grosz requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Lara Grosz through a letter to address the concerns raised in the hearing request. No response was received from Ms. Grosz. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Lara Grosz in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10827747 in Jackson County, owned by Lara Grosz shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

**Forest Patrol Assessment  
Owned by Michael Hilmer**

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**FINAL ORDER**

Introduction

On February 06, 2023, Michael Hilmer was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Hilmer owns, property account 10313396 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Hilmer was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On March 10, 2023, Mr. Hilmer timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Hilmer asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Hilmer expressed the following points, in summary:

1. The property has a fire hydrant nearby.
2. He believes the property was incorrectly classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Michael Hilmer is the owner of property account 10313396 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10313396 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10313396 in a manner consistent with law, and that property account 10313396 is forestland.
5. Once property account 10173840 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Michael Hilmer may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Michael Hilmer has not provided a bona fide forest protection plan approved by the Board.
7. Michael Hilmer is not a member in good standing with a forest protective association. Property account 10173840 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Michael Hilmer is not a member of that association
8. Since property account 10313396 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10313396 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Michael Hilmer of the proposed addition of property account 10313396 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Michael Hilmer requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) "on any subject pertaining to the activities of the forester or board affecting the land." Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Michael Hilmer through a letter to address the concerns raised in the hearing request. No response was received from Mr. Hilmer. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Michael Hilmer in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10313396 in Jackson County, owned by Michael Hilmer shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Sarah Kreisman**

Introduction

On February 06, 2023, Sarah Kreisman was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Ms. Kreisman owns, property account 10887469 and 10607441 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Ms. Kreisman was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 14, 2023, Ms. Kreisman timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In her letter, Ms. Kreisman asked for a hearing “...to request a formal appeal ...”. In her letter, Ms. Kreisman expressed the following points, in summary:

1. The property is zoned as Exclusive Farm Use .
2. Believes the property was incorrectly classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Sarah Kreisman is the owner of property accounts 10887469 and 10607441 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10887469 and 10607441 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property accounts 10887469 and 10607441 in a manner consistent with law, and that property accounts 10887469 and 10607441 are forestland.
5. Once property accounts 10887469 and 10607441 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Sarah Kreisman may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Sarah Kreisman has not provided a bona fide forest protection plan approved by the Board.
7. Sarah Kreisman is not a member in good standing with a forest protective association. Property account 10887469 and 10607441 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Sarah Kreisman is not a member of that association.
8. Since property accounts 10887469 and 10607441 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 10887469 and 10607441 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Sarah Kreisman of the proposed addition of property accounts 10887469 and 10607441 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Sarah Kreisman requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Sarah Kreisman through a letter to address the concerns raised in the hearing request. Mrs. Kreisman responded and requested to provide comments at the hearing.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Sarah Kreisman in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10887469 and 10607441 in Jackson County, owned by Sarah Kreisman shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
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 ) **FINAL ORDER**  
**Forest Patrol Assessment** )  
**Owned by Patricia Logan** )  
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Introduction

On February 06, 2023, Patricia Logan was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Ms. Logan owns, property account 10513113 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Ms. Logan was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 10, 2023, Ms. Logan timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In her letter, Ms. Logan asked for a hearing “...to request a formal appeal ...”. In her letter, Ms. Logan expressed the following points, in summary:

1. Her property is located in a neighborhood with very few trees.
2. Believes her property was incorrectly classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Patricia Logan is the owner of property account 10513113 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10513113 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10513113 in a manner consistent with law, and that property account 10513113 is forestland.
5. Once property account 10513113 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Patricia Logan may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Patricia Logan has not provided a bona fide forest protection plan approved by the Board.
7. Patricia Logan is not a member in good standing with a forest protective association. Property account 10513113 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Patricia Logan is not a member of that association.
8. Since property account 10513113 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10513113 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Patricia Logan of the proposed addition of property account 10513113 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Patricia Logan requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) "on any subject pertaining to the activities of the forester or board affecting the land." Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Patricia Logan through a letter to address the concerns raised in the hearing request. Ms. Logan responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Patricia Logan in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10513113 in Jackson County, owned by Patricia Logan shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Robert Methvin**

Introduction

On February 06, 2023, Robert Methvin was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Methvin owns, property account 10445480 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Methvin was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 09, 2023, Mr. Methvin timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Methvin asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Methvin expressed the following points, in summary:

- 1. His property is located in a landscaped subdivision.
- 2. Doesn’t believe his property meets the definition of Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Robert Methvin is the owner of property account 10445480 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10445480 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10445480 in a manner consistent with law, and that property account 10445480 is forestland.
5. Once property account 10445480 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Robert Methvin may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Robert Methvin has not provided a bona fide forest protection plan approved by the Board.
7. Robert Methvin is not a member in good standing with a forest protective association. Property account 10445480 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Robert Methvin is not a member of that association
8. Since property account 10445480 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10445480 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Robert Methvin of the proposed addition of property account 10445480 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Robert Methvin requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Robert Methvin through a letter to address the concerns raised in the hearing request. Mr. Methvin responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Robert Methvin in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10445480 in Jackson County, owned by Robert Methvin shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Ross & Tamara Miller**

Introduction

On February 06, 2023, Ross & Tamara Miller were sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Ross & Tamara Miller own, property account 10829771 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Ross & Tamara Miller were provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 15, 2023, Ross & Tamara Miller timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

***This is the Board of Forestry’s final order in this matter.***

In their letter, Ross & Tamara Miller asked for a hearing “...to request a formal appeal ...”. In their letter, Ross & Tamara Miller expressed the following points, in summary:

1. Their property is an improved residential yard space.
2. They do not believe the property should be classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Ross & Tamara Miller are the owners of property account 10829771 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10829771 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10829771 in a manner consistent with law, and that property account 10829771 is forestland.
5. Once property account 10829771 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Ross & Tamara Miller may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Ross & Tamara Miller have not provided a bona fide forest protection plan approved by the Board.
7. Ross & Tamara Miller are not a member in good standing with a forest protective association. Property account 10829771 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Ross & Tamara Miller are not a member of that association.
8. Since property account 10829771 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10829771 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Ross & Tamara Miller of the proposed addition of property account 10829771 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Ross & Tamara Miller requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Ross & Tamara Miller through a letter to address the concerns raised in the hearing request. Ross & Tamara Miller responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Ross & Tamara Miller in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

#### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10829771 in Jackson County, owned by Ross & Tamara Miller shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Pine Ridge Meadows LLC**

Introduction

On February 06, 2023, Pine Ridge Meadows LLC was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Pine Ridge Meadows LLC owns, property accounts 11012372 and 11012373 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Pine Ridge Meadows LLC was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 15, 2023, Pine Ridge Meadows LLC timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

***This is the Board of Forestry’s final order in this matter.***

In their letter, Pine Ridge Meadows LLC asked for a hearing “...to request a formal appeal ...”. In their letter, Pine Ridge Meadows LLC expressed the following points, in summary:

- 1. The property is zoned Exclusive Farm Use.
- 2. They believe the property was incorrectly classified as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Pine Ridge Meadows LLC are the owners of property accounts 11012372 and 11012373 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 11012372 and 11012373 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property accounts 11012372 and 11012373 in a manner consistent with law, and that property accounts 11012372 and 11012373 are forestland.
5. Once property accounts 11012372 and 11012373 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Pine Ridge Meadows LLC may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Pine Ridge Meadows LLC has not provided a bona fide forest protection plan approved by the Board.
7. Pine Ridge Meadows LLC is not a member in good standing with a forest protective association. Property account 11012372 and 11012373 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Pine Ridge Meadows LLC is not a member of that association.
8. Since property accounts 11012372 and 11012373 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property accounts 11012372 and 11012373 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Pine Ridge Meadows LLC of the proposed addition of property accounts 11012372 and 11012373 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Pine Ridge Meadows LLC requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) "on any subject pertaining to the activities of the forester or board affecting the land." Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Pine Ridge Meadows LLC through a letter to address the concerns raised in the hearing request. No response was received from Pine Ridge Meadows LLC. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Pine Ridge Meadows LLC in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property accounts 11012372 and 11012373 in Jackson County, owned by Pine Ridge Meadows LLC shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Luke Scott**

Introduction

On February 06, 2023, Luke Scott was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Scott owns, property accounts 10313556, 10981670, and 10981677 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Scott was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On March 1, 2023, Mr. Scott timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Scott asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Scott expressed the following points, in summary:

1. Request a hearing for the unfair and unreasonable assessments on his property

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Luke Scott is the owner of property account 10313556, 10981670, and 10981677 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property accounts 10313556, 10981670, and 10981677 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10313556, 10981670, and 10981677 in a manner consistent with law, and that property account 10313556, 10981670, and 10981677 are forestland.
5. Once property account 10313556, 10981670, and 10981677 were classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Luke Scott may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Luke Scott has not provided a bona fide forest protection plan approved by the Board.
7. Luke Scott is not a member in good standing with a forest protective association. Property accounts 10313556, 10981670, and 10981677 in Jackson County are within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Luke Scott is not a member of that association.
8. Since property account 10313556, 10981670, and 10981677 are not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10313556, 10981670, and 10981677 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Luke Scott of the proposed addition of property account 130301746 and 10301738 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Luke Scott requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Luke Scott through a letter to address the concerns raised in the hearing request. No response was received from Mr. Scott. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Luke Scott in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10313556, 10981670, and 10981677 in Jackson County, owned by Luke Scott shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Lloyd Sloggett**

Introduction

On February 06, 2023, Lloyd Sloggett was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Sloggett owns, property account 10442750 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Sloggett was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). Mr. Sloggett timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Sloggett asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Sloggett expressed the following:

- 1. Request an appeal of the Forest Patrol Assessment.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Lloyd Sloggett is the owner of property account 10442750 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10442750 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10442750 in a manner consistent with law, and that property account 10442750 is forestland.
5. Once property account 10442750 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Lloyd Sloggett may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Lloyd Sloggett has not provided a bona fide forest protection plan approved by the Board.
7. Lloyd Sloggett is not a member in good standing with a forest protective association. Property account 10442750 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Lloyd Sloggett is not a member of that association.
8. Since property account 10442750 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10442750 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Lloyd Sloggett of the proposed addition of property account 10442750 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Lloyd Sloggett requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Lloyd Sloggett through a letter to address the concerns raised in the hearing request. Mr. Sloggett responded and chose not to attend the hearing. The State Forester is obligated to protect forestland under ORS 477.210.

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Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Lloyd Sloggett in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10442750 in Jackson County, owned by Lloyd Sloggett shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

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**FINAL ORDER**

**Forest Patrol Assessment  
Owned by Bruce Stanbridge**

Introduction

On February 06, 2023, Bruce Stanbridge was sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Mr. Stanbridge owns, property account 10000811 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Mr. Stanbridge was provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On February 21, 2023, Mr. Stanbridge timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Stanbridge asked for a hearing “...to request a formal appeal ...”. In his letter, Mr. Stanbridge expressed the following points, in summary:

1. Your property is residential and located in a subdivision with fire hydrants.
2. Disputing the inclusion of his property as Forestland.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee’s final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of “Forestland” is found in ORS 526.005(6)(a): *“Forestland” means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed.* This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner’s property. Under long established Oregon law, uncontrolled fire is “declared a public nuisance by reason of its menace to life, forest resources or property” (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor’s property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Bruce Stanbridge is the owner of property account 10000811 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10000811 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10000811 in a manner consistent with law, and that property account 10000811 is forestland.
5. Once property account 10000811 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210 Bruce Stanbridge may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Bruce Stanbridge has not provided a bona fide forest protection plan approved by the Board.
7. Bruce Stanbridge is not a member in good standing with a forest protective association. Property account 10000811 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Bruce Stanbridge is not a member of that association.
8. Since property account 10000811 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10000811 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Bruce Stanbridge of the proposed addition of property account 10000811 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Bruce Stanbridge requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Bruce Stanbridge through a letter to address the concerns raised in the hearing request. No response was received from Mr. Stanbridge. The State Forester is obligated to protect forestland under ORS 477.210.

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### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned Bruce Stanbridge in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10000811 in Jackson County, owned by Bruce Stanbridge shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry



**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
 )  
 )  
**Forest Patrol Assessment** )  
**Owned by Dennis & Patricia Sullivan** )  
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**FINAL ORDER**

Introduction

On February 06, 2023, Dennis & Patricia Sullivan were sent a notice from the Department of Forestry as required by ORS 477.250(2), that property Dennis & Patricia Sullivan own, property account 10463341 in Jackson County, will be added to the forest patrol assessment roll beginning July 1, 2023. Along with that notice, Dennis & Patricia Sullivan were provided information regarding procedures for hearings and appeals prescribed in ORS 477.260(2). On March 5, 2023, Dennis & Patricia Sullivan timely requested a hearing by the Board of Forestry under ORS 477.260(2) and OAR 629-041-0035(4).

*This is the Board of Forestry’s final order in this matter.*

In their letter, Dennis & Patricia Sullivan asked for a hearing “...to request a formal appeal ...”. In their letter, Dennis & Patricia Sullivan expressed the following points, in summary:

- 1. Their property is located in the Prospect Rural Fire Protection District.
- 2. Their property is a commercial lot that they believe was classified incorrectly.

Background Information

In May, 2017, Jackson County convened a forestland classification committee as described in ORS 526.310 to 526.320, and OAR 629-045-0020 to 0065 to investigate and determine which lands in the county should be classified as forestland as defined in ORS 526.005(5). Upon completion of their investigation, notice was published and public hearings were held as required by ORS 526.324 and 526.328. After considering the information received at the public hearings, the Jackson County Forestland Classification Committee, in accordance with ORS 526.328(2) filed its formal written order, delineating which parcels of land in Jackson County are forestlands, with the Jackson County Clerk in April 2021.

ORS 526.332 provides for appeals of forestland classification to the circuit court within 30 days of filing of the written order discussed above. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court. Neither the State Forester nor a county assessor is authorized to change the classification of forestland applied to a parcel of land, except under narrow circumstances found in OAR 629-045-0055(2).

The State Forester may classify forestlands under ORS 526.340 and OAR 629-045-0060 if a county fails to appoint a committee or the committee fails to act or act in accordance with applicable law. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Following the forestland classification committee's final determination of forestland in Jackson County, ODF personnel of the Southwest Oregon District compared the classified forestland against the existing forest patrol assessment roll and the district boundaries. The forestland classification committee determined an increase in Class 1 timber acres within the county from 667,976 to 748,146 acres, Class 3 grazing acres decreased from 170,379 to 114,242 acres, and exempt acres increased 11,397 acres to 16,650 acres. The last formal review of the Forestland classification in Jackson County was over 50 years ago, and in that time there have been a lot of changes in land use and with the vegetative landscape within the county.

The definition of "Forestland" is found in ORS 526.005(6)(a): "*Forestland*" means any woodland, brushland, timberland, grazing land or clearing that, during any time of the year, contains enough forest growth, slashing or vegetation to constitute, in the judgement of the forester, a fire hazard, regardless of how the land is zoned or taxed. This definition is very broad and is meant to be inclusive of lands regardless of how they are zoned, taxed, or defined in a land use plan.

The addition of several or even hundreds of parcels to the assessment roll does not increase the overall amount of revenue collected for support of the forest protection district. Annually, the local budget advisory committee recommends a budget that estimates the actual cost of protection for the upcoming fiscal year, and then calculates (taking into account the number of minimum lots) the rate per acre that will be assessed to recover those costs. For the same protection budget, the more acres that are properly assessed, the lower the rate, but the same amount of revenue is collected. If the actual costs for fire protection for a given year are less than budgeted, the surplus is carried forward as a credit, which usually lowers the rate the following year if projected costs otherwise remain the same.

Though the State Forester is clearly providing a service to assessment payers when protecting their forestlands from fire, that service is not solely intended to benefit the individual forestland owner's property. Under long established Oregon law, uncontrolled fire is "declared a public nuisance by reason of its menace to life, forest resources or property" (ORS 477.064). Accordingly, under ORS 477.066 and 47.210, each owner of forestland is required to provide adequate protection against the starting or spread of fire on or from their property. Though a given individual may not mind if their property might burn, Oregon law requires that they protect their neighbors from the nuisance of fire spreading to the neighbor's property. If an owner does not provide protection by following a plan approved by the Board of Forestry, or through membership in a forest protective association, pursuant to ORS 477.210(4), the State Forester must provide protection and the owner must be assessed their share of the actual costs of that protection under ORS 477.270.

### Findings of Fact

The State Board of Forestry finds:

1. Dennis & Patricia Sullivan are the owners of property account 10463341 in Jackson County as shown in the records of the Jackson County Assessor.
2. The Jackson County Forestland Classification Committee classified property account 10463341 as Forestland in its final order, as filed with the County Clerk in April 2021.
3. Two landowners appealed the determination forestland classification final orders filed with the Jackson County Circuit Court. In both cases the County classification order was upheld by the Jackson County Circuit Court.

4. The Department of Forestry believes that the Jackson County Forestland Classification Committee classified property account 10463341 in a manner consistent with law, and that property account 10463341 is forestland.
5. Once property account 10463341 was classified as forestland, the State Forester is obligated to ensure that the land has adequate protection from fire. Pursuant to ORS 477.210, Dennis & Patricia Sullivan may provide adequate protection from fire by filing a bona fide forest protection plan with the Board or by becoming a member in good standing with the forest protective association.
6. Dennis & Patricia Sullivan have not provided a bona fide forest protection plan approved by the Board.
7. Dennis & Patricia Sullivan are not a member in good standing with a forest protective association. Property account 10463341 in Jackson County is within the boundary of the Rogue Forest Protection District. The only forest protective association operating in that District with an approved forest protection plan, through a cooperative agreement with the State Forester, is the Rogue Forest Protective Association. Dennis & Patricia Sullivan are not a member of that association.
8. Since property account 10463341 is not adequately protected by a bona fide forest protection plan or membership with a forest protective association, the State Forester, under direction from the Board, is obligated to provide forest protection pursuant to ORS 477.205 to 477.281.
9. Costs for fire protection of property account 10463341 provided by the State Forester are apportioned among all forestland at a pro rata cost per acre, pursuant to ORS 477.230, or at a minimum assessment under ORS 477.295.
10. The State Forester notified Dennis & Patricia Sullivan of the proposed addition of property account 10463341 to the forest protection assessment roll in Jackson County, as required by ORS 477.250.
11. Dennis & Patricia Sullivan requested a hearing regarding the assessment, pursuant to OAR 629-041-0035. That rule allows for a hearing by the Board pursuant to ORS 477.260(2) “on any subject pertaining to the activities of the forester or board affecting the land.” Any dispute about the classification of forestland is beyond the scope of this hearing request.
12. The State Forester attempted to contact Dennis & Patricia Sullivan through a letter to address the concerns raised in the hearing request. No response was received from Dennis & Patricia Sullivan. The State Forester is obligated to protect forestland under ORS 477.210.

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#### Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Dennis & Patricia Sullivan in Jackson County and the County Assessor must collect the cost of that protection under ORS 477.270.

### Ultimate Conclusion

***The Board of Forestry affirms the determination of the State Forester that property account 10463341 in Jackson County, owned by Dennis & Patricia Sullivan shall be added to the Jackson County forest patrol assessment roll and be assessed annually for the costs of forest fire protection under applicable laws.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

|                       |                                                                                                                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 3                                                                                                                                                                                                                                                                                             |
| Topic:                | 2023 Legislative Session Update                                                                                                                                                                                                                                                               |
| Date of Presentation: | June 7, 2023                                                                                                                                                                                                                                                                                  |
| Contact Information:  | Ryan Gordon, ODF Planning Branch Director<br>503-945-7393, <a href="mailto:ryan.p.gordon@odf.oregon.gov">ryan.p.gordon@odf.oregon.gov</a><br>Derrick Wheeler, ODF Legislative Coordinator<br>971-375-1258, <a href="mailto:Derrick.Wheeler@odf.oregon.gov">Derrick.Wheeler@odf.oregon.gov</a> |

## **SUMMARY**

The Board of Forestry will be briefed by the Oregon Department of Forestry's (ODF) Legislative Coordinator, Derrick Wheeler, about pending bills that impact the agency and on the movement of the Governor's Recommended Budget. Additionally communicating any known legislative outcomes that will impact the agency upon conclusion of the 2023 Legislative Session. This is an informational item.

## **CONTEXT**

The Oregon Department of Forestry (department) leadership and key staff have been readily engaged with the 2023 Legislative Session.

Other policy topics with a nexus to department business will be summarized during this meeting.

## **NEXT STEPS**

The department anticipates a comprehensive legislative update to the Board at the September 2023 meeting.

|                       |                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 4                                                                                                                                   |
| Work Plan:            | Fire Protection                                                                                                                     |
| Topic:                | Annual Topic: Approval of Forest Protection District Budgets and Rates                                                              |
| Presentation Title:   | Approval of the Forest Protection District 2024 Fiscal Budgets and Rates                                                            |
| Date of Presentation: | June 7 <sup>th</sup> , 2023                                                                                                         |
| Contact Information:  | Mike Shaw, Chief, Fire Protection<br>503-945-7204; <a href="mailto:michael.h.shaw@odf.oregon.gov">michael.h.shaw@odf.oregon.gov</a> |

**SUMMARY**

ORS 477.265 requires the State Board of Forestry shall annually review the forest protection district budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein.

**CONTEXT**

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

Budget Development Process:

Consistent with statutory direction<sup>1</sup>, each year in January, the state office and districts begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1<sup>st</sup> – June 30<sup>th</sup>). During the development process, district budget committees<sup>2</sup> analyze and review the draft budget prior to making recommendations to the District Forester. The budget committee then carries the final recommended budget to the Board of Directors of the Forest Protective Association for consideration at the annual spring association meeting. Additionally, each district holds a public budget meeting<sup>3</sup> for any landowners affected by the budget to provide an opportunity for any additional public comments on the budget.

The last step in the district fiscal protection budget process is submittal to the State Forester and then official approval by the Board of Forestry in June. Attachment 1 provides a summary of the fiscal year 2024 recommended budgets.

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

<sup>2</sup> ORS 477.240 Advisory and guidance committees

<sup>3</sup> ORS 477.255 Holding of budget meeting; revision and submission for final approval.

## **BACKGROUND / ANALYSIS**

Throughout the development of the fiscal year 2024 budgets and spring association meetings, landowners have expressed appreciation for the level of protection and service they receive from the Associations and the Department. Association meetings have been very collaborative and productive with excellent dialog focusing on important fire protection related topics. Attachments 2 and 3, annual letters to the State Forester and public budget hearing comments, highlight some of the topics discussed at the district budget committee, fire protection association, and public budget meetings. The conversations largely consisted of the decision of the Governor's Recommended Budget not including the \$15 million of general funds to support the additional firefighting capacity provided by SB 762 and the increasing costs of policy, prevention, and suppression activities. Clackamas-Marion Forest Protective Association, Eastern Oregon Forest Protective Association, Klamath Forest Protective Association, and the Rogue Forest Protective Association chose to not support their respective fiscal budgets, while Eastern Lane Forest Protective Association had split support. All other associations supported and recommended approval of the fiscal budgets.

Per OAR 629-041-0035, four landowners (Attachment 4) are appealing the fiscal budget with a remedy sought of using any available general funds to offset the additional firefighting capacity provided by SB 762. One of the landowners is requesting a hearing before the Board.

Upon review of the letters from the landowners, additional testimony during the Board meeting, and the facts described and presented in the proposed final order (Attachment 5), the Board may:

1. Remand the matter to Department staff for further review on such issues as the Board specifies and to prepare a revised proposed order as appropriate;
2. Reject the proposed order and direct the Department to prepare a different final order; or
3. Adopt the proposed order as the Board's final order.

## **RECOMMENDATIONS**

1. The Department recommends the Board approve all Fiscal Year 2024 forest protection district budgets and prorated acreage rates as presented in Attachment 1.
2. The Department recommends that in the event the Department's legislatively approved budget contains general fund revenue for a funding offset in support of the additional firefighting capacity provided by SB 762, that the Board directs the Department to adjust the approved prorated acreage rates to integrate such revenues prior to sending the certified rates to each County Assessor's Office.
3. The Department recommends that the Board adopt the proposed final order as written for Theresa Cliff, EFM Advisory & Investments Inc., Ian Fladoos, and Picnic Creek Ranch, LLC.

## **ATTACHMENT**

- (1) FY 2024 Protection Budget Summary, by District, and Area (available before meeting)
- (2) Letters to the State Forester from Forest Protective Associations
- (3) Public Budget Hearing Minutes
- (4) Budget Appeals
- (5) Proposed final orders



**Board of Forestry ODF Protection Budget & Assessment Summary**  
 Fiscal Year 2024 General Fund Split 50.00%

|                                  | Protected Acres |                     |                     |               | Budgeted Dollars    |                     |               | Public Rates*   |                 |               |                 | Private Rates** |                 |                 |                 |               | Revenue****     |                 |                 |                    |
|----------------------------------|-----------------|---------------------|---------------------|---------------|---------------------|---------------------|---------------|-----------------|-----------------|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|-----------------|-----------------|-----------------|--------------------|
|                                  | Class Type      | FY2023              | FY2024              | Y/Y Change    | FY2023              | FY2024              | Y/Y Change    | FY2023          | FY2024          | Y/Y Change    | Agency Admin    | OFLPF***        | FINAL FY2024    | FY2023          | FY2024          | Y/Y Change    | (WPA)****       | OFLPF***        | FINAL FY2024    | FY2024 PROJECTION  |
| <b>NORTHWEST OREGON</b>          |                 |                     |                     |               |                     |                     |               |                 |                 |               |                 |                 |                 |                 |                 |               |                 |                 |                 |                    |
| Northwest Oregon                 | Timber          | 1,760,808.09        | <b>1,761,784.85</b> | 0.06%         | \$5,427,649         | <b>\$6,348,594</b>  | 16.97%        | \$2.9703        | \$3.2607        | 9.78%         | \$0.7450        | \$0.0500        | <b>\$4.0557</b> | \$1.4852        | \$1.6303        | 9.78%         | \$0.0000        | \$0.0500        | <b>\$1.6803</b> | <b>\$4,865,673</b> |
| West Oregon                      | Timber          | 1,083,878.94        | <b>1,070,116.64</b> | -1.27%        | \$3,384,590         | <b>\$3,811,877</b>  | 12.62%        | \$2.5021        | \$3.1636        | 26.44%        | \$0.7450        | \$0.0500        | <b>\$3.9586</b> | \$1.2511        | \$1.5818        | 26.44%        | \$0.0000        | \$0.0500        | <b>\$1.6318</b> | <b>\$2,861,942</b> |
| North Cascade                    | Timber          | 651,724.59          | <b>658,097.77</b>   | 0.98%         | \$2,704,014         | <b>\$2,972,250</b>  | 9.92%         | \$3.0371        | \$4.1693        | 37.28%        | \$0.7450        | \$0.0500        | <b>\$4.9643</b> | \$1.5186        | \$2.0846        | 37.28%        | \$0.0000        | \$0.0500        | <b>\$2.1346</b> | <b>\$2,085,012</b> |
| <b>NOA TOTALS &amp; AVERAGES</b> | <b>Timber</b>   | <b>3,496,411.62</b> | <b>3,489,999.26</b> | <b>-0.18%</b> | <b>\$11,516,253</b> | <b>\$13,132,721</b> | <b>14.04%</b> | <b>\$2.8376</b> | <b>\$3.4022</b> | <b>19.90%</b> | <b>\$0.7450</b> | <b>\$0.0500</b> | <b>\$4.1972</b> | <b>\$1.4188</b> | <b>\$1.7011</b> | <b>19.90%</b> | <b>\$0.0000</b> | <b>\$0.0500</b> | <b>\$1.7511</b> | <b>\$9,812,627</b> |

|                                  |                |                     |                     |                |                     |                     |               |                 |                 |                |                 |                 |                 |                 |                 |                |                 |                 |                 |                     |
|----------------------------------|----------------|---------------------|---------------------|----------------|---------------------|---------------------|---------------|-----------------|-----------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|----------------|-----------------|-----------------|-----------------|---------------------|
| <b>SOUTHERN OREGON</b>           |                |                     |                     |                |                     |                     |               |                 |                 |                |                 |                 |                 |                 |                 |                |                 |                 |                 |                     |
| Southwest Oregon                 | Timber         | 1,685,816.14        | <b>1,745,061.03</b> | 3.51%          | \$9,842,259         | <b>\$11,203,825</b> | 13.83%        | \$5.8856        | \$7.7405        | 31.52%         | \$0.7450        | \$0.0500        | <b>\$8.5355</b> | \$2.9428        | \$3.8703        | 31.52%         | \$0.0000        | \$0.0500        | <b>\$3.9203</b> | <b>\$9,833,671</b>  |
|                                  | Grazing        | 194,951.10          | <b>126,345.41</b>   | -35.19%        | \$635,759           | <b>\$559,740</b>    | -11.96%       | \$0.9505        | \$2.6047        | 174.03%        | \$0.7450        | \$0.0750        | <b>\$3.4247</b> | \$0.4753        | \$1.3024        | 174.03%        | \$0.0000        | \$0.0750        | <b>\$1.3774</b> |                     |
| Coos FPA                         | Timber         | 1,501,135.94        | <b>1,507,326.42</b> | 0.41%          | \$6,850,828         | <b>\$8,083,926</b>  | 18.00%        | \$3.6087        | \$5.0141        | 38.94%         | \$0.7450        | \$0.0500        | <b>\$5.8091</b> | \$1.8044        | \$2.5071        | 38.94%         | \$0.0000        | \$0.0500        | <b>\$2.5571</b> | <b>\$6,680,054</b>  |
|                                  | Grazing        | 60,873.97           | <b>68,737.37</b>    | 12.92%         | \$209,484           | <b>\$247,221</b>    | 18.01%        | \$2.6540        | \$3.7512        | 41.34%         | \$0.7450        | \$0.0750        | <b>\$4.5712</b> | \$1.3270        | \$1.8756        | 41.34%         | \$0.0000        | \$0.0750        | <b>\$1.9506</b> |                     |
| Douglas FPA                      | Timber         | 1,403,769.17        | <b>1,403,921.04</b> | 0.01%          | \$6,882,275         | <b>\$8,391,376</b>  | 21.93%        | \$4.8629        | \$6.0430        | 24.27%         | \$0.7450        | \$0.0500        | <b>\$6.8380</b> | \$2.4315        | \$3.0215        | 24.27%         | \$0.0000        | \$0.0500        | <b>\$3.0715</b> | <b>\$7,455,094</b>  |
|                                  | Grazing        | 270,388.75          | <b>272,360.81</b>   | 0.73%          | \$684,979           | <b>\$834,419</b>    | 21.82%        | \$1.3760        | \$2.8700        | 108.58%        | \$0.7450        | \$0.0750        | <b>\$3.6900</b> | \$0.6880        | \$1.4350        | 108.58%        | \$0.0000        | \$0.0750        | <b>\$1.5100</b> |                     |
| South Cascade                    | Timber         | 1,133,982.11        | <b>1,133,361.11</b> | -0.05%         | \$4,960,326         | <b>\$5,200,029</b>  | 4.83%         | \$3.0402        | \$4.4751        | 47.20%         | \$0.7450        | \$0.0500        | <b>\$5.2701</b> | \$1.5201        | \$2.2376        | 47.20%         | \$0.0000        | \$0.0500        | <b>\$2.2876</b> | <b>\$3,943,529</b>  |
| Western Lane                     | Timber         | 786,058.06          | <b>781,285.28</b>   | -0.61%         | \$2,960,742         | <b>\$3,234,455</b>  | 9.24%         | \$3.0780        | \$3.8138        | 23.91%         | \$0.7450        | \$0.0500        | <b>\$4.6088</b> | \$1.5390        | \$1.9069        | 23.91%         | \$0.0000        | \$0.0500        | <b>\$1.9569</b> | <b>\$2,234,996</b>  |
| <b>SOA TOTALS &amp; AVERAGES</b> | <b>Timber</b>  | <b>6,510,761.42</b> | <b>6,570,954.88</b> | <b>0.92%</b>   | <b>\$31,496,430</b> | <b>\$36,113,611</b> | <b>14.66%</b> | <b>\$4.3056</b> | <b>\$5.7223</b> | <b>32.90%</b>  | <b>\$0.7450</b> | <b>\$0.0500</b> | <b>\$6.5173</b> | <b>\$2.1528</b> | <b>\$2.8612</b> | <b>32.90%</b>  | <b>\$0.0000</b> | <b>\$0.0500</b> | <b>\$2.9112</b> | <b>\$30,147,344</b> |
|                                  | <b>Grazing</b> | <b>526,213.82</b>   | <b>467,443.59</b>   | <b>-11.17%</b> | <b>\$1,530,222</b>  | <b>\$1,641,380</b>  | <b>7.26%</b>  | <b>\$1.3662</b> | <b>\$2.9279</b> | <b>114.31%</b> | <b>\$0.7450</b> | <b>\$0.0750</b> | <b>\$3.7479</b> | <b>\$0.6831</b> | <b>\$1.4639</b> | <b>114.31%</b> | <b>\$0.0000</b> | <b>\$0.0750</b> | <b>\$1.5389</b> |                     |

|                                  |                |                     |                     |               |                     |                     |               |                 |                 |               |                 |                 |                 |                 |                 |               |                  |                 |                 |                     |
|----------------------------------|----------------|---------------------|---------------------|---------------|---------------------|---------------------|---------------|-----------------|-----------------|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|------------------|-----------------|-----------------|---------------------|
| <b>EASTERN OREGON</b>            |                |                     |                     |               |                     |                     |               |                 |                 |               |                 |                 |                 |                 |                 |               |                  |                 |                 |                     |
| Central Oregon                   | Timber         | 1,016,030.60        | <b>1,024,660.20</b> | 0.85%         | \$6,765,163         | <b>\$7,211,339</b>  | 6.60%         | \$4.8697        | \$6.5100        | 33.68%        | \$0.7450        | \$0.0750        | <b>\$7.3300</b> | \$2.4349        | \$3.2550        | 33.68%        | -\$0.2349        | \$0.0750        | <b>\$3.0951</b> | <b>\$8,248,465</b>  |
|                                  | Grazing        | 1,046,424.55        | <b>1,047,211.84</b> | 0.08%         | \$2,402,880         | <b>\$3,312,093</b>  | 37.84%        | \$1.9176        | \$3.2128        | 67.54%        | \$0.7450        | \$0.0750        | <b>\$4.0328</b> | \$0.9588        | \$1.6064        | 67.54%        | -\$0.2349        | \$0.0750        | <b>\$1.4465</b> |                     |
| Northeast Oregon                 | Timber         | 848,552.31          | <b>846,311.34</b>   | -0.26%        | \$4,757,304         | <b>\$5,039,154</b>  | 5.92%         | \$3.8919        | \$5.0664        | 30.18%        | \$0.7450        | \$0.0750        | <b>\$5.8864</b> | \$1.9460        | \$2.5332        | 30.18%        | -\$0.2349        | \$0.0750        | <b>\$2.3733</b> | <b>\$5,319,325</b>  |
|                                  | Grazing        | 1,092,014.90        | <b>1,089,878.27</b> | -0.20%        | \$1,887,678         | <b>\$2,187,454</b>  | 15.88%        | \$1.3582        | \$1.9344        | 42.42%        | \$0.7450        | \$0.0750        | <b>\$2.7544</b> | \$0.6791        | \$0.9672        | 42.42%        | -\$0.2349        | \$0.0750        | <b>\$0.8073</b> |                     |
| Klamath Lake                     | Timber         | 1,015,275.44        | <b>1,011,741.33</b> | -0.35%        | \$4,894,385         | <b>\$5,427,414</b>  | 10.89%        | \$4.0077        | \$5.2163        | 30.16%        | \$0.7450        | \$0.0750        | <b>\$6.0363</b> | \$2.0039        | \$2.6082        | 30.16%        | -\$0.2349        | \$0.0750        | <b>\$2.4483</b> | <b>\$5,214,114</b>  |
|                                  | Grazing        | 488,490.35          | <b>480,165.79</b>   | -1.70%        | \$936,160           | <b>\$852,123</b>    | -8.98%        | \$1.2600        | \$1.6761        | 33.02%        | \$0.7450        | \$0.0750        | <b>\$2.4961</b> | \$0.6300        | \$0.8381        | 33.02%        | -\$0.2349        | \$0.0750        | <b>\$0.6782</b> |                     |
| Walker Range FPA                 | Timber         | 183,525.19          | <b>183,422.38</b>   | -0.06%        | \$974,610           | <b>\$1,075,960</b>  | 10.40%        | \$4.4340        | \$4.6486        | 4.84%         | \$0.7450        | \$0.0750        | <b>\$5.4686</b> | \$2.2170        | \$2.3243        | 4.84%         | -\$0.2349        | \$0.0750        | <b>\$2.1644</b> | <b>\$642,340</b>    |
|                                  | Grazing        | 2,545.27            | <b>2,569.59</b>     | 0.96%         | \$2,492             | <b>\$2,716</b>      | 9.00%         | \$0.4858        | \$1.0377        | 113.60%       | \$0.7450        | \$0.0750        | <b>\$1.8577</b> | \$0.2429        | \$0.5188        | 113.60%       | -\$0.2349        | \$0.0750        | <b>\$0.3589</b> |                     |
| <b>EOA TOTALS &amp; AVERAGES</b> | <b>Timber</b>  | <b>3,063,383.54</b> | <b>3,066,135.25</b> | <b>0.09%</b>  | <b>\$17,391,462</b> | <b>\$18,753,867</b> | <b>7.83%</b>  | <b>\$4.2871</b> | <b>\$5.5733</b> | <b>30.00%</b> | <b>\$0.7450</b> | <b>\$0.0750</b> | <b>\$6.3933</b> | <b>\$2.1435</b> | <b>\$2.7867</b> | <b>30.00%</b> | <b>-\$0.2349</b> | <b>\$0.0750</b> | <b>\$2.6268</b> | <b>\$19,424,244</b> |
|                                  | <b>Grazing</b> | <b>2,629,475.07</b> | <b>2,619,825.49</b> | <b>-0.37%</b> | <b>\$5,229,210</b>  | <b>\$6,354,386</b>  | <b>21.52%</b> | <b>\$1.5617</b> | <b>\$2.3972</b> | <b>53.50%</b> | <b>\$0.7450</b> | <b>\$0.0750</b> | <b>\$3.2172</b> | <b>\$0.7809</b> | <b>\$1.1986</b> | <b>53.50%</b> | <b>-\$0.2349</b> | <b>\$0.0750</b> | <b>\$1.0387</b> |                     |

|                                        |         |                      |                      |               |                     |                     |               |                 |                 |               |                 |                 |                 |                 |                 |               |                  |                 |                 |                     |
|----------------------------------------|---------|----------------------|----------------------|---------------|---------------------|---------------------|---------------|-----------------|-----------------|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|------------------|-----------------|-----------------|---------------------|
| <b>STATEWIDE TOTALS &amp; AVERAGES</b> |         |                      |                      |               |                     |                     |               |                 |                 |               |                 |                 |                 |                 |                 |               |                  |                 |                 |                     |
| By Land Class Type                     | Timber  | <b>13,070,556.58</b> | <b>13,127,089.39</b> | <b>0.43%</b>  | <b>\$60,404,145</b> | <b>\$68,000,199</b> | <b>12.58%</b> | <b>\$3.9086</b> | <b>\$5.0707</b> | <b>29.73%</b> | <b>\$0.7450</b> | <b>\$0.0583</b> | <b>\$5.8740</b> | <b>\$1.9543</b> | <b>\$2.5353</b> | <b>29.73%</b> | <b>-\$0.2349</b> | <b>\$0.0583</b> | <b>\$2.3588</b> | <b>\$59,384,215</b> |
|                                        | Grazing | <b>3,155,688.89</b>  | <b>3,087,269.08</b>  | <b>-2.17%</b> | <b>\$6,759,432</b>  | <b>\$7,995,766</b>  | <b>18.29%</b> | <b>\$1.5291</b> | <b>\$2.4775</b> | <b>62.02%</b> | <b>\$0.7450</b> | <b>\$0.0750</b> | <b>\$3.2975</b> | <b>\$0.7646</b> | <b>\$1.2388</b> | <b>62.02%</b> | <b>-\$0.2349</b> | <b>\$0.0750</b> | <b>\$1.0789</b> |                     |
| <b>Combined Total</b>                  |         | <b>16,226,245.47</b> | <b>16,214,358.47</b> | <b>-0.07%</b> | <b>\$67,163,576</b> | <b>\$75,995,965</b> | <b>13.15%</b> | <b>\$3.4458</b> | <b>\$4.5769</b> | <b>32.83%</b> | <b>\$0.7450</b> | <b>\$0.0650</b> | <b>\$5.3869</b> | <b>\$1.7229</b> | <b>\$2.2885</b> | <b>32.83%</b> | <b>-\$0.2349</b> | <b>\$0.0650</b> | <b>\$2.1186</b> |                     |

|                                           |             |               |               |        |             |                    |        |  |  |  |  |  |  |  |  |  |  |  |  |                    |
|-------------------------------------------|-------------|---------------|---------------|--------|-------------|--------------------|--------|--|--|--|--|--|--|--|--|--|--|--|--|--------------------|
| <b>AREA &amp; SALEM BUDGET UNITS*****</b> |             |               |               |        |             |                    |        |  |  |  |  |  |  |  |  |  |  |  |  |                    |
| Salem Protection Division                 | Total Acres | 16,226,245.47 | 16,178,035.02 | -0.30% | \$6,714,980 | <b>\$7,468,155</b> | 11.22% |  |  |  |  |  |  |  |  |  |  |  |  | <b>\$7,712,689</b> |
| Northwest Oregon Area                     | Total Acres | 3,496,411.62  | 3,489,999.26  | -0.18% | \$238,536   | <b>\$297,332</b>   | 24.65% |  |  |  |  |  |  |  |  |  |  |  |  | <b>\$160,335</b>   |
| Southern Oregon Area                      | Total Acres | 7,036,975.24  | 7,002,075.02  | -0.50% | \$440,366   | <b>\$473,724</b>   | 7.58%  |  |  |  |  |  |  |  |  |  |  |  |  | <b>\$422,284</b>   |
| Eastern Oregon Area                       | Total Acres | 5,692,858.61  | 5,685,960.74  | -0.12% | \$623,036   | <b>\$619,127</b>   | -0.63% |  |  |  |  |  |  |  |  |  |  |  |  | <b>\$663,995</b>   |

**NOTES**  
 \* Agency Admin rate assessed to public landowners, per SB5522 and HB5024A.  
 \*\* Lands not owned by public entities may not be assessed in excess of 50% of the pro rata cost per acre, per ORS 477.230.  
 \*\*\* Oregon Forest Land Protection Fund additional per private and public acre assessment, per ORS 477.880.  
 \*\*\*\* Wildfire Protection Act (WPA) passed in 2013, in accordance with ORS 477.777, includes Eastside Rate Relief for private landowners only.  
 \*\*\*\*\* Projected Revenue includes all Private, Public, Agreement, and General Fund (WPA included). Dollar amount may be lower or higher than budgeted dollars due to landowner Actual Cost Computation (ACC) carryover debit/credit to collection rates, per ORS 477.232.  
 \*\*\*\*\* Area and Salem data is only for reference. Areas and Salem do not show their own rates as their budgeted rates are included in each of the district rates. Area and Salem budgets and revenues are also only for reference, as budget and revenue numbers are part of each district's budget and revenue.

# Coos Forest Protective Association

DIRECTORS

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April 4, 2023

Cal Mukumoto  
Oregon State Forester  
2600 State Street  
Salem, OR 97310

Dear Mr. Mukumoto,

Coos Forest Protective Association and its Board of Directors have been reviewing and providing oversight on the Fiscal Year 2024 Protection Budget for the district. As with most ODF districts, CFP is seeing historical increases in both Timber (70 cents) and Grazing Rates (54 cents). In reviewing the budget and working toward an adequate level of protection, several key items are contributing to this large increase. They are as follows:

1. SB762 added capacity to our district in a one-time general fund offset. Districts have been instructed to maintain this capacity in our draft budget as our Current Service Level (CSL). This contributes a \$446,500 increase.
2. Inflation is a factor in our increases. CPI for 2022 is 6.5% combined with 2021 CPI of 7%. Budget impact for inflation - \$460,000
3. Transfer from Salem Fire and Area Fire. Salem Protection Division increased \$440,000 (108%) and Area Fire increased \$29,269 (36%).

The first two above are part of the district standards for protection (adequate level of protection) and are discussed by our Board of Directors to assure that every item is a logical part of the needed level of protection. Item three is a pass-through that is not controlled by the landowners, although Salem and Area protection costs enjoy the current pro-rate of 50/50 (landowner/General Fund) for Timber and Grazing land within the district (477.230). These pass-through costs have no oversight from district Board of Directors, falls outside their influence and are outside the intent of the 477.230 (a),(b).

Our Forest Law ORS 477 codifies Standards of Protection and district budgets and gives ODF and the Associations a clear pathway in discussions with our landowners. To understand these laws is to understand the intent of the law. 477.062 declares inadequately protected lands a nuisance, and being a public nuisance, implies that landowners must adequately protect their lands. Today that is done through assessment in a protection district or Association.

### **Intent of 477.210 and 477.230**

District budgets are discussed in 477.210, which speaks to the Standards of Protection established by the landowners in a district budget, approved by the Board of Forestry. Then the protection rate in 477.230 establishes a pro-rate for both district Timber and district Grazing. The pro-rate is established by Legislators and currently is 50/50 (landowner/General Fund). At some point, in years past, Salem Protection Division and Area costs have been combined into this conversation of Standards of Protection and being part of the pro-rate under 477.230.

### **Action Needed:**

A plan of action is needed to solve this funding model situation. A small group of subject matter experts and ODF leadership need to be formed by you to address the issue and provide recommendations back to you. This group should address and have recommendations for the following:

- District adequate level of protection and the pro-rate percent that landowners pay
- Salem Protection Cost – pro-rate percent that is paid by district landowners
- Large fire funding – minimum lots and surcharge and how much landowners should contribute
- Public Landowner Admin Pro-rate charge
- Public landowner revenue streams to develop a pro-rate percent (currently 100% paid by public landowners)

### **Guidance for the group:**

We need to clearly state the landowners' responsibility to provide an adequate level of protection in establishing district budgets. This is truly the intent of 477.210 and 477.230. Explore options that would be applied to the pro-rate on eastside and westside district lands. The pro-rate could potentially be different for districts in the Eastern Oregon Area.

Adding Salem and Area cost to the district budgets and using the current pro-rate is not meeting the intent of 477.210 and 477.230. These two laws addressing pro-rate were intended for timber and grazing in protection districts. Salem and Area costs need to establish a pro-rate for their cost that can be included in the district budgets. An example could be 15 to 20% of Salem and Area fiscal budget amounts, this percentage would support the protection districts, yet Oregon demands that ODF have capacity to serve all Oregonians. This cost needs to be borne by all Oregonians not just amongst the district budgets. Thus, the reasoning is to have the districts bear 15-20% of their budgets and Oregon General Fund picking up the remainder of the cost.

A possible funding stream for our public landowners might be a carbon credit that could relieve them of the current 100% rate they currently pay for fire protection. This new pro-rate along with removing the Administrative Pro-rate would stabilize our public landowners and they could continue to support the ODF Fire Program for Oregon.

Lastly, to ensure that landowners continue to have dollars committed to the Oregon Forestland Protection Fund (Large Fire Fund for Oregon), the group should consider raising the minimum lot charge (currently \$18.75) and the surcharge for an improvement (currently \$47.50).

Once the group reviews and makes recommendations it will be placed back in the hands of ODF Leadership. Legislative support would be needed to get these recommendations enacted so a stable funding source could be used in the future for fire protection of all Oregonians.

**In conclusion:**

The CFPA Board is willing to support the draft FY24 protection budget and respectfully requests that ODF take aggressive action to adjust a pro-rate for assessment that enters the district budgets. It is our concern that if this funding model is not changed, landowners will not be able to support an adequate level of protection budget and may pursue other options to protect their lands. By finding a funding solution, it will help the CFPA landowners be successful at supporting an adequate level of protection and shifts Oregon protection cost to other funding sources to maintain the complete and coordinated fire protection system for Oregon. CFPA Leadership and Board of Directors are committed to helping with this matter and please contact us for any assistance you may need.

Respectfully submitted,



Chris Sexton  
Coos Forest Protective Association  
Board President

cc: Oregon Board of Forestry  
Jim Kelly  
Liz Agpaoa  
Ben Deumling  
Karla Chambers  
Chandra Ferrari  
Joe Justice  
Brenda McComb  
CFPA Board of Directors

Chris Sexton, Lone Rock Timber Management Group

*Chris Sexton*

4/1/23

Jim Carr, Mason, Bruce & Girard Inc. Group

*Jim Carr*

4/5/23

Tim Truax, Roseburg Resources Group

*Tim Truax*

4/5/23

Jeff Miller, Moore Mill & Lumber Company

*Jeff Miller*

4/5/23

Darin McMichael, Manulife Investment Management Forest Management Inc.

*Darin McMichael*

4/5/23

Mark Olson, Rayonier, Inc.

*Mark Olson*

4/5/2023

Charlie Waterman, Waterman Trust (Grazing Industry):

*Charlie Waterman*

4/5/23

# *Douglas Forest Protective Association*



April 18, 2023

State Forester Cal Mukumoto  
Chair Kelly and Members of the Oregon State Board of Forestry  
2600 State Street  
Salem, OR

For 111 years, the Douglas Forest Protective Association (DFPA) has provided initial wildfire suppression efforts on 1.6 million acres of timber and grazing land in Douglas County. DFPA is an operating association and is governed by an 11-member Board of landowners representing a variety of types and sizes of land. These lands support a wide variety of values important to our rural community – economic, recreation, environmental and others.

The Board and leaders within the association have spent considerable time this year preparing and empirically analyzing an updated Protection Study for the District. From this study the Board and staff developed a budget for an adequate level of protection to meet our statutory requirements, and protect the lands, communities and our citizens within our District from wildfires.

As a Board, we were frustrated and dismayed by four areas of heightened cost increase unrelated to our determined adequate level of protection that pose a significant challenge to our District. These are: amplified insurance costs, SB 762 costs, inflation, and State and Area Fire Management costs. In many instances within our District's fiscal budget costs have increased by over 100% from the previous year. For the purpose of this letter, we want to focus on SB 762 costs and State and Area fire management costs.

### *SB 762 Cost shift*

The passage of SB 762 highlighted a bipartisan recognition that wildfires impact more than just the landowners directly affected by fires and the subsequent costs of fire recovery efforts. Legislators wisely recognized that all of Oregon was impacted as smoke invaded urban areas, evacuations were widespread and long term, tourism was impacted and numerous rural and urban citizens and economies suffer. For this reason, SB 762 funding was provided by the general fund and added to the local capacity that was already funded by the District landowners. The legislative language of SB 762, Section 30a (ORS 477.155) strongly implies that additional capacity would continue to be wholly supported state-wide by the general fund.

Under the current budget proposal, however, responsibility for providing these SB 762 funds has shifted back to the historical model where private landowners are assessed one-half of the pro rata cost per acre of the forest patrol assessments. This unwelcome mandate was not expected from SB 762 and removes the DFPA Board from its appropriate role in determining the amount of funding necessary to meet the districts adequate level of protection developed in our recent Protection Study.

### *Fire Management Salem and Area Costs Increases*

We were shocked by the huge increase in costs from Salem Headquarters – an increase to DFPA of \$462,000 (a 106% increase) of State Fire Management Salem costs, and \$30,000 (a 37% increase) of Area Fire Management costs. DFPA is a boots-on-the-ground organization and is already struggling with general inflation and challenging labor shortages. Our existence is predicated on the sole purpose of preparing for- and aggressively suppressing-wildfires. Our local landowners are some of the state's most active and supportive members of Oregon's Complete and Coordinated System; providing not only funds (assessments), but highly skilled personnel, equipment and supplies to help DFPA control fires when they start. All of which is done at the landowners' sole expense. This is done to add capacity and lower the overall costs to all those assessed in the district.

# Douglas Forest Protective Association



All of Oregon has long benefited from the Complete and Coordinated Fire Protection System that relies on a public/private partnership between the Oregon Department of Forestry and local landowners. This partnership can only survive and thrive if there is a fair allocation of costs between the parties and beneficiaries of the system. Salem and Area costs now account for roughly \$1,000,000 of DFPA's \$8,000,000 budget.

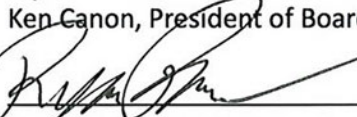
In conclusion, the cost increases we are experiencing are beginning to beg the question of continued survival of rural landowners and their ability to endure the reality of all of the other mounting costs associated with ownership and management of rural lands. Therefore, we are asking for your help to reduce the financial burden being imposed on District landowners as we face a future of rapidly rising costs. Work with us to secure the once-promised funding for SB 762 and encourage your team to take a hard look at the activities and cost structures for wildfire protection within Oregon's districts. Recognize Oregon's history of fire cost sharing with landowners directly supporting efforts to catch their wildfires by paying for boots on the ground, including the costs borne by the local district which appropriately supports district-level prevention, preparedness and suppression. Separately identify those activities and costs that are state wide and should be funded as such.

Our Board has much angst approving our budget with these handed-down cost increases that are outside of our control. That said, to not sign it and risk financial solvency and wildfire capacity would be irresponsible for our communities, citizens and landowners. We also want to be on record highlighting our grave concern regarding the cost increases outlined above. They are not sustainable and will have a negative impact on landowners, both large and small. This will affect Oregon's rural communities and the long-term values that all Oregonians embrace.

As a final note, while we are concerned with the impact of these new cost shifts, we greatly value the productive working relationships that exists with the ODF and look forward to adding value to the conversation of sustainable fire protection for all Oregonians.

Sincerely,

  
\_\_\_\_\_  
Ken Canon, President of Board of Directors


  
\_\_\_\_\_  
Ryan Bronson, Vice-President

  
\_\_\_\_\_  
Dave Archambault, Director

  
\_\_\_\_\_  
Rick Barnes, Director

  
\_\_\_\_\_  
Dan Dawson, Director

  
\_\_\_\_\_  
Brennan Garrelts, Director

  
\_\_\_\_\_  
Dana Kjos, Director

  
\_\_\_\_\_  
Jason Richardson, Director

  
\_\_\_\_\_  
Quinton Quisenberry, Director

  
\_\_\_\_\_  
Tim Vrendenburg, Director

  
\_\_\_\_\_  
Paul Zolezzi, Director



# EASTERN LANE FOREST PROTECTIVE ASSOCIATION

3150 MAIN STREET  
SPRINGFIELD, OR 97478

(Incorporated)

President:

**Chase Kinion**

Franklin Clarkson Timber Co.

Vice President:

**Ted Reiss**

Giustina Land & Timber Co.

Secretary:

**Mark Willhite**

Sierra Pacific Industries

Treasurer:

**Dylan Johnson**

Weyerhaeuser Company

Directors:

**Susan Fricke**

Eugene Water & Electric Board

**Will Hansen**

RDK Land & Timber, LLC

**Kenny Rose**

Giustina Resources

Advisory Directors:

ODF Area Manager:

**Dave Larson**

ODF District Forester:

**Chris Cline**

ODF Unit Forester:

**John Flannigan**

NW Oregon Interagency  
Fire Management:

Or. Forest & Ind. Council:

**Kyle Williams**

Keep Oregon Green Assn:

**Kristin Babbs**

Army Corp. of Engineers:

**Wendy Jones**

April 17, 2023

*Oregon State BOF*

*Board Support Office*

*2600 State Street*

*Salem, OR 97310*

*Chair Kelly and BOF members,*

*On behalf of the Eastern Lane Forest Protection Association, a representation of all forestland owners both industrial and small private, I am writing to express my deepest concerns regarding the current funding model for the protection of forestland.*

*Over the past weeks, our Board of Directors have met on several occasions to discuss the FY24 protection budget. All of those conversations were highlighted by unanimous angst over the drastic increases landowners face in the wake of SB762 and the loss of General Fund offsets. Since 1975 when the ELFPA chose to join ODF in daily protection operations, there has typically been immense support of protection budgets. This year, however, deliberations went on for quite some time regarding the large increases as well as how the association would realize its investments in Salem and Area costs. The ensuing vote on the adoption of the presented budget was a split decision, which are unprecedented results by the Board of Directors.*

*As I'm sure you are aware, SB762 was intended to address wildfire on a statewide level, and as such, should maintain a synonymous funding structure. Through increased staffing at the local levels, and increased Salem and Area staffing, local districts are being hit with anywhere from 10-40% increases in rates. This largely stems from the absence of GF offset for positions directly tied to the legislation.*

*Over the last several years, our local district has put an incredible amount of emphasis on the partnership between ODF, public, and private forestland owners. This has resulted in a tremendous amount of trust and a highly engaged group of landowners and operators that make up this complete and coordinated system.*

*Private landowners and operators have invested in resources and training, and have made an incredible amount of in-kind contributions towards the protection of forestland from fire.*

*These massive rate increases, coupled with historically high inflation, are placing undue stress on landowners across the district. In many cases, the cost of protection has already made it difficult for some landowners to make their acres pay for themselves, and the latest increase (largely in part to a 108% cost increase in Salem Fire Management and a 39% cost increase in Area Fire Management) will likely force many landowners to reevaluate their land use choices. Such decisions will ultimately fracture the complete and coordinated system of fire*



*protection.*

*Our appreciation for ODF at all levels goes beyond words, and the ELFPA Board of Directors has full trust and confidence in District Forester Cline's decisions to maintain an adequate level of service, so this letter is in no way a reflection of Mr. Cline, his staff, or the South Cascades district. Rather, our contention lies within the legislature. The "bait and switch" methodology of SB762, and the current Governor's Recommended Budget which fails to continue the GF match for SB762 positions, further reduces the ability of the Association Board of Directors to maintain an equitable level of oversight during the budgeting process. This is not only in direct conflict with the intent of ORS 477, but teeters on the verge of being in violation of the ELFPA protection agreement, leaving all of us frustrated and concerned for the trajectory of protection budgets.*

*We ask that you hear our concerns, and work to provide any assistance you can in securing SB762 offset funding without compromise, as well as work to pave the way to a more affordable and efficient system of fire protection.*

*Respectfully,  
Chase Kinion  
President - Eastern Lane Forest Protection Association*

EAST OREGON FOREST PROTECTION ASSOCIATION  
1919 JACKSON AVE  
LA GRANDE, OR 97850

Cal Mukumoto, State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

May 5, 2023

State Forester Mukumoto,

The EOFPA had their annual budget review meeting on April 25<sup>th</sup>. During that meeting the association considered the ODF wildfire budgets for the Northeast Oregon and Central Oregon districts. As a result of those considerations, the EOFPA could not approve the budgets and it was a unanimous decision.

This decision did not come easy. The EOFPA and the local ODF districts have a long-standing working relationship and have collaborated over the years to define and provide an adequate level of protection for landowners within the district. The association does not want to damage that relationship by not approving the budgets but ultimately could not overcome the exorbitant cost increase for fire protection as presented. A 34% timber and 58% grazing rate increase is unacceptable.

There are several budget items that are very hard for the landowners to accept.

- The loss of the landowner offset from SB 762 That funding was granted by the legislature to add additional capacity to fight wildfire for all Oregonians. The landowner offset was provided by the legislature so this added capacity would not be a burden but now the landowners are expected fund those increases.
- The pass-through costs have increased for the Area budget to \$450,896 and the Salem budget to \$2,175,378. This is an increase of over 21% and 108% respectively. The landowners pay half of these costs yet have no input on those budgets or no collaboration on the level of services provided.

These cost increases have become untenable for the landowners in Eastern Oregon. As these cost increases outpace the ability of the lands to generate revenue, these lands are shifting to non-traditional uses and are being developed to pay for the increases in protection. Working forests and ranches in Eastern Oregon are disappearing.

A funding solution needs to be found so that eastside landowners can support the protection budgets or they may be forced to look at alternative protection options. We urge you to work with the Governor and the Legislature to bring forth our concerns. Oregon needs to change how wildfire protection is funded. Wildfires are a problem for all Oregonians.

Regards,



Jered Schwabauer  
President EOFPA

# Klamath Forest Protective Association

PRINCIPAL PLACE OF BUSINESS

KLAMATH FALLS, OREGON

ORGANIZED TO PROMOTE COOPERATIVE FOREST PROTECTION

4\17\2023

**RE: The undersigned members of Klamath Forest Protective Association support the decision that the fiscal year 2024 Klamath Lake Fire Protection Budget should not be approved.**

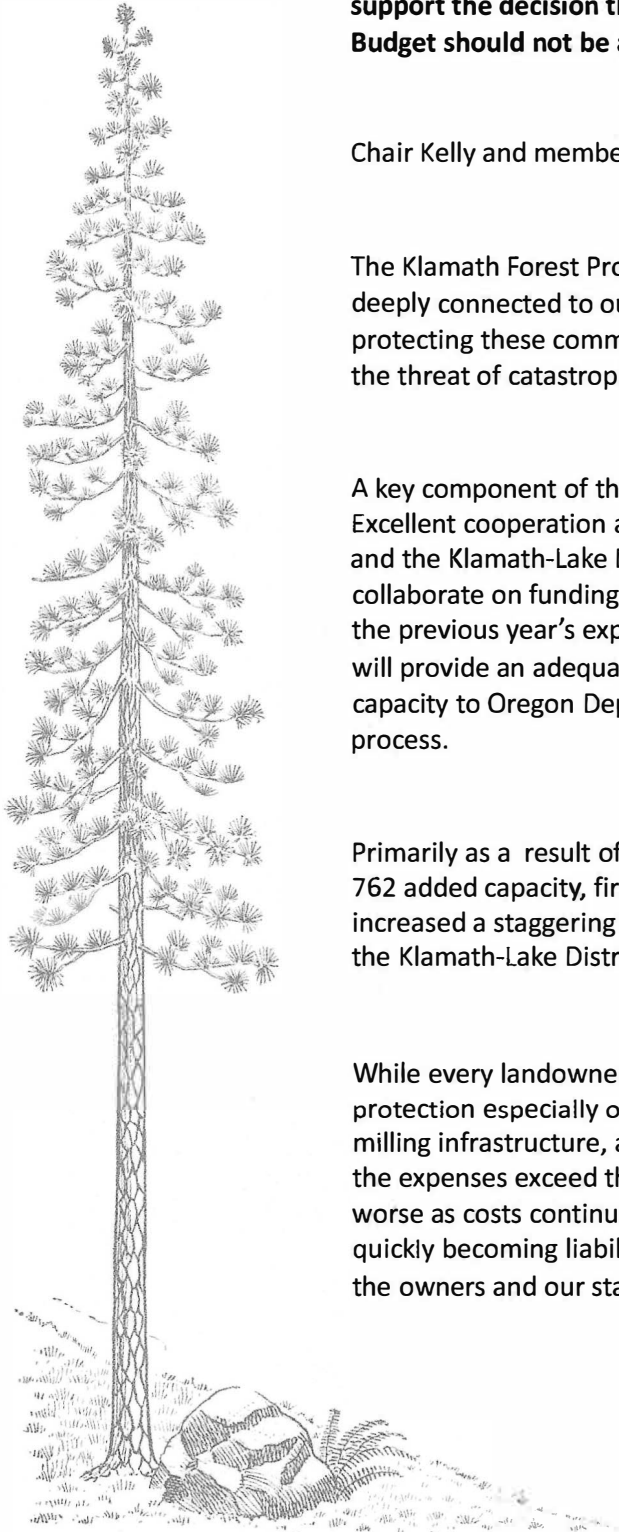
Chair Kelly and members of the Oregon State Board of Forestry:

The Klamath Forest Protective Association is a diverse group of stakeholders deeply connected to our communities. We are also deeply committed to protecting these communities and the working lands that surround them from the threat of catastrophic wildfire.

A key component of this commitment is keeping fire protection affordable. Excellent cooperation and understanding between the Protective Association and the Klamath-Lake District has been the hallmark of discussions as we collaborate on funding this unique fire protection system. Each year we review the previous year's expenses and develop a budget for the next fiscal year that will provide an adequate level of protection. As you know, SB 762 added capacity to Oregon Department of Forestry outside of the normal budgeting process.

Primarily as a result of the discontinuation of the General Fund offset for the SB 762 added capacity, fire protection rates for timberland owner rates have increased a staggering 33% and 45% for grazing land within the boundaries of the Klamath-Lake District.

While every landowner's situation is different, in most cases the cost of fire protection especially on the eastside with low productivity, limited logging and milling infrastructure, and high wildfire potential has created conditions where the expenses exceed the revenues. Looking ahead, this trajectory becomes worse as costs continue to mount. Our timberland and grazing assets are quickly becoming liabilities rather than the assets they could and should be for the owners and our state as a whole. If the policy of the State is to keep forests

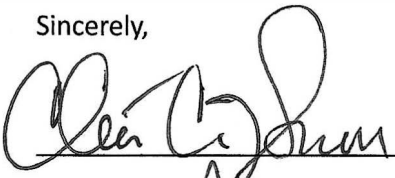
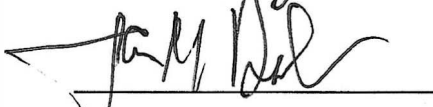


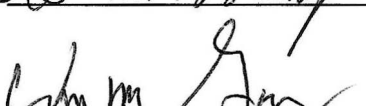
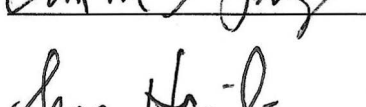











as forests and grazing lands as pasture, then there must be recognition that additional funding be made available now and on a permanent basis.

The Klamath-Lake District and the Protective Association have made tough choices this budget cycle in deciding to not fund needed maintenance projects and our motor pool. We are keenly aware that delaying maintenance will only cost us more down the road and that our motor pool dollars will buy less in the future. These options in budgeting are the few we have control over. The main budget drivers are out of our control.

To be crystal clear; our rejection of the FY 2024 fire protection budget does not in any way diminish our profound appreciation, respect and thanks for the outstanding work that Klamath-Lake District provides each and every year.

Sincerely,

|                                                                                     |                                             |                                              |
|-------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------|
|    | <u>Executive Director Timber Operations</u> | <u>Shanda</u>                                |
|   | <u>President</u>                            | <u>Klamath Forest Protective Association</u> |
|  | <u>President</u>                            | <u>Whiskey Creek Timber Co.</u>              |
|  | <u>Secretary Treasurer</u>                  | <u>Klamath Forest Protective Association</u> |
|  | <u>BOARD MEMBER</u>                         | <u>KFPA</u>                                  |
|  | <u>FORESTRY MANAGER</u>                     | <u>GREEN DIAMOND RESOURCE Co.</u>            |
|  | <u>Board Member</u>                         | <u>BAR G L Inc</u>                           |
|  | <u>Board member</u>                         | <u>KFPA</u>                                  |
|  | <u>Operating Manager</u>                    | <u>GTB, Inc &amp;</u>                        |
|  | <u>Member</u>                               | <u>Blue Camp Ranch LLC</u>                   |
|  | <u></u>                                     | <u></u>                                      |
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|  | <u></u>                                     | <u></u>                                      |



4690 Highway 20  
Sweet Home, Oregon 97386  
541-367-6108

4/25/2023

**President:**

**Eric Kranzush**

*Giustina Land & Timber Co*

**Vice President:**

**Caleb Brown**

*Frank timber Resources, Inc*

**Treasurer/Secretary:**

**Jill Bell**

*Weyerhaeuser Co*

**Directors:**

**Milt Moran**

*Cascade Timber Consulting, Inc.*

**Jeremy Norby**

*Giustina Resources*

**Scott Melcher**

*Melcher Family LLC*

**Christy Tye**

*Small Woodlands*

**Meghan Thornton**

*Campbell Global  
Franklin Clarkson Timber*

**Stacey Whaley**

*Linn County Parks*

**Randy Hereford**

*Starker Forests, Inc*

**Marty Suing**

**Marty and Tamara Suing**

**Advisory Directors:**

*ODF Area Director (SOA):*

**Dave Larson**

*Bureau of Land Mgt:*

**Dan Eddy (Salem)**

*US Forest Service:*

**Edward Hiatt**

*Army Corp of Engineers:*

**Wendy Jones**

*Oregon Forest*

*Industries Council:*

**Kyle Williams**

*Keep Oregon Green Association:*

**Kristin Babbs**

**ODF:**

*District Forester:*

**Chris Cline**

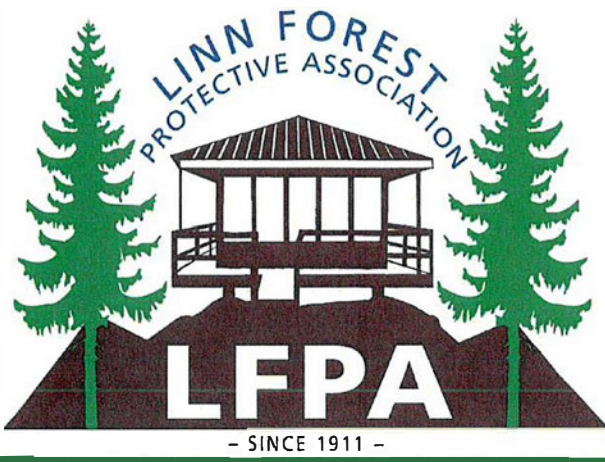
Chair Kelly and members of the Oregon State Board of Forestry,

In 2009, I signed a (reverse) agreement between the State Forester and the Linn Forest Protective Association (LFPA). The parties desired to enter into this cooperative agreement to enable the Association to provide adequate protection for its Membership Lands; to engage the Forester to furnish that adequate level of protection for Membership Lands as a function of the Agreement rather than by default pursuant to ORS 477.210(4) and to establish a collaborative decision-making process for matters that concern protection of the District from Fire.

In 2015, LFPA cooperated with South Cascade District leadership to complete a robust protection study to better define our adequate level of protection. As recommended in this external review, both parties mutually agreed to increase investment in personnel, services and supplies (S&S) and make enhancements to LFPA's motor pool to support additional personnel. I adamantly believe those additional investments in service level provided our members with an adequate level of protection, given South Cascade Districts historic successes in achieving 98% of fires equaling 10-acres or less (a department Key Performance Indicator). LFPA will continue to advocate for an adequate level of local protection that provides for the continued success of our professional firefighting staff, district leadership and support personnel (who contained 34 stat fires to 4.37 acres burned last season).

Unfortunately, recent legislative directives and department reorganization (MGO study) have further codified top-down budget mandates and forced acceptance of new budgeting processes. For example, 2023-2025 Agency Request Biennial Budget Policy Enhancement Package 111 sought \$14 million dollars in general fund for the purpose of offsetting potential increases in landowner forest patrol assessment under ORS 477.270 due to implementation of section 30a of SB762 (as previously supported in 2021-2023 Legislative Approved Budget POP 101). As you are aware, the Governor's Recommended Budget was developed without general fund offsets for SB762 expenses. If the Legislatively Approved Budget does not include General Fund offsets for SB762 expenses, our district will incur a massive budget transfer (rate increase), removing LFPA Board of Directors from their collaborative decision-making role in matters concerning protection of member lands from fire.

AGENDA ITEM 4  
Attachment 2  
Page 12 of 20



4690 Highway 20  
Sweet Home, Oregon 97386  
541-367-6108

**President:**

**Eric Kranzush**  
Giustina Land & Timber Co

**Vice President:**

**Caleb Brown**  
Frank timber Resources, Inc

**Treasurer/Secretary:**

**Jill Bell**  
Weyerhaeuser Co

**Directors:**

**Milt Moran**  
Cascade Timber Consulting, Inc.

**Jeremy Norby**  
Giustina Resources

**Scott Melcher**  
Melcher Family LLC

**Christy Tye**  
Small Woodlands

**Meghan Thornton**  
Campbell Global  
Franklin Clarkson Timber

**Stacey Whaley**  
Linn County Parks

**Randy Hereford**  
Starker Forests, Inc

**Marty Suing**  
Marty and Tamara Suing

**Advisory Directors:**  
ODF Area Director (SOA):  
**Dave Larson**

Bureau of Land Mgt:  
**Dan Eddy (Salem)**

US Forest Service:  
**Edward Hiatt**

Army Corp of Engineers:  
**Wendy Jones**

Oregon Forest  
Industries Council:  
**Kyle Williams**

Keep Oregon Green Association:  
**Kristin Babbs**

**ODF:**  
District Forester:  
**Chris Cline**

LFPA requests Board support in demanding the department reevaluate its budgetary process in areas beyond SB762 expenses, as well. Specifically, Area Director budget transfers (\$0.0672/acre) are a black box, not properly vetted or ever presented for review. The new statewide budgeting requirements for (5) daily deductibles does not reflect the historical fire regime or firefighting capacity of our district. Deficit spending in the Salem headquarter services budget for Governor mandated employee COVID relief including modifications to support a remote Salem workforce should not be included in our protection budget as they are administratively mandated expenses covered by the general fund in other state agencies. Again, these forced budget costs circumvent local decision-making capacity and challenge the spirit of our cooperative agreement.

LFPA Directors and local department staff have forged a strong relationship since we signed our reverse agreement in 2009. Through in-depth analysis of our level of protection we have modified our local firefighting capacity with changes in the environment, resulting in a local district achieving key agency protection goals. Our Board of Directors did vote to support our district base budget, but this vote only reflects our commitment to the excellent protection provided by our local professional firefighters and leadership. We remain deeply concerned about the trajectory of rate increases from Salem and Area budget transfers (outside of our control) and want to be clear that this is not equitable nor sustainable.

Respectfully,

Eric Kranzush  
President, Linn Forest Protective Association

**cc: Cal Mukumoto, State Forester**

April 19, 2023

Cal Mukumoto  
Oregon State Forester  
2600 State St.  
Salem, OR 97310

RE: FY 24 fire protection costs

Dear Mr. Mukumoto,

The North Cascades ODF District has the full support of landowners in the Clackamas-Marion Forest Protective Association (CMFPA). Their expertise and professionalism in the face of the ever-increasing wildfire threat is deeply appreciated, as is their dedication to continuing to provide this service in the most cost-effective manner possible.

However, I am also writing to you to express our deep concerns about the unsustainable level and trajectory of costs of maintaining fire protection through ODF. Private landowner fire protection rates in the CMFPA are increasing an incredible 36% in FY 24, leading the CMFPA Budget Committee to disapprove the FY 24 fire protection budget.

Of particular concern is the loss of \$15 million in the General Fund to continue additional fire-fighting capacity at ODF. These positions were created to help solve a problem that affects all Oregonians and it was intended, through SB 762, that all Oregonians would invest in this effort. The failure to continue to fund these positions as originally intended places these costs squarely on the shoulders of landowners who did not choose to fund these positions through the normal District process of engaging local input.

The Budget Committee noted additional concerns when reviewing the North Cascades budget. For example, the loss of the Santiam Compound during the Labor Day fires of 2020 has led ODF to rent office space at a rate of \$10,000 per month. This significant cost is being passed on to landowners for 5-8 years while ODF conducts scoping for a new facility. Also, similar to the increase in the per acre protection rate, motor pool costs through Department of Administrative Services have increased more than 36% year over year. It is frustrating that landowners have not been given a voice in these costs and yet are forced to incur them.

The CMFPA represents landowners ranging in size from a few acres to hundreds of thousands of acres. The spiraling cost of fire protection may cause some landowners, large and small, to come to the difficult conclusion that this budgetary impact is unaffordable. The current complete and coordinated fire protection system is at risk of fracture if strained landowners pull out. This would certainly lead to a cascading effect in which per acre costs increase yet again and additional landowners find alternative methods of controlling wildfire.

We would like to reiterate our sincere appreciation, support, and respect for the work that the North Cascades District does on the ground in controlling wildfire and keeping fires small. Our close relationship is an incredible strength across the District. However, we can no longer approve of the cost of the base level of fire protection. We urge your attention to a fair and equitable level of fire protection at a sustainable cost that allows working lands to be kept as working lands.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Crawford".

Jim Crawford  
President, Clackamas-Marion Forest Protective Association

# ROGUE FOREST PROTECTIVE ASSOCIATION

5286 Table Rock Road Central Point OR, 97502  
(541) 664-3328 FAX (541) 664-4340

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><u>Officers:</u></p> <p><u>President:</u><br/>Mikaela Gosney</p> <p><u>Vice President:</u><br/>Darin McMichael</p> <p><u>Sec.-Treas.:</u><br/>Mike Meredith</p> <p><u>Directors:</u><br/>Mike Backen<br/>Ed Fallon<br/>Mikaela Gosney<br/>Todd Marthoski<br/>Greg Tyler<br/>Susan Kendle<br/>Justin Kostick<br/>Whitney Henneman<br/>Mike Meredith<br/>Dave Streeter<br/>Tom Young<br/>Mike Riley</p> <p><u>Advisory Directors:</u><br/>Kristin Babbs<br/>Dan Quinones<br/>Dave Larson<br/>David Schott<br/>Chris Glode<br/>Kyle Williams</p> <p><u>District Forester</u><br/>Tyler McCarty</p> <p><u>Members:</u><br/>Bureau of Land Mgt.<br/>Chinook Forest Mgt.<br/>FWS Forestry<br/>Green Diamond<br/>Manulife Investment Mgt.<br/>Josephine Co. Forestry<br/>Lone Rock Timber Co.<br/>Miller Ranch<br/>Murphy Timber Invest.<br/>Silver Butte Timber Co.<br/>Siskiyou Cascade Group<br/>Snowy Butte Timberlands<br/>Stanley Ranch</p> <p><u>Members of:</u><br/>Keep Oregon Green<br/>OFIC Protection<br/>Committee</p> | <p>May 12, 2023</p> <p>Cal Mukumoto<br/>State Forester<br/>Oregon Department of Forestry<br/>2600 State Street<br/>Salem, OR 97310</p> <p>Dear Mr. Mukumoto,</p> <p>The Rogue Forest Protective Association (RFPA) Board of Directors has met to review the 2024 Protection Budget for the Oregon Department of Forestry Southwest Oregon District, serving Jackson and Josephine counties. While the board is appreciative of the district’s protection standards and service to southern Oregon, we regretfully cannot approve the budget, given the historical increase of 93 cents for timber and 81 cents for grazing. While the district consistently provides an adequate level of protection, we believe the funding mechanism itself is outdated, flawed, and requires a statewide review.</p> <p>The fiscal year 2024 budget for the Southwest Oregon District presents numerous challenges that originated outside the district’s purview, including <b>necessary added capacity</b>. Senate Bill 762 added capacity to the district in a one-time general fund offset that now contributes to our Current Service Level (CSL). This is a \$408,545.00 increase. The <b>Salem and Area Fire Management</b> costs are another huge additional adjustment. Salem Protection Division increased by \$525,185 (up 107%) and Area Fire increased by \$34,664.00 (up 38%). Lastly, <b>inflation</b> and the Consumer Price Index (CPI) is causing another substantial increase. The average CPI for 2022 was 6.5%, and in 2021, the average CPI was 7%. Not including inflation, these adjustments total <b>\$968,394.00</b> that the landowners of Jackson and Josephine Counties are being asked to pick up.</p> <p>The ODF Southwest Oregon District carries approximately one-third of all ODF fires across the state of Oregon. As detailed in ORS Chapter 477, the Oregon Department of Forestry is charged with providing an adequate level of fire protection to private lands. Therefore, covering the SB762 offset non-negotiable; this one-time funding allowed the district to add positions that brought it closer to the staffing levels it has needed for decades now. To maintain the district’s adequate level of protection, it’s clear the added positions are necessary, however, the RFPA Board of Directors largely feel that funding should have been continued, rather than placed on the landowners. Southern Oregon is extremely fire-prone, and going backwards on fire protection and personnel is out of the question.</p> <p>The RFPA Board of Directors cannot dictate or decline the costs of Salem and Area protection. With the current pro-rate of a 50/50 landowner/General Fund split for Timber and Grazing land within the district (477.230), the Board of Directors find that these costs do not meet the intent of ORS 477.230 (a),(b). Finally, while inflation costs are to be expected, the additional flux on top of the historic increases during these economic times is tremendous.</p> <p>The RFPA Board of Directors urges you to address the funding model of ODF and fire protection across the state and consider a more equitable solution. This rate of increase is unsustainable for the landowners of southern Oregon. The ODF Southwest Oregon District</p> |
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serves its communities well, and while the RFPA Board of Directors support their efforts, we regretfully cannot support these added costs, especially the large portion that does not support this district and the landowners it serves.

Respectfully submitted,

*Mikaela Gosney*

Mikaela Gosney, President  
Rogue Forest Protective Association

Keith Little  
President

Theresa Cliff  
Vice President

Chris Johnson  
Treasurer

R.D. Buehl  
Secretary  
District Manager

## Walker Range Forest Protective Association

### BOARD OF DIRECTORS

Darren Frank - Member at Large  
RFM Investments - Mary Jo Hedrick  
Dennis Lee - ODF Klamath  
Bill Scally - Member at large  
Kerry Lackey - Member at large  
Steve Tallman - Gilchrist Forest Products



### HEADQUARTERS

Physical Address  
135393 Highway 97 N  
Crescent, Oregon 97733

Mail  
P.O. Box 665  
Gilchrist, Oregon 97737  
O: 541.433.2451  
F: 541.433.2215  
walkerrange.org

Celebrating 96 Years

Excellence      Service      Pride

April 28, 2023

Cal Mukumoto  
State Forester  
Oregon Department of Forestry

Cal:

Walker Range Forest Protective Association Board of Directors approves FY2024 budget with reservation. We the Board approve and support the budget increases towards Walker Range's adequate levels of protection. The Walker Range Board will approve the Fiscal Year 2024 protection budget but respectively request that our State Forester take aggressive action to adjust the pro-rated assessment within the budget for ODF costs.

It is a concern that if this funding model is not adjusted, we fear landowners will not be able to support any adequate levels of protection, statewide.

Thank you for your consideration,

A handwritten signature in black ink that reads "Keith Little".

Keith Little, President

Walker Range Forest Protective Association



## **WESTERN LANE FOREST PROTECTIVE ASS'N.**

87950 TERRITORIAL ROAD

VENETA, OREGON 97487-0157

April 26, 2023

State Forester Cal Mukumoto  
Chair Kelly and Members of the Oregon State Board of Forestry  
2600 State Street  
Salem, OR 97310

For over 48 years the Western Lane Forest Protection Association has worked in collaboration with the Western Lane Oregon Department of Forestry to provide fire protection on 781,000 acres. Our association is made up of various sizes of land ownership, from small woodlands to large industrial. These forests provide key economic, environmental, and recreational values to surrounding communities. Our local ODF district has provided an exceptional level of fire protection for years and continues to cultivate a highly valued partnership with our association. The 2023/2024 increased budget rate spike has raised concerns within our board and various landowner entities. Much of the conversation focused on the question: How do forest landowners who are managing for timber sustainably continue to do business with such increasing costs? Also voiced at the budget meeting was frustration of how to truly provide input from the district budget to Salem regarding how the budget is decided. Recently our association voted 6-3 on approval of the 2023/2024 district budget after years of unanimous approval, with many of the 'yes' votes coming with contention.

Our association would like to voice our concern with the rate hikes pertaining to additional Salem and Senate Bill 762 ongoing costs. Small woodland representatives are greatly concerned that the cost of doing business and providing an 'adequate level of protection' is potentially becoming unaffordable. Larger landowners share the same sentiment. Additionally, Western Lane association has been strategically planning for a much needed compound update (many of the buildings are unusable). The board is concerned that we will have to look at cutting back or delaying much needed improvements and also potentially delaying future engine builds. These investments are needed to maintain quick response times and an adequate level of fire protection as required in ORS 477. It is our association's understanding that Senate Bill 762 was a bipartisan agreement to help bolster state fire protection through the state-wide general fund, recognizing that fire impacts Oregon and its communities as a whole. Passing on these additional costs to landowners without input from the general fund is beginning to strain many landowners.

Another point of angst within our association is the increased limitation of our ability to provide budget input. It seems Salem has begun to shift from budget recommendations to requirements. This limits our association's ability to manage our carryover and invest in needed improvements as discussed above. It also strains the collaborative nature of protection agreements. At the local level, we have successfully budgeted for years without overspending. We ask that Salem move back towards recommendations on certain expenditures, such as planned fire deductibles, so we can continue to use our local knowledge and ODF professionals for responsible budgeting.

We value our working relationship with Salem and the level of service we receive from Western Lane ODF. Our Western Lane association will continue to work in collaboration with ODF to provide an adequate level of protection for our timberlands and communities. We ask the chair and board to explore any and all available options for relieving the financial burden on our landowners and to maintain an open budgeting dialogue.

Thank you for your time consideration,

A handwritten signature in black ink, appearing to read "Lindsay Reaves". The signature is fluid and cursive, with a large loop at the end.

Lindsay Reaves

President- Western Lane Forest Protection Association

CC: Ole Buch, Western Lane District Forester

14 April 2023

Mr. Jim Kelly, Chair  
Oregon Board of Forestry  
2600 State Street  
Salem, OR 97310

Chair Kelly and Members of the Board of Forestry,

The Board of Directors of the West Oregon Forest Protective Association would like to share with you several concerns as we submit our approved budget for fire protection on the West Oregon District for FY 2024. Our budget was approved in a non-unanimous vote as we wrestled with the amount and nature of the increases in the budget. The whole board, whether voting to approve the budget or not, shares a common set of concerns this year that we want to summarize.

As you are aware, moving from FY 2023 to FY 2024, forest landowners across the state are experiencing the largest ever year-over-year rate increases for fire protection. As we look at sources of the increase, we have three main concerns:

1. The loss of local control in setting protection budgets, primarily in increases driven by the additional capacity of Senate Bill 762 and the loss of the general fund offset for landowners. Forest landowners were not consulted on all the types and costs of additional protection in SB 762 and now bear the burden of the increases with the removal of the offset. Another example is forcing associations to budget a formula-driven number of per-fire per-day deductibles even when the formula does not match the historical trend in deductibles expended.
2. The singling-out of forest landowners to bear extra financial burden from the additional capacity; no other constituency was tapped this way. SB 762 correctly recognized that wildfire is a problem for all Oregonians and added capacity to 9 state agencies, all of which are entirely funded by the general fund, except the Department of Forestry's increases, which forest landowners now share in.
3. The drastic rate increases threaten the sustainability of family and working timberland ownerships, especially when coupled with the increased costs associated with implementing the Private Forest Accord. To keep these forests thriving and well-managed, they must also be kept financially viable.

Despite these concerns, we want to affirm and highlight our working relationship with the staff of ODF in the West Oregon District, led by Michael Curran, and the level of protection they provide. WOD staff are dedicated to providing excellent service, communication, and responsiveness and truly understand the nature of Oregon's Complete and Coordinated System.

We also see opportunity for you, the board to advocate for landowners in discussions concerning sustainable funding for Oregon's wildland fire fighting system and ask you to help in any way possible. Thank you for taking time to consider our concerns.

Respectfully,

The Board of Directors of the West Oregon Forest Protective Association

April 27, 2023

Oregon Department of Forestry  
3501 NE Third Street  
Prineville, Oregon 97754

ATTN: State Forester

Enough is enough! This system is broken.

The cost of fire protection paid by producers/landowners 50 years ago has expanded far beyond what landowners can afford today.

The general public's expectations for increased capacity should be paid by the general public.

Thank you.



Leonard P. (Archie) Osburn  
42018 Deer Creek Road  
Monument, Oregon 97864  
*LPOsburn@gmail.com*

**May 2, 2023**

**RE: Oregon Department of Forestry, Central Oregon District-Fiscal Year 2024 Proposed Budget**

**Rob Pentzer, District Forester, Chair Kelly and Members of the Oregon State Board of Forestry**

My wife and I own 213 acres (a mix for Timber and Grazing Assessments) near Dufur. Oregon protected by the Central Oregon District- ODF.

As you well know, the Governor's Recommended Budget (GRB), for the Oregon Department of Forestry (ODF), does not continue the 15 million dollars of General Fund contributions allocated to ODF as a result of SB-762 to offset landowner rate increases for the implementation of SB-762. As a result the GRB shifts the 15 million dollars and other SB-762 costs to private landowners such as ourselves.

The net effect of this shift is an increase of \$898,669 to COD Budget for FY2024. This shift to landowners in Central Oregon District (COD), results in a 34% cost increase for Timber acres and a 87% cost increase for Grazing acres as compared to FY 2023.

A sad irony of this SB-762 increase (some \$629,221), is the pass down from Salem ODF and Eastern Oregon Area ODF which in my view do not contribute to day to day COD boots on the ground wildland fire prevention or suppression. In other words no direct increase in landowner services, just a higher increase in assessment to cover the SB-762 gap created by the GRB. Speaking for landowners such as ourselves, this "Bait and Switch" is unacceptable.

SB-762 had ambitious and needed goals for Oregon, ODF and other Agencies after the fires of 2020. General Funding made sense, since all Oregonians are impacted by wildfires. Immediate rectification of this funding situation is necessary.

Landowner rates have risen nearly 90% in Central Oregon District since FY2015. ODF fire protection is critical but fast becoming impractical from a cost perspective.

Not only immediate rectification of the 15 million dollar shift is necessary, but also a total revamping of ODFs fire protection funding and budgeting mechanisms for the future is necessary. No other state in the country places such a financial burden directly on landowners. We need to pay our fair share of the direct services provided, but not suffer from the political funding "hot potato" created by SB-762, etc.

Many landowners are unaware of this 15 million dollar shift and will only realize the impacts when taxes are due this Fall. Owning forestland in eastern Oregon is becoming an Albatross from a financial perspective, despite the habitat, clean air, watershed resources and social-environmental-economic resources the lands provide.

ODF-Central Oregon District is critical should a wildland fire occur on/or near our Ranch... like so many other landowners we can't pencil out this increase and direct shift. Again, the effects are unacceptable.

Thank for considering this input and I look forward to your resolution of this issue.



**Bill Hunt**

**Bella Valley Ranch  
80560 S. Valley Rd.  
Dufur, Oregon 97021**



State Forester  
3501 NE 3<sup>rd</sup> Street  
Prineville, OR 97754

April 19, 2023

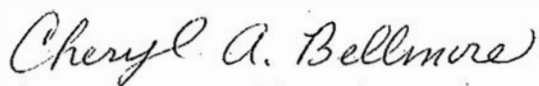
Dear Sir:

Recently I received information that reveals a proposed budget plan to raise rates for fire protection by ODF beginning in 2024. We own 72 acres outside of Mount Vernon, Oregon. We are classified as "timber" and our rates would increase from \$2.21 to \$3.03. I want you to know that I am **OPPOSED TO THIS RATE INCREASE FOR LANDOWNERS** and urge you to **VOTE NO** on this budget item at the Board meeting on May 2.

Every year we have seen increases in our insurance rates, taxes, and our cost of living in a small, fairly remote small town. As seniors these cost increases can be difficult. We have spent thousands of dollars and hundreds of hours thinning trees and clearing debris to make our land and home less susceptible to fire. As resident leader for our Upper Laycock Creek Road Firewise community, we work closely with ODF and the Malheur National Forest employees to promote the idea of creating and maintaining defensible space. Several of our Firewise members have taken advantage of the grants available through ODF for this purpose. We are the best stewards of the land. With all of the rising costs of owning and maintaining large properties, I am very concerned about the future. It would be a shame to see folks having to sell or sub-divide because they cannot afford their land.

As the saying goes "fire knows no boundaries". If there is a fire, we are all at risk. A major fire in our area would not only affect landowners, but also the national forest to which we are adjacent. The loss of timber assets will affect the local economy. I feel that as a private landowner, I should not have to bear the increased cost of fire protection, as it affects everyone. Please **VOTE NO** on the proposed budget increase!

Sincerely,



Cheryl A. Bellmore  
24516 Laycock Creek Road/P O Box 607  
Mount Vernon, OR 97865

May 8, 2023

Rob Pentzer  
District Forester  
Prineville, OR

RE: Oregon Department of Forestry Central Oregon District proposed budget for 2024

After reviewing the information presented at the budget meetings this Spring I would like to provide comments regarding the proposed 2024 fire protection budget for the Central Oregon District (COD) and the Oregon Department of Forestry. As proposed, the forest landowners in the Central Oregon District will bear a significant increase in the assessed fire protection rate which is substantially higher due increased fire administration expenditures created by SB-762. While the State provided state general fund support prior to this year for the SB-762 measures current administration feels it is unnecessary for the general fund to continue that support.

For the Central Oregon District the increases passed down with the Governor's Recommended Budget is nearly \$900,000. The worst part of this is the increases will not support actual personnel and equipment like dozers on the ground but focuses more on overhead and support resources. To cause such a substantial increase in cost with no real meaningful effect on ground resources has no benefit to Hood River County and the 34,500 acre forest they manage.

While SB-762 had Oregon's public in mind after the fires of 2020, it is completely unfair that landowners and Hood River County bear this level of the public's burden when it comes to wildfire protection. In Hood River County's case, the County actively manages the County Forest through the sale of timber to help fund the public services the County provides. In addition, the County Forest provides some of the best recreational opportunities in the state with the popular trail system while also providing quality fish and wildlife habitat, all values the Oregon Public support. Due to our management and increased access, fire suppression ability by the state is greatly enhanced. Yet, in contrast, Hood River County is saddled with an antiquated fire protection billing system which makes public forest landowners pay double the rate private landowners pay. This needs to be corrected and changed.

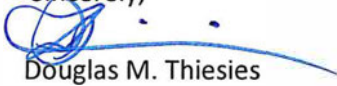
Oregon has placed the burden of providing many social-economic and natural resource benefits on forest landowners while charging extreme rates for fire protection, even double for Hood River County. It is time to rework the system for all the public to share in provision of the benefits so often demanded by the public, not just having forest landowners pay for fire protection in Oregon.

In closing, if the COD proposed budget is passed as presented for 2024, Hood River County will be absorbing a whopping 62% estimated increase in fire protection in only 5 years! This ignores the

disparity that public landowners including Hood River County also pay double what private landowners pay, despite providing an immense public benefit through the intensive public use of County Forestland.

I urge the Oregon Department of Forestry and State leadership to provide short term and long term funding assistance while finding an equitable solution for effective fire protection in Oregon. This is something all Oregonians will support.

Sincerely,



Douglas M. Thiesies  
Forestry Director  
Hood River County  
541-387-6888

EAST OREGON FOREST PROTECTION ASSOCIATION  
1919 JACKSON AVE  
LA GRANDE, OR 97850

Cal Mukumoto, State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

May 5, 2023

State Forester Mukumoto,

The EOFPA had their annual budget review meeting on April 25<sup>th</sup>. During that meeting the association considered the ODF wildfire budgets for the Northeast Oregon and Central Oregon districts. As a result of those considerations, the EOFPA could not approve the budgets and it was a unanimous decision.

This decision did not come easy. The EOFPA and the local ODF districts have a long-standing working relationship and have collaborated over the years to define and provide an adequate level of protection for landowners within the district. The association does not want to damage that relationship by not approving the budgets but ultimately could not overcome the exorbitant cost increase for fire protection as presented. A 34% timber and 58% grazing rate increase is unacceptable.

There are several budget items that are very hard for the landowners to accept.

- The loss of the landowner offset from SB 762 That funding was granted by the legislature to add additional capacity to fight wildfire for all Oregonians. The landowner offset was provided by the legislature so this added capacity would not be a burden but now the landowners are expected fund those increases.
- The pass-through costs have increased for the Area budget to \$450,896 and the Salem budget to \$2,175,378. This is an increase of over 21% and 108% respectively. The landowners pay half of these costs yet have no input on those budgets or no collaboration on the level of services provided.

These cost increases have become untenable for the landowners in Eastern Oregon. As these cost increases outpace the ability of the lands to generate revenue, these lands are shifting to non-traditional uses and are being developed to pay for the increases in protection. Working forests and ranches in Eastern Oregon are disappearing.

A funding solution needs to be found so that eastside landowners can support the protection budgets or they may be forced to look at alternative protection options. We urge you to work with the Governor and the Legislature to bring forth our concerns. Oregon needs to change how wildfire protection is funded. Wildfires are a problem for all Oregonians.

Regards,



Jered Schwabauer  
President EOFPA



92 Office Road, Suite B  
Underwood, WA 98651

## 2023-24 COD Fire Budget

Dear Kristin,

Green Diamond manages timberland for Twin Creeks Timber in The Dalles Unit. We are very concerned with the recent ODF fire budget that was presented this spring. In particular, the 'timber' rate going up \$.82/acre (from \$2.21 /acre to \$3.03/acre) leads to an approximate \$37,000 increase in our forest management fees in The Dalles Unit. This amount would be enough for Green Diamond to keep our own Type 6 Engine staffed with 2 firefighters from June to October. As a voting member of the Central Oregon District, I chose to vote 'No' to the proposed budget this spring. This was my first No vote in 6-plus years. I strongly support the Mission and People of ODF. However, the political and financial realities of this situation is backing many Private landowners into a corner. As you are aware, Eastern Oregon has limited timber markets (especially for Ponderosa Pine) and the forest productivity rates are much lower than the West side of the Cascades.

We understand that the current increase is largely due to SB 762. This bill was originally funded through the Oregon General Fund, but now half the added capacity it created will be paid for by Private landowners. SB 762 mandates 17 new 'management' type positions be created in Salem.

My primary concerns and questions regarding the proposed budget are as follows:

- Will these new Management positions lead to a truly more effective fire fighting regiment? In my opinion, the answer is clearly no.
- Will the new SB 762 positions lead to long-term, sustainable forest management that actually reduces wildfire risk in the next 5 years? Only time will tell. The land scape-scale impacts of small forest landowner fuels reduction, as opposed to large Public land projects or large swaths of Industrial lands makes the resource allocation calculation difficult to justify.
- ODF fire fighters respond to wildland fires on all lands – State, Federal, Large Industrial, and Small Private. The "good catches", or fires that are kept small before they become large conflagrations are rarely talked about in the media. However, I know first hand that most wild land fires are caught when they are small and that the ODF has an extremely efficient & effective team of responders and apparatus. These 'good catches' benefit ALL OREGONIANS, not just those who pay into the Fire Protection Associations (FPAs). Therefore I believe that ALL OREGONIANS should help shoulder the added cost burden of SB 762.
- We deserve a better long term solution. Governor Brown's 'Wild land fire task Force' had a team devoted to creating a more permanent, equitable wildland fire funding model. Unfortunately the team's preferred solution was not implemented before Governor Kotek was elected. The TIME IS NOW for strong leadership toward a permanent fire funding fix for Oregon forests. The lands that have helped sustain the current FPA model contribute clean air, clean water, wildlife habitat, forest products, and recreation opportunities for ALL OREGONIANS. There are many other successful models of fire funding across the western US and Canada to consider. We need a permanent fix. In the meantime, it simply is not fair to force Private land managers to pay for SB 762.
- The proposed fee increase will force some landowners to consider selling their working ranch and timber lands. Forest productivity rates in Eastern Oregon are low. The annual rainfall is low and soils tend to be poor for timber production. In many remote locations the price of Ponderosa Pine sawlogs cannot overcome the combined cost of Logging and Hauling forest products to the nearest saw mill, which may be hundreds of miles away. If you look at historic trends of both Pine



92 Office Road, Suite B  
Underwood, WA 98651

log prices and beef, it's a fact that these commodity prices have gone down over time in 'real' terms (accounting for inflation and fuel prices). Therefore, many private landowners feel pressured to sell their working forest or ranch land to the highest bidder. Often this means an absentee 'Recreational' owner, who will not allow Public access and will not manage lands to produce forest products. This trend is already happening quickly in places like Montana. Generally, recreational land managers do not manage forests towards lower tree density and healthy stands of timber. As conversion occurs across western US landscapes, the increased built environment (houses, roads, and outbuildings) contributes to a higher fire ignition rate and more complex fire fighting operations.

Do we want to facilitate that type of land management conversion in Eastern Oregon? I believe most Oregonians would answer a resounding 'No'.

Our EOFPA votes are simply an indication of where we stand on a position related to the proposed budget. It is a symbolic vote only. Green Diamond supports the ODF. However, the time has come for change and a new way to fund the mandate that came with SB 762. That is why I chose to vote No to this year's proposed budget. Thank you for considering these comments.

Jeremy Grose

Senior Forester, Green Diamond Management Co

08 May 2023

Re: ODF Budget Comment

Thank you for the opportunity to offer comment regarding the 2024 ODF/COD budget.

We own a very small amount of timber property. However, it is ours, and we use it for many purposes, none of which brings in any money but is productive, maintains the health of the timber, and is of good use for the land.

We have lived in this district for 40 years, are now retired and on a fixed income.

I am certain there are others in our situation. It would seem ODF wants to assess us right out of land ownership. In the last four years, our assessment taxes have increased by 17% with the assessments increasing from \$1.96 to \$2.29 per acre. At first glance, it seems trivial. It isn't. Not when you look further into what these taxes fund.

Yes, to those of you dealing in the millions of dollars, this seems a paltry amount. We see it as a pattern. A pattern that some day may mean we have to sell land that has been in our family for four generations, and for what purpose? While larger timber property owners may have hundreds of thousands of dollars at stake, our small amount is just as important to us.

Please do what the rest of us have had to do. Tighten your belts, make do, and think outside the box. We do not have the solutions, but we know, with great thought and purpose of mind, you will find them.

Mike & Hester Keys  
38633 Richmond Road  
Spray, OR 97874





Ian Fladoos  
35400 SE Buena Vista Street  
Sandy, OR 97055  
May 4<sup>th</sup>, 2023

To Whom It May Concern:

My name is Ian Fladoos and I am a proud, born and raised Oregonian who enjoys everything this State has to offer. My family enjoys everything from a nice dinner and riverwalk in downtown Portland to foraging for mushrooms, hiking, biking, and all indoor/outdoor activities. My family and I are proud of this State and hope through open dialog and transparent communication, we can help all members of our communities.

The topic I am addressing today has to do with the global problem of the increasing occurrences of wildfires and the way we handle funding to protect our forests, wildlife, people, and communities.

**Scope of the Problem:**

- Wildfires negatively impact **ALL** Oregonians. From the quality of the air that has health implications, like lung disease, dizziness, headaches, and allergies to school closures, sports closures, and overall deterioration of our quality of life during peak fire season including clean water, erosion, visibility, landslides and much more.
- Global warming is a problem that everyone must collaborate on and address together.
- All Oregonians enjoy our wilderness, parks, and outdoor activities. Forcing only Farmers and Ranchers to pay 50% of the costs associated with firefighting is an unfair business practice and tax.
- All Oregon residents should help contribute to the cause and we should not be singling out one group over another.
- The increased taxes on private landowners are unsustainable. There is a proposed 209% increase from FY22 to FY24 just for the Oregon Department of Forestry fees on private grazing land.
  - o This is not acceptable by anyone's terms.
    - Example: If you own a \$500,000 home and the State came to your family and said your property tax is being increased from 1.5% to 3.14% (an increase of \$8,200). How would this make you feel? This is exactly what is taking place today relative to the increased taxes to private ranchers and farmers for the Oregon Department of Forestry.
- The new Senate Bill 762 was established for all Oregonians, but 50% is being paid for by a small group of Farmers and Ranchers as there were no general funds set aside for this year or subsequent years.

Today, I will focus on two bills that must change. We must discuss how they are being funded and implemented as well as who is responsible to help pay for and protect our health, communities, environment, personal property, generational farming, and local jobs.

**The Oregon Forest Land Protection Fund (OFLPF):**

- Unfortunately, this is an antiquated agreement that was established long ago. OFLPF is now being used to weaponize the increased fire associated costs to private landowners that the ODF is incurring due to new regulations set forth by Senate Bill 762.

- Oregon is an outlier compared to all other States in the USA.
- No other State forces Farmers and Ranchers to cover 50% of the firefighting and fire prevention costs.
- The Oregon Department of Forestry has proposed a 209% increase in taxes/fees to landowners between FY22 and FY24.
- The original intent of OFLPF has been forgotten and is now being used to cover increasing costs that instead should be subsidized by our State and general funds or through some other means.
- In Oregon, most fires are caused by lightning strikes on Federal lands, yet private landowners are being forced through excessive taxation to cover a substantial deficit in ODF funds because of SB 762.
- Private landowners and ODF cannot (any longer) fund 100% of the annual costs to fight or try and prevent fires.

**Senate Bill 762 (SB 762):**

- The intent of this bill was great. All Oregonians want clean air, healthy forests, and abundant wildlife. This means all Oregonians should help subsidize the costs associated with SB 762
- However, this newly introduced bill is now unintentionally increasing taxes and forcing farmers and ranchers to cover the lack of funding necessary to achieve the goals and original intent of SB 762.
- SB 762 was intended to be State funded and last year the general fund offset a debt of \$15 million. Going forward, this debt is being directly extended to Farmers and Ranchers who are not the only people who benefit from the positivity coming from SB 762. Others need to pay their fair share, or this bill needs to find other ways to be subsidized.
- Where is the funding coming from for the subsequent years? Without this offset being approved in FY24 (and beyond), landowners will not be able to sustain their livelihood and may lose generations of history and family farms/ranches.
- How is it fair to revert and force Ranchers and Farmers to cover 50% of the costs that State Bill 762 forced on ODF?
- ODF is left with no way to pay for the increased costs from SB 762.
- Due to SB 762, ODF has resorted to extending their over budget operations to an archaic, unprecedented agreement (OFLPF) established in the 1970's.

**Personal Implications to the excessive taxes from ODF, OFLPF and the Salem Protection Admin Rate:**

- I own 2,478.24 acres near Mt Vernon Oregon.
- My land is mainly grazing acres.
- I currently pay 78% of my total property taxes to the Oregon Department of Forestry (ODF) for fire services. 78% of my total property tax is an excessive expense for fire services.
- The proposed ODF tax increase for grazing acres of 209% from FY22 to FY24 is an unfair tax and burden to put on anyone, let alone Farmers and Ranchers for services that all Oregonians benefit from (SB 762).
- This 209% rate increase over 2 years does not include:
  - o \$.075 OFLPF rate hike.
  - o \$0.745 Salem Protection Admin rate hike.
- All these unwarranted tax increases equate to nearly \$10,000 of personal tax increases over a short two-year period.

I urge all of us to find a solution to these staggering numbers that will debilitate Oregon Ranchers and Farmers. There is no end in sight to these unfair tax increases and it seems that people think it is ok to allow ODF to abruptly pass these expenses to landowners.

**Near Term Request:**

- Please immediately reinstate the \$15 million landowner offset from the General Fund to prevent these excessive taxes. Many families are living paycheck to paycheck, nobody should have their taxes raised by 209% over a two-year period let alone a lifetime.

**Long Term Solutions:**

- Remove or revise the Oregon Forest Land Protection Fund (OFLPF).
  - o The is an antiquated approach to managing our Federal, State, and Private lands for fire protection.
    - Research bordering States and develop a new plan that is fair for private Farmers and Ranchers and develop an approach to contribute to fire protection may be reasonable.
    - A small price per acre fee may be reasonable.
- Revise State Bill 762 and establish a new funding approach.
  - o SB 762 was established for all Oregonians to benefit from. It helps protect our forests, wildlife, people, and communities.
    - All Oregonians (not just Farmers and Ranchers) should contribute to the expenses in protecting our Forests. A minimal tax on all wage earners may be reasonable.
    - Establishing a permanent solution to apply General Funds to pay for the parameters and requirements contained in SB 762 is reasonable.
    - Lean on our state representatives, Governor, Senator for lobbying our federal government to help subsidize our fire protection services contained in SB 762 is reasonable.

**Sincerely,**

**Ian Fladoos**

State Forester  
3501 NE 3<sup>rd</sup> Street  
Prineville, OR 97754  
April 19, 2023

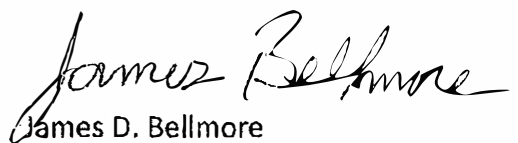
Dear Sir:

It has come to my attention that a rate increase for private landowners for fire protection is being considered by the ODF budget Board. As the owner of 72 acres outside of Mount Vernón, Oregon, we are classified as "timber" and our rates would increase from \$2.21 to \$3.03. I am **OPPOSED TO THIS RATE INCREASE FOR LANDOWNERS** and urge you to **VOTE NO** on this budget item at the Board meeting on May 2.

Private landowners should not be penalized for owning land under ODF protection. The Legislature should find a way to fund any additional cost in "increase in overall wildfire response capacity" mandated by Senate Bill 762. A fire in our area affects everyone and in turn the local economy, as we saw in 2015 with the Canyon Creek Complex fire destroying **110,262** acres caused by lightning. No lives were lost, but the Canyon Creek fire destroyed more private property than any Oregon wildfire in the past 80 years. It tore through 43 homes plus nearly 100 barns, workshops and other structures. We were on evacuation alerts for months and the smoke was so bad we were warned to stay inside our homes. For months events were cancelled and any activities in large parts of the Forest were prohibited due to active fire, fire damage, and smoke. This drastically affected the tourism income on which this county relies heavily. With the significant timber loss, logging and related businesses were also adversely affected, hurting the local economy. Again, fire affects everyone, and everyone should share the cost.

Please **VOTE NO** on the proposed budget increase for private landowners!

Sincerely,

  
James D. Bellmore

24516 Laycock Creek Road/P O Box 607  
Mount Vernon, OR 97865

**To: Oregon Department of Forestry**

**RE: Board of Forestry Testimony in response to Central Oregon District Department of Forestry Budget.**

I am John Breese, my wife Lynne and I ranch out of Prineville in Crook County. I am a member of the East Oregon Forest Protection Association. We recognize that the Unit and District foresters have a strong ethic to protect our timber and range. They are dedicated and strive to do their best for the public they serve. As good stewards of grazing and timber, we also recognize the need to pay our fair share of the costs to protect our private lands.

The first proposed ODF agency request budget included a policy option package for a forest landowner offset, to help pay for additional ODF positions related to Senate Bill 762. Unfortunately, it's been left out of the current proposed budget package. East Oregon landowners believe this is a mistake.

SB 762 directed investment to nine agencies for the purposes of implementing a statewide comprehensive strategy to promote wildfire risk reduction, response and recovery. Wildfire was recognized as a statewide problem, that dictated a statewide funding solution. This included funding for the Department of Forestry to increase overall wildfire response capacity.

Wildfire response at the local level is shared between the state and landowners at a 50/50 split. The statewide need for additional capacity was covered by an additional \$15,000,000 of General Fund. This was provided intentionally for the purpose of covering landowner assessment rates that would have gone up due to the increased wildfire response capacity.

Unfortunately, this current budget removes that general fund offset money. This means more money will have to come from the landowners in protection districts and associations.

SB 762 was a conversation and recognition that the entire state had a need for increased capacity and investment. No other rate payer's costs were increased as a result of the 762 investments.

In the East Oregon Forest Protective Association that I represent, our costs per acre will go up, at minimum, between 15-30% depending on the district. That's the floor, final rates this year are very likely to be higher. Statewide, landowners protected by ODF will face the same ratio rate increases. The ability of these lands to pay for themselves continues to diminish in light of inflation, increasing business taxes, cost

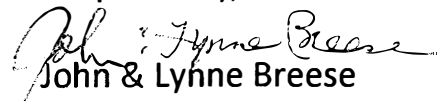
of goods, transportation, loss of local mills and many other factors that make keeping forestlands as forestlands a losing proposition.

Crook County is in a four-year drought. Many ranchers like us, may reduce cattle numbers, but grazing assessment will likely go up 27%. Timber management is even worse. On our 2000 acre timbered ground, trees are dying from heat and moisture stress. Logging costs are higher than mills are willing to pay for pine. We have few management options. Yet we are faced with almost 20% increase in timber assessment. This is not sustainable for us as a family ranch. For the last ten years our forest's annual basal area growth per acre has been less than the increased annual per acre ODF fire assessment rate. This is before the SB 672 offset may be added to our assessment. Many Central and Eastern Oregon small woodland forests owners occupy lower class timber ground, and therefore don't have the potential to grow productive timber to compensate the steady increase in assessment rate. The assessment rate is going up faster than we can grow trees. We have gotten to where it is no longer profitable to produce timber on these lands in Central and Eastern Oregon. If we can't raise forest land sustainably under these current conditions, how can the state expect there to be timber available for future generations?

Forest Protective districts recognize and support a need for increased fire capacity statewide. That was predicated on the idea, landowners wouldn't be asked to shoulder the extra financial burden. Without the general fund offset it is very unlikely the ODF district budgets will be approved by local forest protective associations. This will be almost unprecedented that all associations East of the Cascades will disapprove the proposed district budgets.

We ask for the continued recognition that wildfire is a statewide problem, addressed by a statewide funding solution.

Respectively,

  
John & Lynne Breese  
3315 SE Paulina Hwy  
Dixie Meadow Company  
Prineville, OR 97754

## OREGON DEPARTMENT OF FORESTRY 2023 BUDGET

Mike and Cindy Kilpatrick

We own about 4,000 acres North of Mt Vernon Oregon. Last year our tax bill was about \$6500.00. Less than \$1500 of that was for Grant County. The rest went to ODF. Three quarters of taxes for ODF.

At least  $\frac{3}{4}$  of our place is cheatgrass and junipers – not forest. ODF DOES NOT PROTECT STRUCTURES.

The grazing is worth about \$5,000.00 per year. The structures are far more valuable than one year of lost grazing if there is a fire.

ODF has ignored its own budget committee's vote and recommendation and adopted the budget it wants.

We object to the budget, to having non forest land subjected to taxation by ODF and the procedure that allows ODF to assess and collect their budget the same as real property taxes that subject our land to foreclosure and sale for nonpayment of ODFs wish budget. This is in addition to 16% interest rate for late payments.

Wake up and serve the citizens.

Mike and Cindy Kilpatrick

PO Box 627

Mt Vernon OR 97865

# Holliday Land & Livestock, Inc.

62394 Hwy 26  
John Day, Oregon 97845  
541 575-1716

April 24, 2023

TO: The Oregon Board of Forestry

RE: Central Oregon District 2024 Proposed Per-Acre Rate Increase

We own and operate a generational family-owned cow/calf cattle ranch located in Grant County, Oregon. Our business has been involved in production agriculture for the past 66 years. Our ranch encompasses 11,579 deeded acres. 1,800 of these acres are irrigated meadows where we produce the hay needed to winter our cattle. The remaining acreage is timber and rangeland where our cattle are rotated throughout the grazing season.

We are very concerned the negative impact the Central Oregon District 2024 proposed per-acre rate increase will have on our business. We certainly understand the increased cost of personnel, equipment and supplies. We deal with these issues on a daily basis as we struggle to match our "fixed price" income with ever increasing expenses.

Currently 21% of our property tax bill is paid to Oregon Department Forestry. Our business simply cannot afford the 2024 proposed timber increase of 37% from \$2.21 to \$3.03 and the grazing increase of 86% from \$0.74 to \$1.38.

Unfortunately, production agriculture has very few financial options when expenses increase, such as the Central Oregon District per-acre assessment, and income does not. Often many producers are forced to sell parcels of land. This not only has a devastating effect on the agricultural industry but negatively affects winter habitat provided for deer and elk.

In conclusion, we urge the Department of Forestry to not increase the per-acre rates for the Central Oregon District. It is our firm belief that the increase will negatively affect the majority of the landowners who will be responsible to pay the assessment.

If needed we would be happy to provide additional information on the affects an increase in the assessment rate will have on production agriculture. Our e-mail address is [kpholliday@ortelco.net](mailto:kpholliday@ortelco.net).

Sincerely,



Ken & Pat Holliday  
Holliday Land & Livestock, Inc.



Ross Ryno  
37949 Richmond Road  
Spray, Oregon 97874  
March 21, 2023

To Whom It May Concern:

Hello, my name is Ross Ryno. My family and I raise cattle and have significant timber land in Wheeler County, Oregon. I am writing to address this year's proposed Oregon Department of Forestry "ODF" budget as it is beyond reason and needs serious modifications.

Recently, I was asked to sit on ODF's Central Oregon District "COD" budget committee along with ten others throughout our district. This is not the first committee I have been on like this as I have been on our local school board for over a decade and also sit on the SWCD (Soil & Water Conservation District) board here as well. On February 27<sup>th</sup>, we met in John Day for a preliminary budget meeting with the John Day unit. At this meeting, Rob Pentzer, District Forester, presented our FY-24 proposed budget. This proposal came in at \$10,916,073 up from last year's \$9,168,042.

There are serious long term repercussions for landowners if this continues so please let me explain why I have a number of concerns with this dollar amount. State law states that every owner of forest land shall provide adequate protection against starting and or spread of fire thereon protection shall meet the approval of the state fire board. In short, landowners must pay their fire assessment which this year is proposed at \$3.03 per acre plus \$.075 per acre OFLPF "Oregon Forest Land Protection Fund" plus the \$.745 per acre Salem Protection Admin rate bringing this closer to \$3.10 per acre.

This rate has grown drastically since fiscal year 2015. At that time, the per acre rate was \$1.62 per acre. Compare that to FY 2024 at \$3.10 per acre—**this is a 91% increase in 9 years.**

What does this mean for families like mine? We currently have just over 40,000 acres of timber land. **This is an assessment bill for us personally of over \$124,000 just to ODF (not including all the other taxes and fees paid elsewhere).** This is taking place inside of an incredibly depressed timber market in eastern Oregon with little options for avenues to market. The dollar amount is higher than the annual growth on a forest—a forest with little to no market by the way. This is too much to bear for anyone and is certainly not sustainable. We continue to see families here forced to sell to large corporations looking for a tax write-off. These corporations often do nothing with the land and do not establish roots in our community, provide jobs, or manage the land appropriately for wildlife or fire.

Now to examine why the cost has gone up so high! As it has been explained to me, factors such as the motor pool, payroll costs, fuel, and equipment costs have gone up outside of our control (same on the landowner side in many ways). However, **thanks to Senate bills like SB 762 our district has been charged with increasing personnel positions for an increase of \$998,000!** Without last year's SB 762 legislatively funded budget offset, we have to add 2.02 million for Salem area fire management, local fire management and increased motor pool costs. I understand that Senate bills are passed with the good of the whole state in mind, that the general public doesn't want smoke in the air, and they appreciate healthy forests. However, private forest landowners cannot afford to pay for this.

Last year was a below average fire season at 133 days. **There were 85 fires on ODF protection totaling 242 acres in COD yet FY 2023 had a budget of \$9,168,042 local dollars.**

I truly appreciate the people who work at ODF in our area and believe they want to do the best to put out our fires. However, at this price tag, private family-owned timberlands will be a thing of the

March 21, 2023

Page 2

past at a serious detriment to wildlife, jobs, the food supply, and more.

What can be done?

To the best of my understanding, Oregon is the only state where 50% of the fire budget comes from timberland owners with the other half coming from the general fund. If the intention of the state is to protect air quality, water quality, and forest health then these costs should be shared in some other way.

Other western states have state fire departments yet none of them ask this much of their struggling timberland owners. **For instance, Idaho uses a system based on the ability of the land to produce an annual income.** The forest landowner will pay taxes on 1% of the productivity value.

It is anticipated that when the budget committee meets to vote in Prineville on April 10<sup>th</sup> that the budget will not pass. There have been instances when the local committee doesn't pass the budget but Salem still pushes it through and assesses the new rate. If the April 10<sup>th</sup> meeting results in a NO vote, then I hope it sends a strong message to Salem that something needs to change.

In conclusion, I would like to thank you for your time. I am asking that **the state looks to immediately reinstate what is known as the landowner offset of \$15 million for fiscal year 2024.** I believe it is time for the state to rethink the current funding source which is financially breaking private landowners. The effects this hefty tax has on our family's operation are real! This is a large portion of our annual income at \$124,000 and is money we could use to make a payment, hire another employee, update our aging infrastructure/equipment, maintain our personal fire prevention equipment etc. However instead of these options, we are funding ODF at an unfair rate. Another consideration is that this amount of money could be used to thin and help strengthen our property's forest health and fire resilience.

Senate bill 762 addressed the fact that all people in Oregon want fire protection as we all benefit from fewer fires. However, it is unsustainable to force the private land owners who are struggling as it is to carry this weight. With your efforts, hopefully the state can rewrite this system as these costs are becoming a major deterrent to private land ownership and moreover a disincentive to owning lands within the state of Oregon.

Thank you for your time and consideration,

Ross Ryno  
Double Bar Land

Roy M. Beyer  
Wine Down Ranch, LLC  
6500 NE McKay Creek Rd  
Prineville, Oregon 97754

May 1, 2023

To Whom It May Concern:

My name is Roy Beyer and my wife and I own Wine Down Ranch north of Prineville in Crook County. I have been a member of the Central Oregon District, Oregon Department of Forestry (ODF) budget committee for 9 years. The ranch has 2000 acres of either forest or grazing classified acres for the state of Oregon (ODF) fire patrol assessment. We have managed the forested acres by thinning and juniper cutting to reduce the wildfire hazard potential. We also have a herd of cattle and graze the property to reduce the grasses and fine fire fuel levels.

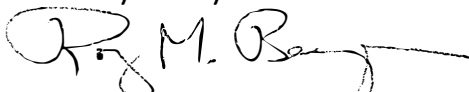
For the last eight (8) years, the assessment rates have been relatively stable with some slight increases and decreases based on the level of fire activity from the previous year. With the passage of "SB762", the additional staffing hires and budget transfers to the Salem ODF office has resulted in an increased annual budget requirement for the Central Oregon District of almost 1.4 million dollars. For the fiscal year 2023, "SB762" came with some general fund dollars to cover the extra expenses required by the act. For the FY 2024 budget year, there is no proposed state budget funding to cover these extra "SB762" budget dollars. This increase in funding is being passed to the private forest and grazing landowners. **This is not right and/ or equitable.**

Private forest landowners like myself cannot afford a 37 percent increase in fire patrol costs. Our private forests in central Oregon have almost no monetary stumpage value due to low delivered log prices for ponderosa pine and the high transportation costs because of no local log processing mills in central Oregon. The benefits that come from keeping these forests "green" come as carbon sequestration, fish and wildlife habitat, clean air and water, aesthetics and keeping working lands working and not in new home sub-divisions. These are basically public values and benefit all Oregonians.

The "SB762" required funding should be continued to be funded by all Oregonians and the legislature needs to identify a new and equitable way to provide the funding resources to protect these public values. If they do not, then private forest ownership in central Oregon will be reduced to small acres and a lot more new homes in the forested areas.

As a budget committee member of the Central Oregon District of ODF and a dues paying member of the East Oregon Forest Protection Association, I voted "no" twice to the approval of the "Central Oregon District Fire Protection Fiscal Year 2024 Budget". The "SB762" fundings is an Oregon problem that is being passed onto the forest and grazing landowners. An all Oregon funding solution needs to be proposed and passed to cover this Oregon problem.

Thank you for your time and consideration.

  
Roy M. Beyer

Objection in raising rates and passing it onto the land owners 37% increase.

Unaffordable- Where the pine is not even a merchantable product and availability of grass for grazing is minimal.

With the rising costs of water, electricity and equipment it makes it difficult to not be in a negative cash flow situation with existing numbers.

If the general fund of the state feels it is such a great assessment, maybe the expense of it should be split 80 (Public) / 20 (Land owners) instead of 50/50. I hope the local district can see the negative impact this assessment would have on us as individual land owners.

Shelley Santucci  
541-633-6519  
960 NE Dry Creek Rd.  
Prineville, OR 97754

[santucciranchturf@gmail.com](mailto:santucciranchturf@gmail.com)

To Whom It May Concern,

My name is Clay Woodward and I am writing in response to Oregon Department of Forestry's proposed budget and fire patrol tax increase.

My family has been involved in Oregon's timber industry for six generations. We currently own timberland in Crook, Wheeler, Jefferson and Grant counties. We have always maintained a good relationship with ODF and appreciate the efforts of the local ODF employees. We have managed our lands for sustainable yields with the intention of leaving a healthy forest that will be productive for future generations. This management strategy worked well for many years but has become very difficult over the past 25 years.

I could talk at length about the reasons and issues that have caused the problems with the timber industry in Central and Eastern Oregon and why it has become difficult manage private timberland but that is not why I'm writing today.

I'm writing today to voice concerns and opposition to the proposed increases in the ODF budget and fire patrol tax.

The percentage increases in fire assessment tax over the last decade have far exceeded both the inflation rate and the annual growth rate for timber in Central and Eastern Oregon. While at the same time the potential income from harvesting timber has declined. One can argue that the timber land has appreciated by a number that would justify such an increase in the fire assessment tax rate but it would be a weak argument as that gain in value can only be realized by selling the land. (Which is happening at an alarming rate.)

These proposed increases are coming at a time when much of the timber in Central and Eastern Oregon is becoming more of a liability than an asset. The cost of harvesting and transporting timber to a sawmill is higher, in many cases, than the price being paid for the timber. So adding more costs to timberland ownership is not reasonable.

I would challenge the State to reevaluate these proposed increases, go back to the drawing board and figure out a way to get more efficient with the budget and resources that they have in place.

In closing I would like to say that these increases will be very hard for private timberland owners to absorb. They are adding more costs to an already struggling industry and will continue to cause landowners difficulties in maintaining and managing their properties.

Clay Woodward  
Woodward Land and Timber LLC  
Big Summit Prairie Inc.  
W5 Ranches LLC

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Clay Woodward

**MINUTES OF PUBLIC BUDGET HEARING**

Covering Period: July 1, 2023 to June 30, 2024

**Klamath-Lake District**

In accordance with ORD 477.255, the Public Budget Meeting for the above-named fire district was held on April 27, 2023, at 0900 at the Klamath Office, 3200 Delap Rd, Klamath Falls, OR 97601.

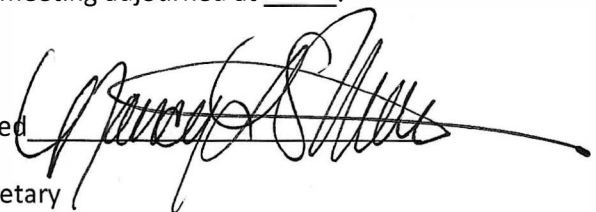
Dennis Lee acted as Chair and Nancy Sherin acted as Secretary.

The following persons were in attendance:

|                      |                                             |
|----------------------|---------------------------------------------|
| <u>Jim Dahm</u>      | <u>Intent to provide written testimony.</u> |
| <u>Justin Kostik</u> | <u>Intent to provide written testimony.</u> |
| <u>Glen Lorenz</u>   | <u>Intent to provide written testimony.</u> |
| <u>Glen Lorenz</u>   | <u>Persons to present.</u>                  |
|                      |                                             |
|                      |                                             |
|                      |                                             |

The meeting was called to order by the Chair at 0900, with an explanation of the purpose of the meeting. The Chair invited comments/discussion relative to budget or protection matters from those present.

The meeting adjourned at 1000.

Signed   
Secretary

# OREGON DEPARTMENT OF FORESTRY



## APPROVAL OF NORTHEAST OREGON DISTRICT FIRE PROTECTION FISCAL BUDGET

FISCAL YEAR  
2024

TOTAL BUDGET AMOUNT  
\$7,226,608

|                               | Date | Amount      |
|-------------------------------|------|-------------|
| Assoc. Budget Meeting _____   |      | \$7,226,608 |
| District Forester _____       |      | \$7,226,608 |
| Public Budget Hearing _____   |      | \$7,226,608 |
| State Forester's Office _____ |      | \$7,226,608 |
| Board Of Forestry _____       |      | \$7,226,608 |

**OREGON DEPARTMENT OF FORESTRY  
HEARING OFFICER'S REPORT  
NEO FY24 FISCAL BUDGET**

**Date:** April 17, 2023  
**To:** Oregon Department of Forestry  
**From:** Kay Rinker  
**Subject:** Hearing Officer's Report on FY 24 NEO District Fiscal Budget

Hearing Date: April 17, 2023

Hearing Location: Northeast Oregon District office  
Virtual through Zoom

Public hearings to receive comments on rulemaking for the FY 24 NEO District Fiscal Budget were convened in-person and via zoom on April 17, 2023. Written testimony was received until April 24<sup>th</sup>, 2023 at 5:00 pm.

Serving as hearing officer was Oregon Department of Forestry NEO District Forester Matt Howard. People attending the hearing provided suggestions, advice, objections or remonstrance's to the proposed budget for the forest protection district.

Before receiving oral comments, the hearing officers briefly summarized the purpose for the hearings, described the role and limitations of the Hearing Officer, and outlined requirements of the Department when making recommendations to the Board of Forestry. Attendees were also notified that the proceedings of the public hearings were being recorded. Written comments were accepted through April 24, 2023.

**Summary of Oral Comments**

1 member of the public was in attendance. Summary of oral comments is attached.

None of the persons attending the public hearing specifically requested a copy of the Hearing Officer's Report.

**Summary of Written Comments**

Written comments are attached.

Hearing Officer  
Matt Howard



MINUTES OF PUBLIC BUDGET HEARING

Covering Period

July 1, 2023 to June 30, 2024

Protection Unit Northeast Oregon District, in accordance with ORS 477.255, the Public Budget Meeting for the above-named fire district was held on April 17<sup>th</sup>, 2023 at 10:00 AM. Northeast Oregon District Office conference room.

Matt Howard acted as Chairperson, and Kay Rinker acted as Secretary.

The following persons attended:  
Chris Heffernan

The Chairperson called the hearing to order at 10:02 am with an explanation of the purpose of the hearing.

The Chairperson invited any comments or discussion relative to the budget or protection matters from those present.

The meeting was adjourned at 12:00.

*Kay Rinker*

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Kay Rinker - Secretary

## Chris Heffernan – oral testimony transcription

Background noise.

**Chris Heffernan:** Whenever you guys are ready.

**Voice:** Okay, Chris, go ahead.

**Heffernan:** My name is Chris Heffernan. I own the North Slope Ranches and Resources. We are currently running 2,200 acres up at Pilcher Creek Reservoir. 1,100 acres timber, the rest of it is range, sagebrush, bitterbrush, with 200 acres of irrigated alfalfa center pivoted in the middle of it. We also have the Clover Creek farm, it's 2,400 acres out there, it's 1,500 acres is irrigated center pivots and the rest of it is sagebrush grazeland. So anyway, it's myself, my wife, and two sons, 39 and 36. So I'm representing myself and my family today. You guys have heard all this or a lot of it. As a, you know, citizen landowner paying taxes, you know, this rate increase that we are hearing about is just not going to fly. We just can't afford it. The farmers and ranchers of this whole region, there is just too little room for more and more taxes on this timber and rangeland and we have been through this a year ago and even before that, but I know we are still trying to find a permanent fix. You know, the landowner community, we are on a personal basis with you guys, state forestry, you know you guys can call me and I can call you and when stuff starts happening, we are all a band of brothers and sisters and it's pretty cool, it's a great a partnership. But I think that what's happening with the, you know, I don't want to say overregulation, but over taxation, with the westside particularly is stressing that relationship. Not you folks personally in our communities, but definitely as a department. You guys can only do what we you can do and that frustrates the hell out of us, too. We realize you are in a really tough spot and we support you immensely and we have said that 100 times over. It is really stressful for all of us to have to be in the situation we are in again, this isn't the first time. The relationship you guys have with us and the resources you guys have for us, it makes a great, we all have resources and we all have abilities and we know how to activate the system and it's pretty cool, it's way cool. But we need each other bad, but right now this is really straining the relationship. I'm going to kind of blow through these. We are real frustrated because, you know, it's a bunch of farmers and ranchers and we are pretty proud, not arrogant, but we're proud. We are really frustrated that we don't get recognition of all the contributions that we do just by being landowners and good stewards of the land, that the whole state reaps the benefit of, that's from clean air to clean water to soil conservation to carbon storage, all which comes with no compensation, no explanation why our rates keep going higher and we keep providing more and more and more. Not only for the state, but especially for our small communities, our rural communities that are suffering. Like I said, we are all proud people in all these communities but it's straining on everybody. We are all spending time trying to find a solution. It's pretty tough. When a fire call comes out, we are all hands on deck, we all get together. I've been on these fires with you guys, forest service, too, but mostly you guys. When you pull up to a fire, you got ODOT, you got the sheriff's department, law enforcement, state police, whatever, and they are all looking for leadership coming from you guys. No pressure, huh? But truly, you guys are the

white hats, you are the calvary. It shows in every department, like I said, from law enforcement to traffic control to the people in the news media. You guys are our heroes out there and we can't afford to lose you and that pretty much goes unsaid and I've seen that for years and years and years. I don't know if I said, but we have been a landowner down there in south Union County but in the Powder Valley, Baker Valley if you want to call it, we prefer Powder, but we have been there 31 years and we have been a neighbor to state property, ODF&W, which borders the Wallowa-Whitman, so we have a huge amount of risk, even though **east face has helped out**. We are not safe because all the east face on the ODF&W has been up against the national forest and that's the first place you need to start I realize. But a lot could happen. We've got 5,000 acres next to our timber and a lot can happen between where the east face quit and we start. So you know, it's all good but we need a lot more to be done. What else? I think that's pretty much all of it. I guess it goes back to the west is changing, changing bad in some places and some it's, there are very fortunate people to have the money to go and buy out ranchettes and they've earned it and they deserve it. But it's also fragmenting the state and it's causing more issues, you know, the WUII, the urban growth boundary and it seems like that all adds up to the issues the state is facing. It was that way 20 years ago when I was on the board. I can't imagine what it's like today. I remember when I took those tours, Deschutes County and Coos Bay and everywhere else. So I can only imagine what you guys are up against. So I really understand how state government works and sometimes it damn sure doesn't work. We are just trying to find a solution that is going to last. Something that is fair and equitable to the landowner community, you know, to understand who we are and what we stand for and the contribution we make not only to our communities through timber dollars or agricultural dollars or employment or equipment sales and all the different things that keep these little towns going and the not so little ones and we are a big part of that and we are just trying to figure out a way that it can be fair and equitable to, like I said, the landowner community. I'm speaking for basically the timber and rangeland but our farms are intermixed with all of it at the same time. I guess that's about it. I just wanted to get that down on the record and if you have any questions I'd sure answer them or any clarity.

**Voice:** No, that's great Chris, thank you.

**Heffernan:** Glad to try and be part of the solution.

Mr. Heffernan came back in with a part he forgot to mention...

**Chris Heffernan:** It's real critical land. You know. It's where the nesting, strutting, you now, the nurturing of all the baby animals, the rutting, it's a lot of that **edge** country. It's more than that, too. It's hands up **the top of Jarbo** down to the valley floor, but it's real critical wildlife country, huge. I mean, when you think about winter survival, spring, you know, fall, preparing the animals for the winter. And that's game and non-game species. The whole state benefits from that. That is something we don't get any credit whatsoever from. You know, it's a contribution that we give willingly, it's part of what we do. But it would be nice to, you know, when all this stuff keeps piling on us, how about getting credit for what we do do? Other places of the state aren't that either privileged or they are just not in that resource arena, but I just want to put

that out there, the people you guys protect, the lands you protect, including state lands, the industry is huge. It's got a huge value to society. Not just the hunting community. Not just, you know, Audubon or whoever. It's used for everybody. We are proud of that. We're honored to be, you know, those landowners. But it comes time when we feel like the burden of that is getting too great, and like I say the fragmentation on the left happens, because of these kinds of issues, economics and pretty soon everyone wants a little piece of the rock or a big piece of it and pretty soon people, and that's not a threat at all from me or my boys, but pretty soon people are tired of fighting it. They are like, you know what, we are going to cut out a chunk. Or we are going to do something. We are going to start fee hunting. We are going to start, instead of doing the hunt of a lifetime or the kids hunts, the youth hunts and different things, they say, you know what, we are going to start fee hunting. I'm not against fee hunting, but we have just found a better way to give back to God and country rather than just monetarily. We have donated hunts for 31 years on that place. It's very fulfilling as a landowner. But all that is part of who we are as landowners and our contribution to the state of Oregon and the general public. And so I just want to kind-of throw that out there. We're not trying to be nitpicking and we're not looking for a handout, but we want to definitely be able to help people understand who we are, what we stand for, why we do what we do and why the relationship between the state and the private landowners, how it affects all Oregonians and the environment be it water or wildlife or whatever. That was it. I had forgotten that part and anyway, I just wanted to throw that out there.

**Voice:** Thanks, background noise.

April 17, 2023

Cal Mukumoto  
State Forester  
611 20<sup>th</sup> Street  
La Grande, OR 97850

Re: Northeast Oregon District FY 2024 Protection Budget

Dear State Forester Mukumoto:

Please accept the following as suggestions, advice and objections to the proposed Northeast Oregon District (NEO) Protection Budget. As a longstanding member of NEO Budget Committee I have carefully reviewed the proposed budget and find it unacceptable as presented to the committee on April 10, 2023. For the first time in 30+ years of service on this committee, I voted NOT to approve the budget.

District Forester Howard was directed by Mike Shaw, Chief of the Fire Protection Division, to prepare FY24 budgets implementing 17 precise points for inclusion. This is meant to be an adequate level of protection budget for the "average worst" fire season". (Attached).

Forester Howard prepared the NEO budget as directed and presented it to the budget committee for approval as usual. The budget committee members, after much discussion and careful consideration, voted unanimously to NOT to approve the budget, due to excessively large rate increases.

Although the NEO budget provides a high level of protection, possibly much more than adequate, it is simply too expensive for private landowners to afford. The FY24 private land timber rate is \$2.31 per acre, a 34.1% increase and for grazing it is \$.723 per acre, a 58.4% increase. These rates dramatically exceed the amount that private landowners are able to pay for fire protection.

When analyzing the budget and determining the cause of these dramatic rate increases, it is not the total budget amount increase but rather how the assessment is made that determines the landowner rates. For FY2021-2023, one of Governor's and legislatures' top priorities was to reduce wildfires in the state. With that in mind, they included a landowner offset of \$15 million to help fund SB 762 section 30a and the 2021-2023 LAB POP 101 positions in the biennium. For FY24 the requested \$14 million in offset funds, POP 111, were not included in the governor's budget, although the continued costs are included in the budget as presented. Now the private landowners are left to makeup the \$14- \$15 million with virtually no ability to control costs. If the \$14 million additional costs are necessary for an adequate level of protection, then those funds should be included in the State Forester's base budget, not as a Program Option Package. Otherwise, the SB 762 section 30a and the 2021-2023 LAB POP 101 expenditures appear to be optional.

If wildfire control is a statewide issue, and I believe it is, as did the former governor and previous legislature, then all the citizens in the state should help to bear the costs of the legislatively mandated increases in wildfire protection. Without the landowner offset as it is poorly named, the costs of the

increases in service are born only by the private landowners. This unfunded mandate is unfair to landowners and just plain wrong! There needs to be a permanent general fund solution developed. ODF FY 2024-2025 POP111 requested a one-time funding of \$14 million to allow for continued stakeholder (*private landowner*) and legislative conversation on the full extent of the SB762 investments. This “conversation” needs to happen before the FY24 budgets are finally approved. The \$14-15 million needs to be made a permanent funding investment if the SB762 personnel and equipment investments are continued to be permanently.

If the SB762 landowner offset is not included in the budget by the Ways and Means Committee, the budgets need to be reevaluated and the Policy Option Package (POP) 101 and 762 obligations need to be omitted from the NEO FY24 protection budget. There will still be an adequate level of protection for the district without those resources, albeit not “optimum” adequate.

Please keep me advised as this process goes forward to the Board of Forestry. This is a critical juncture for wildland fire protection on private lands. We have a complete and coordinated fire protection system in NEO and I would hate to see it fall apart due to landowners not being able to afford the ODF fire fighting services.

Sincerely,

Robert Messinger

67876 Hunter Road  
Summerville, OR 97876

Copy:

Senator Hansell  
Senator Findley  
Representative Levy  
Representative Owens  
Representative Smith

Attachments:  
ODF budget instructions  
ODF POP111

**From:** [Bobby Corey](#)  
**To:** [RINKER Kay \\* ODF](#)  
**Subject:** SB 762  
**Date:** Monday, April 24, 2023 3:42:11 PM

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Dear State Forester Mukumoto,

I am submitting written testimony regarding funding issues related to SB 762. SB 762 provided funding for positions within NEO and the other areas of the state that were needed and added to our adequate level of protection. However, funding for these positions needs to continue to be funded by the Governors budget not by the landowners. Landowners rates will skyrocket and get to the point where some landowners can no longer afford to pay for protection. That scenario not only hurts ODF, neighboring landowners, our federal partners, and all Oregonians. Please continue to push for the landowner offset of \$15 million to be picked up in the Governors Budget.

Thank you,

Bobby Corey  
Cunningham Sheep Company  
Sent from my iPhone

**From:** [Chris Cunningham](#)  
**To:** [RINKER Kay \\* ODF](#)  
**Subject:** Landowner offset  
**Date:** Monday, April 24, 2023 3:32:56 PM

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As a landowner and agricultural producer in NE Oregon I employ the powers at be to restore the 15 million dollar landowner offset. These funds are essential to keep family farms healthy and prospering.

To burden these grass and timberland owners with these huge tax increases at a time when net farm income is shrinking is unconsiabile.

Financially stable family farms provide abundant clean air, a home for many species of wildlife and perhaps most importantly provide landscapes that capture carbon.

Chris Cuningham  
Enterprise, Oregon



**From:** [Henderson Logging](#)  
**To:** [RINKER Kay \\* ODF](#)  
**Subject:** Letter to State Forester Mukumoto  
**Date:** Monday, April 17, 2023 1:40:11 PM

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April 17, 2023

Cal Mukumoto, State Forester  
Oregon Department of Forestry  
2600 State Street  
Salem OR 97310

State Forester Mukumoto

As a private timber land owner/pasture land owner I am concerned about the drastic rate increase on our protected lands. With respect to next year's budget (4y 24) senate bill 762 with out State General Fund offset puts private land owners at risk of being able to pay.

Northeast Oregon ODF has my full support for their excellent services. They do a great job in suppressing fires while they are small. The problem we face is the ever-growing large U.S.F.S fires burning on to private lands thus increasing our private costs. SB 762 has provided help but we feel it is an Oregonian benefit, not private land owners, such as smoke, loss of wildlife habitat, water issues, carbon issues and soil erosion. I feel that the general public needs to continue to pay for SB 762. When our Salem costs have went up 55% for additional efforts. It put a huge burden on private land owners.

We appreciate what ODF has done for us and we hope to have future support from them if we can afford their help.

Thank you for your consideration on this matter.

Elwayne Henderson  
Land Owner

Henderson Logging, Inc.  
Controller  
75241 Upper Diamond Lane  
Wallowa, OR 97885  
541-886-3141

**From:** [Joseph P. McElligott](#)  
**To:** [RINKER Kay \\* ODF](#)  
**Subject:** SB 762  
**Date:** Sunday, April 16, 2023 8:23:54 AM

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I am in favor of restoring landowner offset funding for Oregon Dept. of Forestry of \$15 million dollars. The current rates are punitive to private landowners and near the breaking point for businesses trying to make a living of this property. It is only fair that residents of Oregon help out with offset funding as all residents of Oregon benefit from fire control provided by ODF.

Joe McElligott  
Ione, Oregon

April 22, 2023

Cal Mukumoto  
Oregon State Forester  
2600 State Street  
Salem, OR 97310

The Northeast Oregon District Budget Committee, on April 10, 2023, unanimously agreed to NOT approve the proposed FY24 fire budget. Last year we reached out to you with our concerns about the base level of costs of fire protection and made it very clear and transparent about our position at that time. (See attached letter) The rate increase in the FY24 proposed budget is now beyond the ability for many eastern Oregon landowners to afford.

The fire concerns that we are having in our region are actually statewide issues that affect all Oregonians, fueled by severe droughts, limited management of neighboring federal lands, and the historical wildfire behavior that occurs during the peak of fire season. The vast majority of private non-industrial and industrial lands in the state of Oregon are sustainably managed and have an elevated level of resiliency to catastrophic fire events. These managed lands, which are spread across the entire state, come with highly valuable attributes including clean air and water, soil conservation, outdoor recreation, carbon sequestration, and habitat for game and non-game species. These landowners receive little to no recognition or compensation for these attributes.

We encourage you to assist in making the landowner offset in SB762 permanent, as we need to develop a solution that is fair and equitable. This is critical for a successful long-term relationship between private forest and rangeland owners, and the citizens and state of Oregon. The private landowners in Northeast Oregon simply cannot afford the "Adequate Level of Protection" budget that was presented to our committee. Without an adequate level of protection, all federal and private forest and rangelands in the northeast Oregon district will be seriously threatened with uncontrolled wildfire and the resultant loss of resources and values.

Sincerely,



Chris Heffernan

Chairman, Northeast Oregon District Budget Committee

Attachment: NEO Budget Committee 4-25-22 letter

April 25, 2022

Cal Mukumoto  
Oregon State Forester  
2600 State Street  
Salem, OR 97310

Our local Northeast Oregon ODF District has our full support as they continue to provide an exceptional level of service. The NEO District is very successful at catching fires during initial attack and extended attack and strives to balance the ever-increasing demands with the need to minimize costs as best as possible.

The Northeast Oregon District Budget Committee is writing to you to express our sincere and deep concerns about the current and future costs of the base level of fire protection. The costs incurred by landowners who own forest and grazing lands in northeast Oregon are becoming increasingly unaffordable, and short of immediate action will likely soon be truly unaffordable. This same concern was previously raised and addressed in part by passage of the Wildfire Protection Act (WPA) of 2013, but since that time, the costs of paying for an "adequate level of protection" at the local District level have outpaced the relief provided by the WPA.

The rates (costs) incurred by landowners for the current fiscal year (2023) increased to the point that some members of our Budget Committee struggled to approve the proposed budget. Our Budget Committee consists of nine landowners from the four main counties that are represented in the Northeast Oregon District, half who predominately own grazing lands and half who predominately own forest lands. While the budget did ultimately pass as presented, it wasn't without serious deliberations and a cautionary note for the next years FY24 budget.

With respect to next year's FY24 budget, the Budget Committee is aligned around the fact that additional increases in the rate will be very difficult to accommodate. Additionally, without the continuation of the General Fund (GF) "offset" of the increased SB762 capacity, the Budget Committee will almost certainly not approve the FY24 budget because of an extraordinary and unaffordable increased and unreasonable cost to the landowners in the NEO District.

We ask that you strongly consider our position on this matter and work to make the SB762 credit a permanent fixture in District base level budgets. Without this credit, we believe that private landowners with working forest and range lands in northeast Oregon will be unable to afford the costs of fire protection. Unfortunately, to afford such costs some landowners will likely seek uses other than grazing and forest harvesting, such as development, to pay for protection. In some cases, this may also lead to landowners seeking a less costly alternative to fire protection than that provided by ODF.

Even making the general fund credit a permanent fixture in the NEO District's base budget doesn't solve the challenge of the ever-increasing costs of fire protection, which are outpacing our ability to pay for those costs. We continue to be frustrated by a system where we incur 50% of the base level costs yet have no voice in, such as the recent cost of living increases, area support, state office support, pandemic pay and other payroll expenses. These unfunded mandates are going to continue to raise the rates with little to no landowner input at this point.

We would like to stress again that we are very grateful for the level of service and protection we are receiving from the Northeast Oregon District. We have a very good relationship, and we believe they have our best interests at heart. However, our ability to financially support this District is becoming cost-prohibitive and we want to stress to you that a fair and equitable level of protection must be achieved to maintain working forests and grazing lands in northeast Oregon.

Thank you for your consideration,



Chris Heffernan

Chairman, Northeast Oregon District Budget Committee

Oregon Department of Forestry  
BUDGET 2024 PUBLIC HEARING

April 28, 2023 9:00 am

- Meeting attended by:
  - Chris Cline - District Forester, South Cascade ODF
  - John Flannigan - Unit Forester, South Cascade Eastern Lane ODF
  - Renae Meyer – District Business Manager, South Cascade ODF
  - Kenny Rose - private landowner
  
- Meeting called to order at 9:00 am by District Forester (Chairperson) Chris Cline at ODF South Cascade District Office – 3150 Main Street, Springfield, OR 97478
  
- District Forester described procedures and purpose of hearing as set forth in ORS 477.245, 477.255 and 477.260.
  
- District Forester asked if visiting landowner would like to provide any written and/or oral testimony regarding the hearing?
  - Private landowner had no written or verbal comments to make and simply wanted to show up to witness the process and see who else may attend to make comments. (Of Note: Mr. Rose is an active Board Member of the Eastern Lane Forest Protective Association and also a small woodland owner paying fire patrol assessment to the South Cascade District)
  
- No other parties showed up for the budget hearing.
  
- Meeting was adjourned at 9:30am, April 28, 2023.

Respectfully submitted by Renae Meyer 4/28/2023

**MINUTES OF PUBLIC BUDGET HEARING**

Covering Period: July 1, 2023, to June 30, 2024

Protection unit Walker Range Patrol Association

In accordance with ORD 477.255, the Public Budget Meeting for the above

named fire district was held on April 28, 2023, at 3:30 pm,

At Walker Range Conference Room, in Gilchrist Oregon.

Mr. Keith Little acted as Chair.

Mr. RD Buell acted as Secretary.

**The following persons were in attendance:**

|                     |       |
|---------------------|-------|
| <u>Keith Little</u> | _____ |
| <u>R.D. Buell</u>   | _____ |
| _____               | _____ |
| _____               | _____ |
| _____               | _____ |
| _____               | _____ |
| _____               | _____ |
| _____               | _____ |

The meeting was called to order by the Chair at 2:30 PM with an explanation of the purpose of the meeting. The Chair invited comments/discussion relative to budget or protection matters from those present.

The meeting adjourned at 2:45 PM

Signed Keith Little

Secretary R.D. Buell

Attachment #

FY 2024 Public meeting  
minutes April 28, 2023

CALL HEARING to order by Keith Little  
BOARD President at 1:30 PM at Walker  
Range office, NO attendance, but  
WALKER RANGE HAS TWO appeal letter  
TO THE FY 2024 presented to Walker  
Range prior to Public meeting AND  
one letter from the BOARD OF WALKER  
Range signed by the ASSC. President  
meeting adjourned @ 2:45 PM

SECRETARY  
M. Brall

4-28-2023

Chair Kelly and members of the Oregon State Board of Forestry:

RE: Appeal of Fiscal Year 2024 Budget

EFM Advisory & Investments Inc., a member of Walker Range Fire Protective Association supports the FY 2024 Walker Range Fire Protection Budget at an adequate level of protection.

I represent EFM Advisory & Investments Inc (EFM) as a board member of the Walker Range Fire Protective Association (WRFPA). EFM is invested in protecting our communities and working lands from the threat of wildfire. A key component of this commitment is keeping fire protection affordable. Excellent cooperation and understanding between WRFPA and the Klamath-Lake District has been the hallmark of discussions as we collaborate on funding this unique fire protection system.

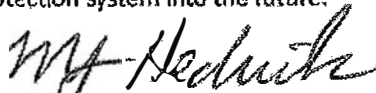
The Governor's Recommended Budget (GRB) for the Oregon Department of Forestry (ODF) does not continue the \$15 million of General Fund contributions allocated to ODF in Senate Bill 762 (SB762) to offset landowner rate increases for additional firefighting capacity to address statewide needs. Instead, the GRB budget shifts those costs on to private landowners. This is in direct conflict with the spirit of SB762, which was a recognition that wildfire is an all-Oregonian problem deserving of statewide policy and investment solution.

As a result of not continuing the General Fund offset for SB762 capacity EFM's landowner rate is seeing a historical increase of 4.5 percent for the WRFPA. While every landowner's situation is different, in most cases the cost of fire protection especially on the eastside with low productivity, limited logging and milling infrastructure, and high wildfire potential has created conditions where the expenses exceed the revenues. Our timberland is quickly becoming a liability rather than an asset. If the policy of the State is to keep forests as forests, then there must be recognition that additional funding be made available now and on a permanent basis.

The WRFPA Board had to make tough choices this budget cycle in deciding to not fund needed maintenance projects and the motor pool. These options in budgeting are the few the Board has control over with the main budget drivers out of their control.

To be clear; EFM's concerns of the FY2024 fire protection budget does not in any way diminish our profound appreciation, respect, and thanks for the outstanding work the Klamath-Lake District provides every year.

EFM asks for whatever assistance you can provide to help secure SB762 offset funding without compromising other elements of the system, and ultimately provide an affordable, efficient, and durable protection system into the future.



Mary Jo Hedrick  
WRFPA Board Member  
EFM Fort Rock Property Manager



April 28, 2023

To: Governor Kotek  
Board of Forestry  
Cal Mukumoto, State Forester

Appeal of Fiscal Year 2024 Budget

As a rancher and landowner within the Walker Range Forest Protective Association jurisdiction, an increase of the ODF protection budget from Salem is unacceptable and an added burden on honest, hardworking taxpayers.

I am a board member at Walker Range. We approved and support the budget increases towards Walker Range's adequate levels of protection. The Walker Range Board will approve the Fiscal Year 2024 protection budget but respectfully request that our State Forester take aggressive action to adjust the pro-rated assessment within the budget for ODF costs.

It is a concern that if this funding model is not adjusted, we fear landowners will not be able to support any adequate levels of protection, statewide.

It is my understanding that the additional offset was supposed to be funded by Senate Bill 762. Please reconsider and reinstate this funding as it was intended.

Sincerely,



Theresa Cliff  
Bell A Land and Cattle Company  
P.O. Box 97  
LaPine, Oregon 97739

**From:** [FORESTRY Boardof \\* ODF](#)  
**To:** [HOPKINS Levi A \\* ODF](#); [HOLSCHBACH Tim J \\* ODF](#)  
**Subject:** Fw: Oregon Department of Forestry Appeal Letter and Request for in Person Appeal  
**Date:** Thursday, May 11, 2023 11:59:59 AM  
**Attachments:** [ODF Letter.pdf](#)

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**From:** Ian Fladoos <ianfladoos@hotmail.com>  
**Sent:** Friday, May 5, 2023 1:12 AM  
**To:** FORESTRY Boardof \* ODF <boardofforestry@oregon.gov>  
**Cc:** NAIRNS Kiel R \* ODF <kiel.r.nairns@odf.oregon.gov>  
**Subject:** Oregon Department of Forestry Appeal Letter and Request for in Person Appeal

Hi,

I am a private land owner and have attached a letter for your consideration in appealing the tax increases proposed by ODF.

I am also requesting an in-person appeal meeting during the June Board of Forestry meeting. I am only available on June 7th. How can I get confirmation for this meeting?

Please see attached letter.

Thank you,

Ian Fladoos  
(971) 200-0437

Ian Fladoos  
35400 SE Buena Vista Street  
Sandy, OR 97055  
May 4<sup>th</sup>, 2023

To Whom It May Concern:

My name is Ian Fladoos and I am a proud, born and raised Oregonian who enjoys everything this State has to offer. My family enjoys everything from a nice dinner and riverwalk in downtown Portland to foraging for mushrooms, hiking, biking, and all indoor/outdoor activities. My family and I are proud of this State and hope through open dialog and transparent communication, we can help all members of our communities.

The topic I am addressing today has to do with the global problem of the increasing occurrences of wildfires and the way we handle funding to protect our forests, wildlife, people, and communities.

**Scope of the Problem:**

- Wildfires negatively impact **ALL** Oregonians. From the quality of the air that has health implications, like lung disease, dizziness, headaches, and allergies to school closures, sports closures, and overall deterioration of our quality of life during peak fire season including clean water, erosion, visibility, landslides and much more.
- Global warming is a problem that everyone must collaborate on and address together.
- All Oregonians enjoy our wilderness, parks, and outdoor activities. Forcing only Farmers and Ranchers to pay 50% of the costs associated with firefighting is an unfair business practice and tax.
- All Oregon residents should help contribute to the cause and we should not be singling out one group over another.
- The increased taxes on private landowners are unsustainable. There is a proposed 209% increase from FY22 to FY24 just for the Oregon Department of Forestry fees on private grazing land.
  - o This is not acceptable by anyone's terms.
    - Example: If you own a \$500,000 home and the State came to your family and said your property tax is being increased from 1.5% to 3.14% (an increase of \$8,200). How would this make you feel? This is exactly what is taking place today relative to the increased taxes to private ranchers and farmers for the Oregon Department of Forestry.
- The new Senate Bill 762 was established for all Oregonians, but 50% is being paid for by a small group of Farmers and Ranchers as there were no general funds set aside for this year or subsequent years.

Today, I will focus on two bills that must change. We must discuss how they are being funded and implemented as well as who is responsible to help pay for and protect our health, communities, environment, personal property, generational farming, and local jobs.

**The Oregon Forest Land Protection Fund (OFLPF):**

- Unfortunately, this is an antiquated agreement that was established long ago. OFLPF is now being used to weaponize the increased fire associated costs to private landowners that the ODF is incurring due to new regulations set forth by Senate Bill 762.

- Oregon is an outlier compared to all other States in the USA.
- No other State forces Farmers and Ranchers to cover 50% of the firefighting and fire prevention costs.
- The Oregon Department of Forestry has proposed a 209% increase in taxes/fees to landowners between FY22 and FY24.
- The original intent of OFLPF has been forgotten and is now being used to cover increasing costs that instead should be subsidized by our State and general funds or through some other means.
- In Oregon, most fires are caused by lightning strikes on Federal lands, yet private landowners are being forced through excessive taxation to cover a substantial deficit in ODF funds because of SB 762.
- Private landowners and ODF cannot (any longer) fund 100% of the annual costs to fight or try and prevent fires.

**Senate Bill 762 (SB 762):**

- The intent of this bill was great. All Oregonians want clean air, healthy forests, and abundant wildlife. This means all Oregonians should help subsidize the costs associated with SB 762
- However, this newly introduced bill is now unintentionally increasing taxes and forcing farmers and ranchers to cover the lack of funding necessary to achieve the goals and original intent of SB 762.
- SB 762 was intended to be State funded and last year the general fund offset a debt of \$15 million. Going forward, this debt is being directly extended to Farmers and Ranchers who are not the only people who benefit from the positivity coming from SB 762. Others need to pay their fair share, or this bill needs to find other ways to be subsidized.
- Where is the funding coming from for the subsequent years? Without this offset being approved in FY24 (and beyond), landowners will not be able to sustain their livelihood and may lose generations of history and family farms/ranches.
- How is it fair to revert and force Ranchers and Farmers to cover 50% of the costs that State Bill 762 forced on ODF?
- ODF is left with no way to pay for the increased costs from SB 762.
- Due to SB 762, ODF has resorted to extending their over budget operations to an archaic, unprecedented agreement (OFLPF) established in the 1970's.

**Personal Implications to the excessive taxes from ODF, OFLPF and the Salem Protection Admin Rate:**

- I own 2,478.24 acres near Mt Vernon Oregon.
- My land is mainly grazing acres.
- I currently pay 78% of my total property taxes to the Oregon Department of Forestry (ODF) for fire services. 78% of my total property tax is an excessive expense for fire services.
- The proposed ODF tax increase for grazing acres of 209% from FY22 to FY24 is an unfair tax and burden to put on anyone, let alone Farmers and Ranchers for services that all Oregonians benefit from (SB 762).
- This 209% rate increase over 2 years does not include:
  - o \$.075 OFLPF rate hike.
  - o \$0.745 Salem Protection Admin rate hike.
- All these unwarranted tax increases equate to nearly \$10,000 of personal tax increases over a short two-year period.

I urge all of us to find a solution to these staggering numbers that will debilitate Oregon Ranchers and Farmers. There is no end in sight to these unfair tax increases and it seems that people think it is ok to allow ODF to abruptly pass these expenses to landowners.

**Near Term Request:**

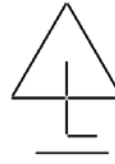
- Please immediately reinstate the \$15 million landowner offset from the General Fund to prevent these excessive taxes. Many families are living paycheck to paycheck, nobody should have their taxes raised by 209% over a two-year period let alone a lifetime.

**Long Term Solutions:**

- Remove or revise the Oregon Forest Land Protection Fund (OFLPF).
  - o The is an antiquated approach to managing our Federal, State, and Private lands for fire protection.
    - Research bordering States and develop a new plan that is fair for private Farmers and Ranchers and develop an approach to contribute to fire protection may be reasonable.
    - A small price per acre fee may be reasonable.
- Revise State Bill 762 and establish a new funding approach.
  - o SB 762 was established for all Oregonians to benefit from. It helps protect our forests, wildlife, people, and communities.
    - All Oregonians (not just Farmers and Ranchers) should contribute to the expenses in protecting our Forests. A minimal tax on all wage earners may be reasonable.
    - Establishing a permanent solution to apply General Funds to pay for the parameters and requirements contained in SB 762 is reasonable.
    - Lean on our state representatives, Governor, Senator for lobbying our federal government to help subsidize our fire protection services contained in SB 762 is reasonable.

**Sincerely,**

**Ian Fladoos**



May 31, 2023

Cal Mukumoto, State Forester  
Oregon Department of Forestry

VIA EMAIL ONLY TO: [kiel.r.nairns@odf.oregon.gov](mailto:kiel.r.nairns@odf.oregon.gov)

RE: FOREST PROTECTION DISTRICT BUDGET APPEAL

**NO HEARING REQUESTED**

Dear Mr. Mukumoto:

Picnic Creek Ranch, LLC (PCR) by and through member Shaun W Robertson, herewith files this appeal of the Oregon Department of Forestry (ODF), Central Oregon District's (COD) proposed fiscal year 2024 budget as per ORS 477.260 and OAR 629-041-0035. This appeal is timely since it was filed within 30 days of the COD's public budget meeting held on May 2, 2023 in the ODF district office in Prineville. Appellant has standing to file this appeal since Picnic Creek Ranch LLC owns lands in Grant County that are assessed Fire Patrol Taxes.

Appellant seeks a remedy that: 1) reclassifies certain of its lands; 2) removes certain of its lands from classification entirely; and 3) returns their individual fire patrol assessment on the revised classifications to pre-Senate Bill 762 levels (FY21).

**Preface & General Remarks:**

Today's woke institutional culture seems to demand that anyone judging popular public policy or the service of public servants must apologize beforehand or risk being "cancelled". I don't feel that compulsion. Support for local ODF staff, particularly the fire crews, and criticism of the budget that funds their services are not mutually exclusive and disapproval of the collective system is not synonymous with disparaging individuals. The common refrain among politicians that "landowners don't want to pay for fire prevention until they need it" is specious. Protesting exponentially escalating costs, particularly those that fund functions with little to no relationship to actual fire suppression, is not commensurate with "not wanting to pay anything". In fact, landowners pay plenty, including personally funding an unceasing stream of, often schizophrenic, demands from Oregon officials—elected or otherwise.

In addition to our ongoing land stewardship obligations that allow us to produce goods and services in demand by the general public for sale in the private marketplace—in a state that highly disincentivizes the free market—we are required to shoulder the many burdens of landscape conservation, provisioning the highest quality aquatic and terrestrial habitats, restoring vegetation, increasing carbon sequestration, improving water and air quality, securing endangered species habitats, providing public recreation, contributing to generous employee

programs, and etc. *ad infinitum*. Our “reward”? More regulation, new taxes and assessments (even for complying with mandates such as recovering vegetation), and constant criticism from people who not only can’t do what we do but are incapable of ever defining what is “good enough”, but who are totally certain that they know exactly what is wrong with our honest efforts.

Fundamentally, it's a broken system and Oregon’s tax and spend, fire prevention and suppression scheme is great example of the old adage that you can’t expect different results from doing the same things over and over.

### Issues:

- Oregon’s stated forest policy (ORS 477.005) is the “preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires”. To accomplish the purpose of this policy, the State has declared that the primary mission of the ODF’s “complete and coordinated forest protection system” is, in order of priority, “saving lives” and “protecting forest resources”. Structural protection is only an “indirect” benefit of meeting the mission priorities and “shall not inhibit protection of forest resources”.

Yet, at least viewing ODF from outside the agency, it seems that each year ODF moves further from its core statutory mission not only by emphasizing suppression at the expense of prevention programs<sup>1</sup>, introducing certain personnel management measures that are unrelated to saving lives and protecting forests, growing its “leadership and administrative” and “business” services, and by adopting facilities and equipment standards that are far beyond what is minimally acceptable and reasonable to accomplish a basic and reasonable level of fire protection services<sup>2</sup>. At a recent meeting to discuss rural fire programs, an individual closely associated with one of ODF’s fire programs remarked that ODF ‘can’t get rid of barely used equipment fast enough so that they can purchase all new stuff’. Just a common rural myth? Perhaps. Although popular enough to maybe hold some truth—especially in the era of COVID and “inflation reduction” spending amounting to trillions in new public debt.

Regardless, as the chair of the NE Oregon District Budget Committee Chris Heffernan stated in his excellent protest letter of April 25, 2022 “[w]e continue to be frustrated by a system where we incur 50% of the base level costs yet have no voice in, such as the recent cost of living increases, area support, state office support, pandemic pay and other payroll expense”. Those are costs passed by a predominantly Democrat legislature and have nothing to do with the statutory base level of fire protection.

If the Legislature desires ODF to have the nicest offices, latest equipment, salaries that exceed the private wages paid in the rural communities where they work, expanded employee

<sup>1</sup> Such as administrative support for controlled burning efforts on private land.

<sup>2</sup> These issues and more are identified each budget cycle by landowners, the general public and ODF themselves (e.g., “Issues to the Base Budget” [FY2013-15 Fire Protection Program budget narrative] which highlighted conflicts created by inequitable and disproportionate funding in eastside forests to mission creep as a result of changing policies) without resolution.

benefits<sup>3</sup>, cost of living allowances that exceed inflationary rates being paid for goods and services by landowners, service provisioning beyond core mission<sup>4</sup>, and a new focus on the urban-wildlands interface, then the Legislature should come up with funding from the general public since those benefits have little to nothing to do with the actual costs of annual fire prevention and suppression and are not widely demanded by landowners.

- Central to ODF's fire patrol assessment scheme is its Forestland Classification, which requires a "periodic investig[ation]" and study of all lands within the boundaries of the county to determine which of the land is "forestland". Furthermore, this determination is to consider such facts as climate, rainfall, fire hazards, and economic and social factors relating to the land, among others (ORS 526.320). In addition to a required hearing, affected landowners have the right to appeal final classifications.

The forestland classifications for Grant County have not been updated since the 1960's (pers. comm. with ODF staff in Salem and John Day). Even a superficial search immediately turns up relevant studies, reports and other documents prepared by the State, including ODF's prior budget narratives, replete with declaratory evidence that climate, fire hazards, and other forestland classification determining factors have all changed dramatically over the last decade.

Since ODF, through the counties, assesses costs to landowners based on the forestland classification and since the forestland classification is outdated and may no longer be relevant or valid, ODF's assessment may contain serious flaws that impact individual landowners as well as how costs are spread across the private landscape.

Regarding PCR's property specifically: 1) ODF has classified and is assessing land that is presently farmed and irrigated (see attachment 1) such that the land does not meet the definition of "forestland" (OAR 629-045-0035(6)); 2) land that is classified and assessed as Class 2 has been cleared for agricultural uses other than farming and is being managed to support vegetation that does not include tree species native to the locale and, therefore, should be reclassified to Class 3 and assessed at a lower rate (OAR 629-045-0030(4)(b)); 3) stocking levels and yield capability of certain lands classed as Class 2 appear to have substantially less incremental growth than potential site productivity as described by the literature<sup>5</sup>; 4) some classified lands enclose areas of less than 40 acres in size (OAR 629-045-0040 (1)(b); attachment 2).

<sup>3</sup> For example, Oregon ranks tenth out of all fifty states in providing government employee pension benefits, thirteenth in average employee benefits in dollar terms, and thirteenth in average annual compensation for government employees with compensation rates 26.3% higher than compensation for comparable jobs in the private sector. Biggs, Andrew G. PhD. 2022. State employee compensation in the fifty states with a special focus on Connecticut. Rpt prepared for Nutmeg Research.

<sup>4</sup> E.G. "climate change", "social equity and environmental justice", and etc., which are State initiatives

<sup>5</sup> Which has substantially different criteria than that established by the ODF for all forestlands. See Powell, David C. 1999. Suggested stocking levels for forest stands in northeastern Oregon and southeastern Washington: an implementation guide for the Umatilla National Forest. USDA For Serv PNW Reg. F14-SO-TP-03-99. And Powell, David C. Site productivity estimates for upland forest plant associations of Blue and Ochoco mountains. USDA FS PNW Reg. F14-SO-WP-SILV-5.



- A portion of PCR’s property zoned both Class 2 and 3, has a divided timber estate (attachment 3). Under Oregon statute, severable interests owned separate from the realty are not subject to taxation or assessment (ORS 308.115). PCR previously attempted to resolve this issue with ODF staff directly (attachment 4) but were informed that a separate assessment would require permission of the severed estate owner. That opinion is not consistent with the applicable statute.
- Oregon is one of only two western states that uses an outmoded model of landowner assessments for fire suppression<sup>6</sup> while other states either use landowner assessments for fire prevention programs or do not assess landowners directly at all. Oregon’s static forestland classification system treats landowners similarly, regardless of management, with no crediting system for positive stewardship that lessens fire risk or increases individual fire suppression capacity<sup>7</sup>. Furthermore, this seriously flawed funding model focuses on treating symptoms, not causes. On average 13,300 acres of ODF protected lands burned from 2003 to 2012 but from 2013 to 2022, that rate increased 800% to 119,864 acres burning each year<sup>8</sup> and ODF’s budget for suppression exploded accordingly<sup>9</sup>. These serious failures, combined with constantly expanding unfunded missions (for agency staff) and mandates (for landowners), inherent disincentives for cost controls, and enlargement of-and attention to-the wildland urban interface (attachment 5) creates a highly inequitable system that disadvantages forestland owners<sup>10</sup>.
- ODF is laying blame for its significant increase in private assessments largely to the unfunded mandate from the 2021 Oregon Legislature who “...required an ‘increase in overall wildfire response capacity’ through Senate Bill 762”. However, ODF is overlooking--unintentionally or otherwise--the proviso of section 30a that exempts increasing capacity when financing is not provided:

- *Wildfire Response Capacity*

Section 30a. The State Forestry Department:

....

*(2) Shall increase the department's wildfire readiness and response capacity, including increases to fire suppression response personnel, aviation assets and necessary*

<sup>6</sup> Cook, Philip S. and Dennis R. Becker, Ph.D. 2017. State funding for wildfire suppression in the western U.S. Univ. of Idaho, Coll of Nat Res. PAG Rpt No 7. Moscow, ID.

<sup>7</sup> As ODF pointed out in its FY2013-15 budget narrative “[a] A key piece to the complete and coordinated fire protection system **that doesn’t show in budgets or get collected as revenues** is the “in-kind” support from landowners. Each year, landowners spend millions of dollars to maintain readiness of their own qualified personnel, as well as equipment, gates, road maintenance, pump chances etc., so that they can assist in the protection of their lands and their neighbors’ lands. [emphasis added]

<sup>8</sup> 1993-2022 ODF Protected Acres Burned – Past 3 Decades. <https://www.oregon.gov/odf/fire/documents/odf-protected-acres-burned-by-decade-chart.pdf>

<sup>9</sup> ODF’s COD suppression cost per acre rate in 2022 was \$31,177 (COD FY24 Budget Narrative), over 22-times the average cost of regional fuel reduction projects.

<sup>10</sup> Although landowners in the WUI pay a modest increase in fees, it doesn’t appear to be sufficient to address the disparity between landowners and funding systems. Cook and Becker (2017) discussed issues of inequity, incentives, and cost controls.

*administrative support personnel, to the extent the department receives funding for the increase.* [emphasis added]

There is nothing in the legislative history of SB762 that suggests it was the intent of the legislature to force landowners to shoulder the burden of their unfunded mandates.

**Conclusion:**

After nearly 37 years of public policy work, I've come to the immutable conclusion that public meetings and hearings with government agencies are mostly *pro forma* affairs intended to check procedural boxes and facilitate whatever decision the agency favors originally (that is unless you are supporting what the agency intended to do anyway, in which case you then become a "valued stakeholder"). ODF will either treat the rejections and appeals it received from the four forest protective associations and landowners seriously or it won't; my participating in an appeal hearing is not likely to change anything. However, regardless of ODF's decision, I will still support the local firefighters who, along with landowners, serve as the first line of defense for local fire suppression at the same time that I'll continue to advocate for the fair and equitable forest protection system promised to landowners decades ago and which the State moves further away from each biennium.

Sincerely,

/s/ Shaun W Robertson, Member  
Picnic Creek Ranch, LLC  
Mount Vernon & Fox, Oregon

Class 3

# Attachment 1: Irrigated & Farmed Lands Classified as Forestland Picnic Creek Ranch

Class 3

Class 2

**Legend**

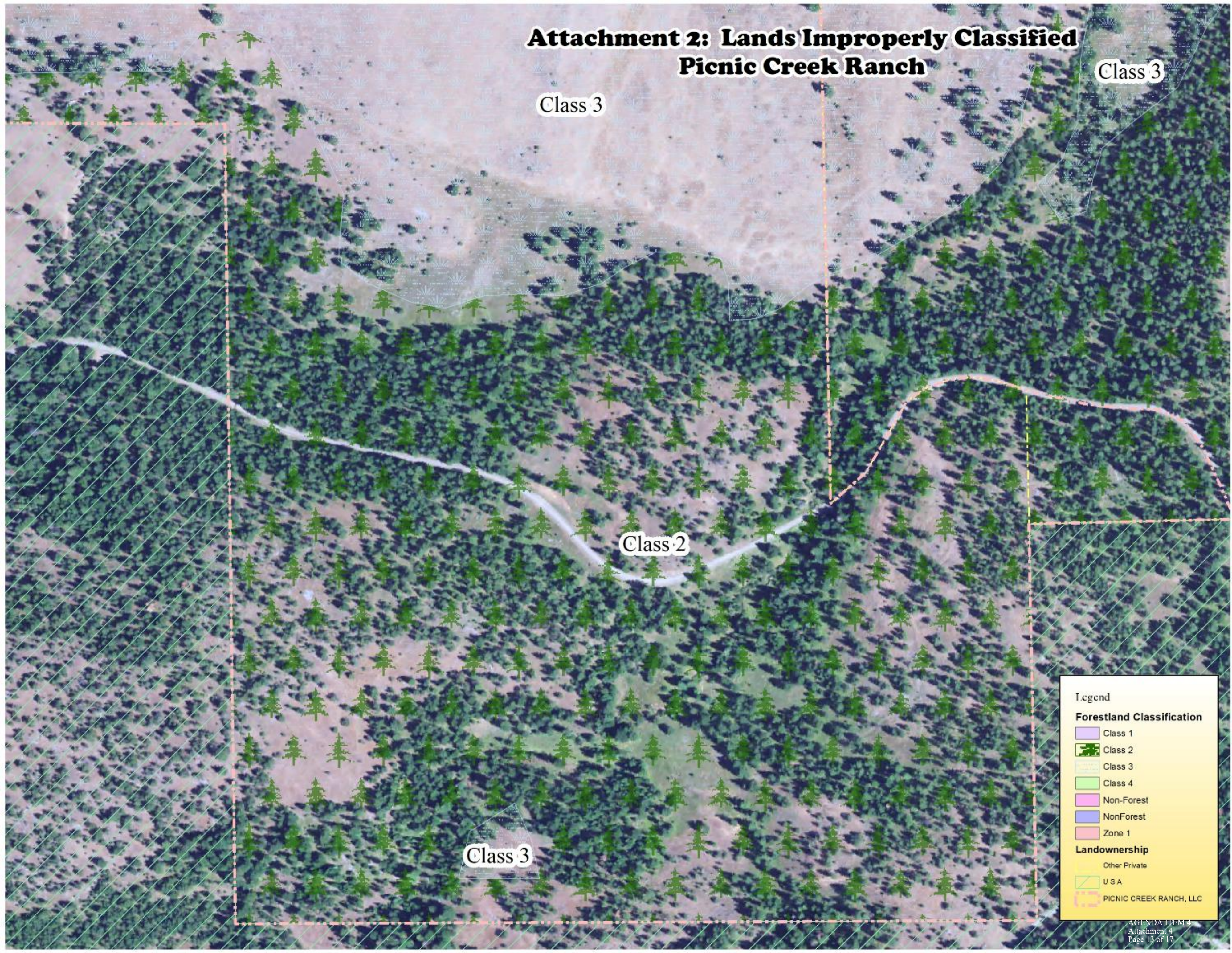
**Forestland Classification**

- Class 1
- Class 2
- Class 3
- Class 4
- Non-Forest
- NonForest
- Zone 1

**Landownership**

- Other Private
- U S A
- PICNIC CREEK RANCH, LLC

# Attachment 2: Lands Improperly Classified Picnic Creek Ranch



Class 3

Class 3

Class 2

Class 3

**Legend**

**Forestland Classification**

- Class 1
- Class 2
- Class 3
- Class 4
- Non-Forest
- NonForest
- Zone 1

**Landownership**

- Other Private
- U S A
- PICNIC CREEK RANCH, LLC

# 16,321

BOOK 38 PAGE 3

KNOW ALL MEN BY THESE PRESENTS, That -BLUE MOUNTAIN LAND CO.-

a corporation duly organized and existing under the laws of the State of -Oregon- in consideration of -EIGHT HUNDRED EIGHTY-FIVE and No/100- Dollars,

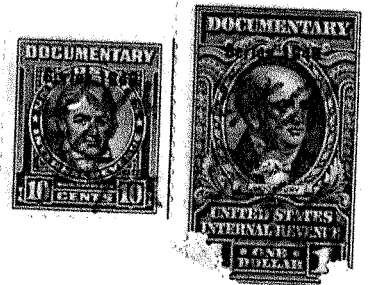
to it paid by -HARLAND WILLIAMS of Mt. Vernon, Oregon-

does hereby grant, bargain, sell and convey to said -Harland Williams, grantee, his heirs and assigns forever, the following real property, with the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and also all the estate, right, title and interest, at law and equity, therein and thereto, situated in the County of -Grant-, and State of Oregon, bounded and described as follows, to-wit:

NE 1/4 of Section 31 and the SW 1/4 SE 1/4 of Section 30, all in Twp. 11 South, R. 29 E., W. M., containing 200 acres according the public survey, excepting and reserving therefrom, however, a strip of land 30 feet in width being 15 feet on each side of the center line of that certain roadway as now constructed by the grantor and established and located at this time upon and across the said 200 acre tract above described.

In connection with such reservation the grantor hereby agrees to construct and maintain adequate cattle guards wherever said 30-foot right-of-way shall intersect any fences now constructed along the exterior boundaries of said said 200 acre tract.

Also excepting and reserving from the lands hereby conveyed all the timber in perpetuity now standing or at any time hereafter to be grown in the future together with rights of ingress and egress for the purpose of logging and removing said timber.



TO HAVE AND TO HOLD the same to the said -Harland Williams, a single man- -his- heirs and assigns forever. And the said -Blue Mountain Land Co., the grantor above named- does covenant with the said -Harland Williams, the above named grantee- and -his- legal representatives forever, that it is lawfully seized in fee simple of the above described and granted premises, and has a valid right to convey same; that the said real property is free from all encumbrances, except as above set forth

and that it will, and its successors shall WARRANT AND DEFEND the same to the said grantee, -his- heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, BLUE MOUNTAIN LAND CO., pursuant to a resolution of its Board of Directors, duly and legally adopted, has caused these presents to be signed by its President and Secretary, and its corporate seal to be hereunto affixed this 25th day of August A. D. 1949.

In the presence of

Handwritten signatures of witnesses, including one that appears to be 'H. C. ...'.

BLUE MOUNTAIN LAND CO.

By [Signature] President

BLUE MOUNTAIN LAND CO.

By [Signature] Secretary

STATE OF OREGON,

County of Grant } ss.

On this 26th day of August, 1949, before me appeared J. D. Welch, Jr. and Harry C. Welch both to me personally known, who being duly sworn, did say that he, the said J. D. Welch, Jr. is the President, and he, the said Harry C. Welch is the Secretary of BLUE MOUNTAIN LAND CO. the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and J. D. Welch, Jr. and Harry C. Welch acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this the day and year first in this, my certificate, written.

S. H. Howell
Notary Public for Oregon.
My commission expires 4/6/51



#16.321

CORPORATION
WARRANTY DEED

BLUE MOUNTAIN LAND CO.

TO

HARLAND WILLIAMS

STATE OF OREGON, } ss.

County of Grant
I certify that the within instrument was received for record on the 27th day of August A. D. 1949, at 12:45 o'clock P. M., and recorded in book 58 on page 5-6, Record of Deeds of said County.

WITNESS my hand and seal of County affixed.

John D. Lusk
County Clerk
Recorder of Conveyances.
By Cecilia Conley
Deputy.

STEVENS-NESS LAW PUB. CO., PORTLAND 03148

HOWELL & WILSON
Attorneys at Law
John Day, Oregon

INDEXED

**Subject:** RE: Fire Assessment

**From:** HUGHES Hailey \* ODF <Hailey.HUGHES@odf.oregon.gov>

**Date:** 2/25/2022, 11:50 AM

**To:** "PCRanch@ortelco.net" <PCRanch@ortelco.net>

**CC:** BLAIR Allison \* ODF <Allison.BLAIR@odf.oregon.gov>, COOK Chris D \* ODF <Chris.D.COOK@odf.oregon.gov>

Shaun – I read through the deed you provided and reached out to my respective ODF contacts regarding your question/situation. I have also included in this email my supervisor Allison Blair/ John Day Unit Forester, and Chris Cook/ John Day Wildland Fire Supervisor for Oregon Department of Forestry's John Day Unit. They additionally are resources and contacts that are available to you if you have questions.

Oregon Department of Forestry does recognize there are cases where timber ownership is separate from the actual land sale or exchange of property. ODF is willing to accommodate a separation in the timbered assessment if it is identified specifically within the sale or contract of sale by both parties and or documentation can be provided if this is an agreed upon separation of assessment. Based upon the relationship you described with Mr. Woodward you may still have opportunity to make this change with new documentation.

Additionally, I wanted to provide the statute for your information that may better describe the responsibility Oregon Department of Forestry has regarding its roles and obligation for assessment and protection, **ORS 477.210 Duty of owner to protect forestland; forester's duty to provide protection upon noncompliance.**

Please let us know if this provides the answers you needed or if you have additional questions.

---

**From:** Shaun & Colleen Robertson <PCRanch@ortelco.net>

**Sent:** Friday, February 11, 2022 7:30 AM

**To:** HUGHES Hailey \* ODF <Hailey.HUGHES@odf.oregon.gov>

**Subject:** Fire Assessment

Hailey,

This is the deed for the property we purchased in Fox that has the severed timber estate. Since we do not own the timber on this parcel, we do not want to pay the fire assessment. Jim Woodward from Mitchell is the owner of the timber. I've spoken to him and his wife and they are great people and we don't want to cause them any problems, we just don't want to pay for services that benefit someone else.

Please let me know what you can do to help.

Thanks,  
Shaun

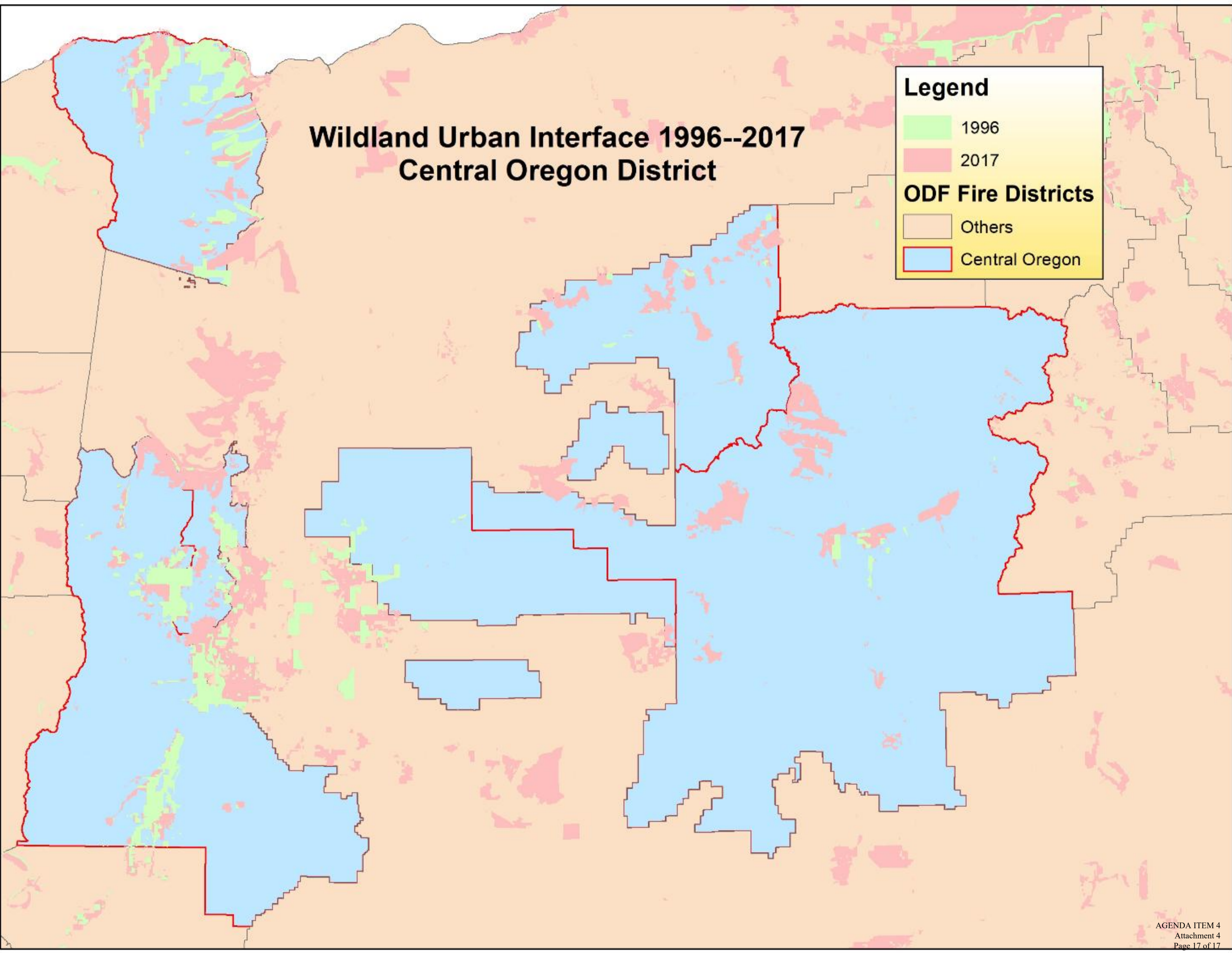
# Wildland Urban Interface 1996--2017 Central Oregon District

**Legend**

- 1996
- 2017

**ODF Fire Districts**

- Others
- Central Oregon





**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
 )  
 )  
**Walker Range Forest Protection District Budget** )  
**Appellant Theresa Cliff** )  
 )  
 )  
 )

**FINAL ORDER**

Introduction

On April 28, 2023, Ms. Theresa Cliff submitted an appeal of the fiscal year 2024 Walker Range Forest Protection District budget, in accordance with ORS 477.260. Ms. Cliff’s appeal letter was submitted in writing and was received by the Department of Forestry within 30 days of the public budget meeting, satisfying the requirements of ORS 477.260(1) and OAR 629-041-0035(1).

*This is the Board of Forestry’s final order in this matter.*

In her letter, Ms. Cliff expressed the following points, in summary:

1. ODF Protection budget from Salem is unacceptable.
2. She approves and supports the budget increases towards Walker Range’s adequate level of protection.
3. Requests that the State Forester take aggressive action to adjust the pro-rated assessment with the budget for ODF costs.
4. Reinstate the offset funding.

Statutory Authority

Consistent with the statutory direction of ORS 477.235, each year in January, staff at the Department of Forestry in Salem and staff at each forest protection district begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1st – June 30th). During the development process, district budget committees, established under ORS 477.240, analyze, and review the draft budget prior to making recommendations to the District Forester. The budget committee then carries the final recommended budget to the Board of Directors of the Forest Protective Association for consideration at the annual spring association meeting. Additionally, each district holds a public budget meeting in accordance with ORS 477.255 for any landowners affected by the budget to provide an opportunity for any additional public comments on the budget.

The district then submits its protection budget to the State Forester for official approval by the Board of Forestry in June, as provided in ORS 477.265. The Board of Forestry does not have the authority to use or obligate funds beyond the authority granted through the biennial budgeting process by the Oregon Legislative Assembly.

## Findings of Fact

The State Board of Forestry finds:

1. Theresa Cliff is an owner of forestland within the Walker Range Protection District.
2. On April 28, 2023, the Walker Range Protective Association Board of Directors approved the fiscal year 2024 Walker Range Protection District budget as meeting an adequate level of protection.
3. On April 28, 2023, the Walker Range Protection District conducted a public budget meeting in accordance with ORS 477.255.
4. On April 28, 2023, Ms. Theresa Cliff submitted a request, in writing, to appeal the recommended budget in accordance with ORS 477.260 and OAR 629-041-0035(1).
5. Ms. Cliff specifically stated the issues with the proposed Walker Range Forest Protection District budget and the remedy sought.
6. Senate Bill 762, passed during the 2021 Legislative Session, provided funds to serve as an offset to the increase of landowner costs due to the capacity increases directed by the bill.
7. The Board of Forestry approved Policy Option Package 111, Landowner Rate Offset Continuation, as part of the Department's fiscal year 2023-2025 Agency Request budget, requesting continuation of the funds provided in 2021 pursuant to SB 762.
8. Policy Option Package 111 was not included in the Governor's Recommended Budget for the Department.

---

## Conclusions of Law

The State Board of Forestry is obligated to annually review the forest protection district budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein, pursuant to ORS 477.265.

## Ultimate Conclusion

***The Board of Forestry affirms the Walker Range Protection District budget represents an adequate level of protection as required by ORS 477.265.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:**

**Walker Range Forest Protection District  
Appellant EFM Advisory & Investments Inc.**

**FINAL ORDER**

Introduction

On April 28, 2023, EFM Advisory & Investments Inc. (“EFM”) submitted an appeal of the fiscal year 2024 Walker Range Forest Protection District budget, in accordance with ORS 477.260. The appeal was submitted by Mary Jo Hedrick in writing and was received by the Department of Forestry within 30 days of the public budget meeting, satisfying the requirements of ORS 477.260(1) and OAR 629-041-0035(1).

*This is the Board of Forestry’s final order in this matter.*

In its letter, EFM expressed the following points, in summary:

1. EFM approves and supports the budget increases towards Walker Range’s adequate level of protection.
2. The Governor’s Recommended Budget fails to include the \$15 million in General Fund contributions allocated to ODF in SB 762 and shifts new capacity costs to private landowners.
3. EFM asks for assistance to reinstate the offset funding.

Statutory Authority

Consistent with the statutory direction of ORS 477.235, each year in January, staff at the Department of Forestry in Salem and staff at each forest protection district begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1st – June 30th). During the development process, district budget committees, established under ORS 477.240, analyze, and review the draft budget prior to making recommendations to the District Forester. The budget committee then carries the final recommended budget to the Board of Directors of the forest Protective Association for consideration at the annual spring association meeting. Additionally, each district holds a public budget meeting in accordance with ORS 477.255 for any landowners affected by the budget to provide an opportunity for any additional public comments on the budget.

The district then submits its protection budget to the State Forester for official approval by the Board of Forestry in June, as provided in ORS 477.265. The Board of Forestry does not have the authority to use or obligate funds beyond the authority granted through the biennial budgeting process by the Oregon Legislative Assembly.

## Findings of Fact

The State Board of Forestry finds:

1. EFM Advisory & Investments Inc. is an owner of forestland within the Walker Range Protection District.
2. On April 28, 2023, the Walker Range Protective Association Board of Directors approved the fiscal year 2024 Walker Range Protection District budget as meeting an adequate level of protection.
3. On April 28, 2023, the Walker Range Protection District conducted a public budget meeting in accordance with ORS 477.255.
4. On April 28, 2023, EFM Advisory & Investments Inc. submitted a request, in writing, to appeal the recommended budget in accordance with ORS 477.260 and OAR 629-041-0035(1).
5. EFM Advisory & Investments Inc. specifically stated the issues with the proposed Walker Range Forest Protection District budget and the remedy sought.
6. Senate Bill 762, passed during the 2021 Legislative Session, provided funds to serve as an offset to the increase of landowner costs due to the capacity increases directed by the bill.
7. The Board of Forestry approved Policy Option Package 111, Landowner Rate Offset Continuation, as part of the Department's fiscal year 2023-2025 Agency Request budget, requesting continuation of the funds provided in 2021 pursuant to SB 762.
8. Policy Option Package 111 was not included in the Governor's Recommended Budget for the Department.

---

## Conclusions of Law

The State Board of Forestry is obligated to annually review the forest protection district budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein, pursuant to ORS 477.265.

## Ultimate Conclusion

***The Board of Forestry affirms the Walker Range Protection District budget represents an adequate level of protection as required by ORS 477.265.***

### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

**In the Matter of:** )  
 )  
 ) **FINAL ORDER**  
**Central Oregon Forest Protection District Budget** )  
**Appellant Ian Fladoos** )  
 )  
 )  
 )  
 )

Introduction

On May 5, 2023, Mr. Ian Fladoos submitted an appeal of the fiscal year 2024 Central Oregon Forest Protection District budget, in accordance with ORS 477.260. Mr. Fladoos’s appeal letter was submitted in writing and was received by the Department of Forestry within 30 days of the public budget meeting, satisfying the requirements of ORS 477.260(1) and OAR 629-041-0035(1).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Fladoos expressed the following points, in summary:

1. Wildfires negatively impact all Oregonians.
2. All Oregon residents should help contribute to wildfire protection.
3. The increased taxes on private landowners are unsustainable.
4. Senate Bill 762 was established for all Oregonians.

Statutory Authority

Consistent with the statutory direction of ORS 477.235, each year in January, staff at the Department of Forestry in Salem and staff at each forest protection district begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1st – June 30th). During the development process, district budget committees, established under ORS 477.240, analyze, and review the draft budget prior to making recommendations to the District Forester. The budget committee then carries the final recommended budget to the Board of Directors of the forest Protective Association for consideration at the annual spring association meeting. Additionally, each district holds a public budget meeting in accordance with ORS 477.255 for any landowners affected by the budget to provide an opportunity for any additional public comments on the budget.

The district then submits its protection budget to the State Forester for official approval by the Board of Forestry in June, as provided in ORS 477.265. The Board of Forestry does not have the authority to use or obligate funds beyond the authority granted through the biennial budgeting process by the Oregon Legislative Assembly.

Findings of Fact

The State Board of Forestry finds:

1. Ian Fladoos is an owner of forestland within the Central Oregon Protection District.

2. On April 25, 2023, the East Oregon Forest Protection Association Budget committee declined to approve the fiscal year 2024 Central Oregon Protection District budget due to the cost increases.
3. On May 4, 2023, the Central Oregon Protection District conducted a public budget meeting in accordance with ORS 477.255.
4. On May 4, 2023, Mr. Ian Fladoos submitted a request, in writing, to appeal the recommended budget in accordance with ORS 477.260 and OAR 629-041-0035(1).
5. Mr. Fladoos specifically stated the issues with the proposed Central Oregon Protection District budget and the remedy sought.
6. Senate Bill 762, passed during the 2021 Legislative Session, provided funds to serve as an offset to the increase of landowner costs due to the capacity increases directed by the bill.
7. The Board of Forestry approved Policy Option Package 111, Landowner Rate Offset Continuation, as part of the Department's fiscal year 2023-2025 Agency Request budget, requesting continuation of the funds provided in 2021 pursuant to SB 762.
8. Policy Option Package 111 was not included in the Governor's Recommended Budget for the Department.

---

#### Conclusions of Law

The State Board of Forestry is obligated to annually review the forest protection district budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein, pursuant to ORS 477.265.

#### Ultimate Conclusion

***The Board of Forestry affirms the Central Oregon Forest Protection District budget represents an adequate level of protection as required by ORS 477.265.***

#### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.



Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**BEFORE THE OREGON BOARD OF FORESTRY**

|                                                                                                                                         |                                 |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------|
| <b>In the Matter of:</b><br><br><br><b>Central Oregon Forest Protection District Budget</b><br><b>Appellant Picnic Creek Ranch, LLC</b> | )<br>)<br>)<br>)<br>)<br>)<br>) | <b>FINAL ORDER</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------|

Introduction

On May 31, 2023, Picnic Creek Ranch, LLC, through member Shaun W. Robertson, submitted an appeal of the fiscal year 2024 Central Oregon Forest Protection District budget, in accordance with ORS 477.260. Mr. Robertson’s appeal letter was submitted in writing and was received by the Department of Forestry within 30 days of the public budget meeting, satisfying the requirements of ORS 477.260(1) and OAR 629-041-0035(1).

*This is the Board of Forestry’s final order in this matter.*

In his letter, Mr. Robertson expressed the following points, in summary:

1. The Oregon Department of Forestry is moving further from its statutory mission.
2. The classification of forestland in Grant County is outdated.
3. The divided timber estate is not properly applied regarding the forest patrol assessment.
4. Oregon’s fire suppression funding model is outdated.
5. That legislative intent was to only increase wildfire response capacity to the extent the department receives funding for the increase.

Statutory Authority

Consistent with the statutory direction of ORS 477.235, each year in January, staff at the Department of Forestry in Salem and staff at each forest protection district begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1st – June 30th). During the development process, district budget committees, established under ORS 477.240, analyze, and review the draft budget prior to making recommendations to the District Forester. The budget committee then carries the final recommended budget to the Board of Directors of the forest Protective Association for consideration at the annual spring association meeting. Additionally, each district holds a public budget meeting in accordance with ORS 477.255 for any landowners affected by the budget to provide an opportunity for any additional public comments on the budget.

The district then submits its protection budget to the State Forester for official approval by the Board of Forestry in June, as provided in ORS 477.265. The Board of Forestry does not have the authority to use or obligate funds beyond the authority granted through the biennial budgeting process by the Oregon Legislative Assembly. No authority is granted to the State Forester or the Board by the Legislature to override the determinations of a forestland classification committee.

Findings of Fact

The State Board of Forestry finds:

1. Shaun Robertson is a member of Picnic Creek Ranch, LLC, classified as forestland within the Central Oregon Protection District.
2. On April 25, 2023, the East Oregon Forest Protection Association Budget committee declined to approve the fiscal year 2024 Central Oregon Protection District budget due to the cost increases.
3. On May 4, 2023, the Central Oregon Protection District conducted a public budget meeting in accordance with ORS 477.255.
4. On May 31, 2023, Mr. Robertson submitted a request, in writing, to appeal the recommended budget in accordance with ORS 477.260 and OAR 629-041-0035(1).
5. Mr. Robertson specifically stated the issues with the proposed Central Oregon Protection District budget and the remedy sought.
6. Senate Bill 762, passed during the 2021 Legislative Session, provided funds to serve as an offset to the increase of landowner costs due to the capacity increases directed by the bill.
7. The Board of Forestry approved Policy Option Package 111, Landowner Rate Offset Continuation, as part of the Department's fiscal year 2023-2025 Agency Request budget, requesting continuation of the funds provided in 2021 pursuant to SB 762.
8. Policy Option Package 111 was not included in the Governor's Recommended Budget for the Department.

---

#### Conclusions of Law

The State Board of Forestry is obligated to annually review the forest protection district budgets, make any changes in the budgets that are proper and consistent with law, and pass final approval on all district budgets and the prorated acreage rates therein, pursuant to ORS 477.265.

#### Ultimate Conclusion

***The Board of Forestry affirms the Central Oregon Forest Protection District budget represents an adequate level of protection as required by ORS 477.265.***

#### Appeal Rights

You have the right to seek judicial review of this Order by filing a petition in Circuit Court pursuant to ORS 183.484. To seek judicial review, you must file a petition with the Marion County Circuit Court, or the circuit court for the county in which you reside or have a principal business office, within 60 days from the day this Order was served on you. If this Order was personally delivered to you, the date of service is the day you received the Order. If this Order was mailed to you, the date of service is the day it was *mailed*,

not the day you received it. The petition shall state the nature of your interests, the facts showing how you are adversely affected or aggrieved by the agency order and the ground or grounds upon which you contend the order should be reversed or remanded. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Dated this 7<sup>th</sup> day of June, 2023,

Jim Kelly, Chair

Oregon Department of Forestry

**STAFF REPORT**

|                       |                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 5                                                                                                                                |
| Topic:                | Forest Trust Land Advisory Committee                                                                                             |
| Presentation Title:   | FTLAC Testimony to the Board of Forestry                                                                                         |
| Date of Presentation: | June 7, 2023                                                                                                                     |
| Contact Information:  | David Yamamoto, FTLAC Chair and Tillamook County<br>Commissioner<br>John Sweet, FTLAC Vice-Chair and Coos County<br>Commissioner |

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

## STAFF REPORT

|                       |                                                                                                                                                                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 6                                                                                                                                                                                                                                                                                          |
| Work Plan:            | Fire Protection                                                                                                                                                                                                                                                                            |
| Topic:                | Ongoing Topic; Fire Season Readiness and Forecast                                                                                                                                                                                                                                          |
| Presentation Title:   | 2023 Fire Season Outlook and Readiness Report                                                                                                                                                                                                                                              |
| Date of Presentation: | June 7, 2023                                                                                                                                                                                                                                                                               |
| Contact Information:  | Mike Shaw, Chief – Fire Protection<br>503-945-7204, <a href="mailto:Michael.H.Shaw@odf.oregon.gov">Michael.H.Shaw@odf.oregon.gov</a><br>Ron Graham, Deputy Chief of Operations – Fire Protection<br>971-718-6862, <a href="mailto:Ron.Graham@odf.oregon.gov">Ron.Graham@odf.oregon.gov</a> |

### SUMMARY

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

|                      |                                                                                                                                                                                                                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:     | 7                                                                                                                                                                                                                                                                                             |
| Work Plan:           | Senate Bill 762 Work Plan                                                                                                                                                                                                                                                                     |
| Topic:               | 20-Year Landscape Resiliency Strategy                                                                                                                                                                                                                                                         |
| Date:                | June 7, 2023                                                                                                                                                                                                                                                                                  |
| Contact Information: | Ryan Gordon, Planning Branch Director<br>(503) 779-5278; <a href="mailto:Ryan.P.Gordon@odf.oregon.gov">Ryan.P.Gordon@odf.oregon.gov</a><br>Nathan Beckman, Strategic Planning Coordinator<br>(503) 383-5306; <a href="mailto:Nathan.beckman@odf.oregon.gov">Nathan.beckman@odf.oregon.gov</a> |

## SUMMARY

The *20-Year Landscape Resiliency Strategy* is the product of a legislative mandate and is rooted in previous work, including the Shared Stewardship Memorandum of Understanding (MOU), the National Cohesive Wildland Fire Management Strategy, and the Oregon Governor’s Council on Wildfire Response.

The 20-year Strategy responds to the Oregon Legislature’s bipartisan directive in [Senate Bill 762](#), signed into law on July 19, 2021. Known as the “Omnibus Wildfire Bill,” SB762 directed the Oregon Department of Forestry (ODF) to:

***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.***

Staff will provide an informational update to the board specific to the development of a legislative report fulfilling the mandate within SB762.

## CONTEXT

The *20-Year Landscape Resiliency Strategy* establishes a governance structure that sets broad statewide direction while creating engagement mechanisms with agency staff, Tribal Governments and agencies, local communities, regional groups, and others to partner on local priorities and project implementation. The strategy also establishes initial geographic priorities and goals to guide investments and identifies processes and mechanisms for updating and revising the priorities, goals, and approach. These include a dashboard to track progress, a science and resource assessment network to support learning, and a decision-support information hub to inform future decisions. In addition, the strategy creates a communications function to support coordinated messages across agencies, as well as public information, to encourage greater understanding about living with the continuing risk of wildfire. Finally, the strategy identifies a set of near-term actions intended to create the mechanisms and processes to support this work into the future, including local planning and capacity building, enhanced science and data, and a partner summit to launch the implementation of the strategy.

The heart of the strategy is the development of productive partnerships between federal and state agencies, Tribes, local governments, private landowners and industries, forest and rangeland groups, environmental and community groups, researchers, and others. The strategy emphasizes collaborating across these entities to identify joint priorities and develop landscape-scale cross-boundary restoration efforts. Agency partners will set shared statewide landscape-level priorities and goals and will work with Tribes and local entities to define locally-specific priorities and plans.

## **NEXT STEPS**

### *Implementing Shared Stewardship in Oregon*

The *20-Year Landscape Resiliency Strategy* seeks to guide federal, state, and private investments toward priority actions in geographies to reduce wildfire risk through landscape health and resilience. Agency leaders in the strategic leadership group are responsible for the success of the 20-year strategy, with support and guidance from agency staff, Tribes, community partners, and others.

Implementation will require some new activities and changes in some aspects of how agencies operate internally and externally. These new approaches will take time to put in place and will require the guidance and support of agency leaders, as well as input from Tribes, community groups, and others. They will also require procedural and policy changes. The strategy makes the following recommendations:

- *Invest in and strengthen agency and regional partnerships.*
- *Focus agency resources in priority geographies.*
- *Promote local landscape assessments and planning.*
- *Expand projects through coordination.*
- *Manage capacity and funding needs at local and agency levels.*
- *Track progress and adjust pace, scale, and approach as needed to achieve goals:*

### Near-term Components for Implementation

Near-term components for implementation are the key early investments that will contribute to increasing the pace and scale of treatments and to achieving the goals of the 20-year Strategy effectively and efficiently. These components create the forums, processes, and structures that will advance the work of Shared Stewardship. The strategy makes the following recommendations:

#### Governance & Engagement

- *Shared Stewardship Partner Summit*
- *Fully Implement the Shared Stewardship Governance Structure*
- *Support Regional Engagement and Partnership*

#### Science, Information, and Assessment

- **Scientific and Resource Assessment (SARA) Network.** The SARA network will provide scientific, data, and decision support to implementing agencies and local groups. SARA is envisioned as an expert network and clearinghouse supported by a coordinating group consisting of one or more science liaisons from each of the participating agencies.



- **Decision Support Information Hub.** The Decision Support Hub will support Shared Stewardship planning at the state and local levels by serving as a clearinghouse for sharing information on available expertise, techniques, tools and data. The Hub will both provide information to and gather information from the regional planning efforts. It will draw data from the accomplishment tracking and dashboard to inform updates to geographic priorities, goals, and investment decisions.
- **Accomplishment Tracking and Dashboard.** The proposed tracking system and dashboard will communicate progress on investments, actions, and outcomes and will be based on the goals and metrics established in the 20-Year Strategy. The dashboard will supply data to the Decision Support information hub and will be a central, user-friendly location that summarizes information on investments, actions, and outcomes. It will communicate Shared Stewardship progress to all interested parties and inform the allocation of state and federal resources.
- **Local Landscape Planning and Assessments.** For areas that do not have adequate or up-to-date local landscape assessments, partner agencies will engage with Tribes and regional groups to complete them. Assessments might include evaluation of collaborative governance; wildfire risk and landscape health; treatment progress & needs; public health and smoke vulnerability; equity and social vulnerability; and business & economic development. These assessments will support planning efforts to determine local priority geographies and actions. They will help determine capacity gaps, policy barriers, and financial needs at the local level and collectively at the state level. This information will also feed into the proposed decision support information hub and help guide investments and updates statewide.

#### Communications and Awareness

- **Inter-Agency Communications Plan.** The development of an interagency communications plan is necessary to build and maintain support for the 20-year Strategy. Through the implementation of the communications plan, agencies would provide clear and consistent information to Oregonians about the work happening on the ground and how it contributes to making our state, ecosystems, and communities more resilient to wildfire.
- **Shared Stewardship Website.** This will be a central, multi-agency Shared Stewardship website that displays the *20-Year Landscape Resiliency Strategy*, accomplishment tracking dashboard, and program and funding opportunities.

#### Capacity Building

- **Tribal Staff Support:** Many Tribes have limited capacity to engage on the wide range of topics requested by state and federal agencies, including Shared Stewardship efforts. The *20-Year Landscape Resiliency Strategy* and the Shared Stewardship governance structure provide a platform for Tribes to participate. Partner agencies will seek appropriate mechanisms to support tribal engagement and partnership in Shared Stewardship efforts.
- **Underserved Communities Support:** Underserved communities are often under-represented in landscape resilience decision-making, yet are often disproportionately affected by wildfire, smoke, and other impacts. There are challenges and barriers to

participation that are unique to these communities. Partner agencies are committed to greater engagement with underserved communities and equitably implementing the 20-year Strategy. Partner agencies will seek appropriate mechanisms to support engagement and partnership with underserved communities in Shared Stewardship efforts.

- **Regional Partnership and Collaborative Support:** Forest and rangeland partnerships and collaboratives are central to the implementation of the 20-year Strategy. The Qualitative Capacity Assessment revealed that most of these groups had less than one FTE and that inconsistent funding was a significant barrier to building and maintaining the capacity of these groups to be effective. Partner agencies will explore a range of options for supporting these groups, including the development of local MOU's, support for landscape assessments and strategic plans, technical and facilitation assistance, and agency liaisons or coordinators to support these groups.

## **RECOMMENDATION**

This item is informational.

## STAFF REPORT

|                       |                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 8                                                                                                                                     |
| Topic:                | *Forestry Program for Oregon Planning Work Session                                                                                    |
| Date of Presentation: | June 8, 2023                                                                                                                          |
| Contact Information:  | Ryan Gordon, Planning Branch Director<br>503-945-7393, <a href="mailto:ryan.p.gordon@odf.oregon.gov">ryan.p.gordon@odf.oregon.gov</a> |

### SUMMARY

The Board and department leadership will continue working on developing a new strategic plan for the agency, known as the Forestry Program for Oregon (FPFO). The work session will be moderated by a facilitator to continue the dialog between the Board of Forestry (Board) and the department's Executive Team to explore and hone the plan's goals, as well as further identify the associated strategies. The Board subcommittee will report on any progress to date. The primary discussion will cover:

- Department leadership to share updates from the Oregon Kitchen Table community engagement effort
- Subcommittee to share the progress of the resilient community goal
- Discuss functional ecosystems goal

### ATTACHMENTS

- (1) Oregon Kitchen Table Community Engagement Timeline
- (2) Forestry Program for Oregon Work Plan and Timeline
- (3) Forestry Program for Oregon Working Draft

# Timeline

APR

- Community connector interviews
- Design

MAY

- Community connector interviews
- Design

AUG

- Continue:
- Engagement activities

JUL

- Continue:
- Engagement activities

JUNE

- Begin:
- Engagement activities

SEP

- Identify emerging themes, unique perspectives
- Draft report

OCT

- Meaning making and follow up engagement

NOV

- Finalize OKT report

**BOARD OF FORESTRY**  
Makes and shares decisions

**2023 Forestry Program for Oregon Work Plan**  
**(Subcommittee planning doc, subject to updates)**  
**6-7-23 UPDATE**

| Winter 2022/23                                                                                                                                                                                                                                                                                                                                                      | Spring 2023                                                                                                                                                                                                                                                                                                                                                                                                 | Summer 2023                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Refine and Confirm Vision, Mission</p> <p>Determine Community Engagement Process</p> <p>Affirm FPFO Elements / Doc format using Climate Smart Forestry Lens</p> <p><b>January Board meeting:</b></p> <ul style="list-style-type: none"> <li>● <b>Vision</b></li> <li>● <b>Values/community engagement next steps</b></li> </ul>                                  | <p>Develop Goal Themes</p> <p>Draft Mission, <b>Purpose, Principles</b></p> <p>Culturally- specific community outreach (OKT)</p> <p><b>April Board Retreat:</b></p> <ul style="list-style-type: none"> <li>● <b>Goals - Themes</b></li> <li>● <b>Goal Resilient Communities- Definition, Strategy Ideas</b></li> </ul>                                                                                      | <p>Refine Goal Themes</p> <p>Develop ideas for Strategies</p> <p>Mid-process community engagement results, as available</p> <p><b>June Board meeting:</b></p> <ul style="list-style-type: none"> <li>● <b>Goal Ecosystem Function- Definition, Strategy Ideas</b></li> </ul> |
| Fall 2023                                                                                                                                                                                                                                                                                                                                                           | Winter 2023/24                                                                                                                                                                                                                                                                                                                                                                                              | Winter/Spring 2024                                                                                                                                                                                                                                                           |
| <p>Draft ideas for Strategies, Metrics, Challenges</p> <p>Community conversations with Board and ET</p> <p><b>September Board meeting and October Retreat:</b></p> <ul style="list-style-type: none"> <li>● <b>Goal Climate Leadership- Definition, Strategy Ideas</b></li> <li>● <b>Water related symposium with other State Boards and Commissions</b></li> </ul> | <p>Agency Draft System for tracking progress, Potential Actions</p> <p>Final Community Engagement Report</p> <p><b>Final Board meeting 2023/ January 2024 Board meeting:</b></p> <ul style="list-style-type: none"> <li>● <b>Review full suite of Goals and Strategies</b></li> <li>● <b>Review indicators and system for tracking progress</b></li> <li>● <b>Determine next steps with FPFO</b></li> </ul> | <p>Complete Dept Work Plans (Actions, Metrics) to reflect FPFO</p> <ul style="list-style-type: none"> <li>● <b>Review Actions and System for tracking progress</b></li> </ul> <p>Public Outreach on FPFO</p> <p>Finalize / Codify FPFO</p>                                   |

# Forestry Program for Oregon

*Oregon Board of Forestry*

and

*Oregon Department of Forestry*

**Strategic Planning Document**

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#### **Shared Vision -developed at October 2022 retreat**

*Complex and resilient forest ecosystems that endure and adapt*

#### **Joint Mission - developed by FPFO subcommittee on 1/18**

*The joint Mission of the BOF and ODF is to promote and guide management of Oregon forests and fire to benefit all Oregonians.*

**Values** - under development, will be informed by October 2022 Board / ET retreat discussions and community engagement efforts within this process.

**Agency Purpose** - developed by ODF Executive Team and reviewed by FPFO subcommittee

*Engage communities, staff, and resources to sustain and adapt forests and landscapes for social, economic, and ecological benefits.*

**Agency Principles** - developed and refined by ODF Executive Team as of 4/13/23

- *Understanding and honoring the complexity of the relationships Oregonians have with their natural resources and recognizing the value of diverse objectives across ownerships.*
- *Creating and maintaining a diverse, equitable and inclusive organization that houses a well-trained, service-focused workforce.*
- *Honoring our government-to-government relationships with the Sovereign Nations the state of Oregon shares land with.*
- *Building and maintaining diverse, inclusive, and trust-based relationships with Oregonians, partners, urban and rural communities, and local governments through [community engagement](#), collaboration, communication, transparency and accountability.*
- *Using technology, best available science and recognized best practices to guide agency operations to build and enhance the resiliency of Oregon's forests, reduce the impacts of climate change, minimize wildfire impacts and encourage biodiversity.*
- *Promoting economic development and diversification in the forest sector that promotes the adaptive capacity of forests.*
- *[Recognizing and acting on place based approaches where appropriate.](#)*

## **About the Board of Forestry (est. 1907):**

*-under development, ODF Public Affairs drafting*

## **About the Department of Forestry (est. 1911):**

*-under development, ODF Public Affairs drafting*

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## **Climate-Smart Forestry in Oregon for a Resilient Future**

*- drafted by ODF technical staff*

Climate-smart forestry is a holistic approach for addressing the management needs related to the existential pressures exerted from climate change. Recent impacts go beyond the biotic aspects of the forest and include social dimensions including economics and State financial obligations. Abiotic and biotic forces are driving a divergence of existing ecosystems and the future environment.



The Oregon Department of Forestry and the Oregon Board of Forestry have accepted a definition of climate-smart forestry that includes three legs: adaptation, mitigation, and the social dimension (including communities and economic aspects). Building the Forestry Program for Oregon around this stool will help the Board and the Department be in line with each other on climate policy. It also helps to align the work the State is doing with its federal counterparts which have been directed to center climate-smart agriculture and forestry in their own work and processes.

### **So, what does a climate-smart forestry framework look like?**

In previous iterations of the Forestry Program for Oregon, the Board has identified sustainable forest management as a key principle. Climate-smart forestry has been built out of sustainable agriculture and links with previous efforts to build criterion and indicators for sustainable forest management, like the Montreal Protocol.

Starting with **adaptation**. The changing environment has passed through tipping points that forests are unlikely to move back through. Forests see this through more extreme events, longer and more severe fire seasons, and a megadrought not seen since the dark ages (roughly 1200 years ago). These impacts do not spare any management approach or landowner. Adaptation policy can help forests adapt towards more resilient landscapes through human intervention. Changing forest structure, different management approaches, and incentivizing efforts to incorporate climate change into management decisions will be key. Additionally, providing tools that help forest landowners and managers assess their vulnerability to climate change can have broad benefits.

Next think of climate (or atmospheric carbon) **mitigation**. To reach internationally accepted targets (global temperature rise less than 1.5°C) to limit catastrophic impacts from climate change the global population will need to remove carbon dioxide from the atmosphere as well as work on adaptation measures. Natural climate solutions like forests, agricultural lands, and blue carbon all offer options to increase this mitigation through biologic sequestration. Forests, especially those on the west side of the state, are widely regarded as being highly capable ecosystems for this needed sequestration. Policy approaches and levers that can be utilized include incentivizing practices to increase stored carbon in the forests, reducing emissions from forest activities (e.g., limiting slash burning and increasing alternative slash use), among others.

Social license to achieve the other parts of CSF comes from the **social dimension**, a bifurcated part of CSF. Made up of communities and economies, this social aspect of CSF considers the impacts of adaptation and mitigation action on people, personal and community health, and community and rural economies. Utilizing climate smart forestry to create healthy, resilient forests that also provide ecosystem and economic benefits can help lift disadvantaged, underserved, natural resource dependent, and those living with intergenerational poverty. This adaptive

management will require a sea change from past management and there are opportunities for increased partnership with both public and private entities as well as community-based organizations and the people that they serve.

Climate-Smart Forestry will be used to stitch together the various aspects of this FPFO and will be present in each of the various goals that the Board and Department have mutually developed. More on this context, the structure of the goals and their assessment is on the following pages.

---

## Terms and Definitions Key:

**Goals** are the high level policy areas of importance to the Board and Agency.

Each goal identifies partners ODF and the BOF need to achieve the goals, and the actions describe where ODF is assumed to lead the action, influence the action, or co-perform with action with others.

**Strategies** are the broad brushes that are used to successfully achieve a goal.

The strategies should reflect the Climate Smart Forestry lens to address climate adaptation, mitigation, and social dimensions of forestry.

**Metrics** gauge the measurable changes to specific goals and strategies. Metrics will be determined through:

- consideration of available data, resources, and ability to measure and track the metric;
- identifying those actions the board and department have the ability to alter or influence; and
- include the ability to look back in time as well as project into the future to ascertain if the Action and Strategy are meeting the intended targets.

**Challenges** identify barriers to achieving the goal. These can be social, economic or environmental.

**Actions** are the operational aspects of the FPFO and are largely identified by agency leadership working together with the Board.

---

**Goals** - goal headings developed / refined by FPFO Subcommittee, as of 4/19

NOTE FROM FPFO SUBCOMMITTEE (4/19 Subcommittee discussions)

- Adaptation, mitigation and social dimensions are different and important prongs that should show up as distinct strategies in all goals.
- Distinguish what the Agency and Board can directly lead on and what it can partner/influence others to do.

## Functional and dynamic ecosystems (forest-centric goal):

Definition/Identification: (Notes from FPFO subcommittee 4/19)

- This is the framework to support all other goals; is foundational and also should remain distinct / stand alone from the other goals.
- **What is the range of ecosystem processes** (disturbance resistance/resilience, full range of plant and animal species, clean water, long lasting resilient forest products system)?

Strategies: *to be developed and reflect the following three Climate Smart Forestry pillars*

(Carry over from Resilient Communities discussions)

Biodiversity/Ecological focus:

- Integrated landscape (forests, grasslands)
- Clean water, cleaner air and carbon sequestration from forests = more resilient communities statewide that can both better adapt to climate change challenges and to the changes associated with growing population and associate resource demands
- Recognizing diversity of state
- Dynamic/changing environment
  
- Mitigation
- Adaptation
- Social

Metrics: *to be developed by the Agency after Strategies and Goals are determined*

Challenges:

Actions:

Partners, Partner Agencies and Constituents:

- Sovereign Tribes
- USDA Forest Service
- USDA Natural Resource Conservation Service
- Bureau of Land Management
- Oregon Watershed Enhancement Board
- Oregon Department of Fish and Wildlife
- Forest Collaboratives and related groups
- Forest Industry and related groups

DRAFT FOR DISCUSSION PURPOSES

## Climate Leadership:

Definition/Identification:

(Notes from FPFO subcommittee 4/19)

- **What role do we play in climate leadership?**
- Opportunity to be visionary and bold.
- High level broad policies, directives and statements that help move the Agency and others forward.
- Areas for potential leadership include land management, regulatory, fire/mitigation.
- Engage with other Boards and Commissions on a more holistic vision.

Strategies: *to be developed and reflect the following three Climate Smart Forestry pillars*

- Mitigation
- Adaptation
- Social

Metrics: *to be developed by the Agency after Strategies and Goals are determined*

Challenges:

Actions:

Partners, Partner Agencies and Constituents:

## Resilient Communities (people-centric goals)

Definition/Identification: **BEING DEVELOPED BY SUBCOMMITTEE.**

Commented [1]: Under construction

**DRAFT\_UNDER CONSTRUCTION - strategic areas under consideration:**

Educated and engaged community

Economic viability/vitality

Public health

Policy and regulatory certainty

Management across ownerships

Wildfire resiliency

Diversity of human communities / place based strategie

Metrics: *to be developed by the Agency after Strategies and Goals are determined*

Challenges:

Actions:

Partners, Partner Agencies and Constituents:

## **Organizational Excellence:** *drafted by ODF Executive Team, as of 4/13/23*

Definition/Identification

Oregon state agencies have an obligation to the Oregonians they serve to continually improve business processes to promote organizational efficiency and effectiveness in their delivery of services. This includes being transparent, accountable and fiscally responsible. In order to achieve this, ODF's operations must be integrated and aligned through shared common policies, goals and objectives that support direction provided by the Board, Executive Branch and Legislature. Engaging with partners, urban and rural communities, local governments and Sovereign Nations is essential. Operational excellence requires a well-trained, highly competent and diverse staff of professionals.

Strategies:

1. Create and maintain strategic and operational plans that support accomplishment of FPFO goals.
2. Collaboratively develop strategic and operational plans.
3. Work with other state and federal agencies to leverage efficiencies and opportunities to accomplish individual and shared goals and objectives.
4. Increase transparency into agency operations and performance through clear, accurate and easily accessible reporting.
5. Continue to build a strong and diverse agency workforce.
6. Establish and maintain visible regulatory programs with consistent enforcement of laws and rules.

Metrics:

1. Board, ODF staff, external agencies, stakeholders and public indicate that common themes of FPFO are clearly visible and understood in other agency plans.
2. Clear reporting of engagement process for plans from standing advisory committees and workgroups created for specific planning efforts.
3. Monitoring plans that clearly articulate the efficient use of ODF and external resources.
4. Usage statistics for dashboards and number of information requests received that are answered by existing dashboards.
5. Reporting on recruitment venues used and diversity statistics on candidate pools and resulting hires.
6. Number of agreements with colleges and universities, numbers of interns and diversity statistics on interns.

Challenges:

- Current unfunded positions in the Planning Branch to help coordinate plan development across the agency.
- Lack of consistent process for engagement of tribes, partners, stakeholders and public in planning processes. Some standing committees not being leveraged to their full potential.
- Monitoring positions and processes that are contained within different divisions.
- Lack of existing dashboards and integration of supporting information systems across agency.
- (Need HR help on challenges for recruiting)
- Lack of existing intern program and cost of sustaining program.

Actions:

- Transparency: Create and maintain dashboards for key metrics that are publicly available on ODF's external website. Provide internal and external access to areas of interest like status of enforcement actions, budget setting process, and public records requests.
- Workforce: Continue to incorporate DEI tools into ODF hiring practices and expand advertising of recruiting positions to broaden employee diversity.
- Workforce: Reestablish and expand intern program.

Partners, Partner Agencies and Constituents:

- DAS
- Sibling state agencies
- Universities and community colleges
- [Federal land managers](#)

|                       |                                                                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Item No.:      | 9                                                                                                                                                                                                                                                                        |
| Topic:                | *Board and Agency Organizational Governance<br>Work Session                                                                                                                                                                                                              |
| Date of Presentation: | June 8, 2023                                                                                                                                                                                                                                                             |
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## SUMMARY

During the second half of calendar year 2022, the Oregon Board of Forestry (the Board) and the Oregon State Forester (the State Forester or Forester) began an effort to evaluate the governance<sup>1</sup> efforts of the Board and the Forester, both individually and mutually. The purpose of this evaluation is to determine how effectively and efficiently the Board and the State Forester are operating in their respective governance roles, and whether governance improvements can be identified and implemented. The goal of the effort is to establish an optimal methodology that supports the Board and the State Forester in their governance and leadership work, thus better serving the citizens of Oregon through the effective accomplishment of goals, objectives, and strategies to produce desired outcomes.

The current Board and State Forester governance effort is being managed as a project (the Board Governance Project) comprised of four phases:

1. Scoping and Assessment
2. Policy Development
3. Policy Deliberation and Adoption
4. Implementation

Phase 1 Scoping and Assessment began in earnest in October 2022 as a work session of the Board during the annual Board Planning Session. During this session, the Board and the State Forester considered the need for and value of pursuing improved governance and a pathway to pursue that effort, using both their own experiences and the input from the consultant. In subsequent Board meetings in November and January, the Board and the State Forester committed to the process and established the framework.

Other key Phase 1 efforts included the consultant reviewing the work and interactions of the current Board and State Forester via recordings of previous Board meetings over the past several years; review of relevant Oregon state law and administrative rules and ‘outside’ policy of the Governor’s Office or associated agencies; individual one-on-one discussions between the consultant and each Board member and each key agency staff; sharing of relevant materials and resources regarding board governance and policy development with the Board and the agency, and development of the project proposal and plan.

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<sup>1</sup> Governance is defined as, “the exercise of authority and influence over an organization through deciding what and what not to do to further the mission and achieve intended outcomes.”



## CONTEXT

This work session represents the concluding effort of Phase 1 of the Governance Project. The results of Phase 1, including today's work session, form an important input element to Phase 2 which is development of the draft Board governance policies.

The Phase 1 report is being presented and used in today's work session as a 'final draft', recognizing that during the course of the work session, Board members and/or the State Forester may have input to the final draft. If so, that input will be incorporated, and the final report will then be produced and distributed.

## NEXT STEPS

The next step of the project is Phase 2 Governance Policy Development. Using well-tested tools and methodologies, the draft Board governance policies will be developed as a 'Board Policies Manual'. This draft development effort will be conducted by a development workgroup established by the Board Chair and State Forester, comprised of the following people:

- Board Chair Jim Kelly
- Board Member Chandra Ferrari
- State Forester Cal Mukumoto
- Planning Branch Director Ryan Gordon
- Board of Forestry Administrator Hilary Olivos-Rood
- Klamath-Lake District Assistant District Forester Teresa Williams
- The consultant, Clark W. Seely

The workgroup will be facilitated by the consultant and guided by the framework established in *Good Governance for Nonprofits*, by Fredric Laughlin and Robert Andringa, and will use the results of this Phase 1 Scoping and Assessment work.

The workgroup has already begun engagement together, and will meet periodically over the next five months via Zoom, and in an iterative process, develop a set of draft governance policies. It is anticipated that during the cycles of development, both the Department of Justice General Counsel for the Board and the Department and the Office of the Governor's Executive Appointments will be engaged in the draft work for review and/or consultation as needed.

In addition, over the next several months, the consultant and key Department staff will meet with the agency Executive Team and Leadership Team to review and discuss the project, the process, intended outcomes, and their engagement.

## ATTACHMENT

(1) Oregon Board of Forestry Board Governance Project Phase 1 Scoping and Assessment Report, Final Draft



# OREGON BOARD OF FORESTRY

## Board Governance Project

### Phase 1 Scoping and Assessment Report

May 3, 2023

Prepared and Submitted by Clark W. Seely  
President and Principal, Seely Management Consulting, Inc.

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## Introduction

During the second half of calendar year 2022, the Oregon Board of Forestry (the Board) and the Oregon State Forester (the State Forester or Forester) began an effort to evaluate the governance<sup>1</sup> efforts of the Board and the Forester, both individually and mutually. The purpose of this evaluation is to determine how effectively and efficiently the Board and the State Forester are operating in their respective governance roles, and whether governance improvements can be identified and implemented. The goal of the effort is to establish an optimal methodology that supports the Board and the State Forester in their governance and leadership work, thus better serving the citizens of Oregon through the effective accomplishment of goals, objectives, and strategies to produce desired outcomes.

This effort is particularly timely in that the current Board Chair was appointed to his role within the past two years, four of the seven current Board members are less than two years into their first term, and the State Forester is relatively new to his position, having been selected by the Board ten months prior to the initiation of this governance effort. In addition, key changes have occurred in the past year to the Department of Forestry's (Department or ODF) Executive and Leadership Teams.

Current members of the Board include:

- Jim Kelly, Chair
- Liz Agpaoa
- Karla Chambers
- Ben Deumling
- Chandra Ferrari
- Joe Justice
- Brenda McComb

Key Oregon Department of Forestry staff involved in the effort thus far include:

- Cal Mukumoto, State Forester
- Kyle Abraham, Deputy State Forester
- Ryan Gordon, Planning Branch Director
- Hilary Olivos-Rood, Board of Forestry Administrator
- Sabrina Perez, Senior Strategy Manager

The Board and the State Forester chose to utilize an organizational management consultant (the consultant) for facilitation of the project and guidance for potential improvement. Seely Management Consulting, Inc., (President and Principal, Clark W. Seely) was chosen for this assignment.

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<sup>1</sup> Governance is defined as, "the exercise of authority and influence over an organization through deciding what and what not to do to further the mission and achieve intended outcomes."

## Background

All governing boards have some system for conducting their business. These systems range from being loosely defined and relatively informal to very structured and formal. Sometimes, based on past practice, the system is carried forward, without much regard to current needs and ‘goodness of fit’, relying instead on ‘the way we’ve always done it.’ Other times, the governing system is quite intentional and purpose-built, and in nearly all cases, this is the preferred approach.

The system can be based on differing principles and requirements, but many governing boards and chief executives have gravitated to establishing policy<sup>2</sup> as the key element to their governance methodology, in part because boards and executives are typically accustomed to working in the realm of policy. Thus, the formation and implementation of policy<sup>3</sup> is the ‘framing structure’ and ‘system tool’ for board governance. This is the method that the Board and the State Forester have chosen to utilize for both evaluating and formulating (or refining) their governance approach.

Board governance policy must be intentional and described through what is known as a ‘Board Policies Manual’, or BPM. The BPM is a thorough, clear, concise, written expression of the governance policies of the board in a way that addresses three interrelated aspects:

1. The roles and responsibilities of the board and how the board governs and functions;
2. The authorities delegated to the chief executive of the organization; and
3. The governance partnership relationship between the board and the chief executive including roles, responsibilities, and accountabilities.

See Appendix A for a complete treatment of Board Governance through Board Policy.

## Project Summary

The current Board and State Forester governance effort is being managed as a project comprised of four phases:

1. Scoping and Assessment
2. Policy Development
3. Policy Deliberation and Adoption
4. Implementation

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<sup>2</sup> Policy is defined as, “a definite course of strategic action adopted (usually in writing) by a decision-making body to guide a path towards, and achieve, an end result.”

<sup>3</sup> Here we are distinguishing between the two types of policy generated and established by a governing board – Governance Policy, which is the focus and outcome of this current project, and Operational Policy, which includes all other policies that the governing board may establish for the operation and administration of the organization.

Phase 1 Scoping and Assessment began in earnest in October 2022 as a work session of the Board during the annual Board Planning Session. During this session, the Board and the State Forester considered the need for and value of pursuing improved governance and a pathway to pursue that effort, using both their own experiences and the input from the consultant. In subsequent Board meetings in November and January, the Board and the State Forester committed to the process and established the framework.

Other key Phase 1 efforts included the consultant reviewing the work and interactions of the current Board and State Forester via recordings of previous Board meetings over the past several years; review of relevant Oregon state law and administrative rules and ‘outside’ policy of the Governor’s Office or associated agencies; individual one-on-one discussions between the consultant and each Board member and each key agency staff; and development of the project proposal and plan.

This report represents the conclusion of Phase 1 and will provide important input for Phase 2 and the remainder of the project.

Initial work in Phase 2 has also begun, with establishment by the Board Chair and State Forester of a small project workgroup consisting of Board Chair Kelly and Board Member Ferrari, State Forester Mukumoto, Planning Branch Director Gordon, Administrator Olivos-Rood, Assistant District Forester for the Klamath-Lake District, Teresa Williams, and the consultant.

## Scoping

### Historical Context

#### Prelude

At the end of the 19<sup>th</sup> century, two major public issues relating to forests in America were in play – the sustainability of the timber resource over time (driven by the concern of permanent decline or loss of the base resource) and the impact of uncontrolled wildfire on the land, the natural resources, and on communities and people. In large respect, these two issues were intertwined. By the early part of the 20<sup>th</sup> century, both of these issues were coming to a head.

In the American west, the primary issue was wildfire. Compared to the eastern United States, the west was in the early stages of lumbering, but wildfire was the critical, and growing, issue.

Another significant factor during this time was the initial stages of development of the science and practice of forestry, and scientific natural resource management in general. Again, principally originating in the east, by the first decade of the 20<sup>th</sup> century, forestry was becoming part of the story. The first forestry school, the Biltmore Forest School, was established in 1898, the Society of American Foresters was established by Gifford Pinchot and six other early forestry pioneers in 1900, and the U. S. Forest Service, as we know it today, was established in 1905

## Oregon's First Board of Forestry

One of the State of Oregon's responses to these major issues (and other minor forest issues as well), was to establish by state law a State Board of Forestry, for the purpose of examining the issues and proposing recommendations to deal with the issues.

The lead up to this legislative decision is captured by Jim Fisher, long time Department employee (34 years) who served as the agency's Public Affairs Director for 18 years, as he wrote in his ODF centennial book, *Honoring a Century of Service*, in 2011:

“In 1903, private forest owners led by George Long, supervisor of Weyerhaeuser Company forests recently purchased from Northern Pacific Railroad, introduced legislation in both Oregon and Washington for forest fire protection. Oregon's bill passed the legislature, but was vetoed by Governor George Chamberlain, perhaps reflecting the common attitude of the time that landowners were free to act as they chose on their own lands. A similar bill in the State of Washington also did not survive.”

Fisher goes on:

“Private timber interests continued to seek support for a state forestry organization in Oregon. Encouraged by this support, the 1907 Oregon State Legislature created a temporary and advisory Board of Forestry with the assignment “to investigate forest conditions of the state and report thereon to the next Legislature.” Although the Board was advisory in nature, the Legislature did allow it to appoint hundreds of fire wardens “to take proper steps for the prevention of fires” in their local areas. The Board was provided \$500 for the 1907-1909 biennium. These funds barely covered postage, printing, and part-time stenographic services. The only compensation for board members was for travel expenses on board business. Volunteers were to do any field work.”

The board was chaired by Oregon Governor George E. Chamberlain and was comprised of seven members total including the Oregon Secretary of State, the Chief State Game and Fish Wardens, a representative of the U. S. Forest Service and of the Oregon Agricultural College, and representatives of the Oregon and Washington Lumber Manufacturer's Association and the Oregon Forestry Association.

Fisher continues:

“The Legislature also appropriated another \$500 to carry on the work of the 1907 advisory Board of Forestry for two more years. The Board's 1909-1910 biennium report stated:

“If the State Board of Forestry was maintained with proper financial backing, the Board should assume the executive and administrative needs of forestry protection and development. The Board should actively supervise the patrolling and policing of the forests of the state through the services of competent state fire wardens directed by a state forester.”



Looking back on the role of this advisory board, the first annual report of the first Oregon State Forester in 1912 stated:

“The two biennial reports of the Board, covering the years 1907-1910 show that notwithstanding the meager appropriation of \$250 per annum, a great amount of good was accomplished. The activities of the Board resulted in the appointment of hundreds of fire wardens annually, in acquainting citizens with the provisions of the forestry laws, and in advocating in every way possible the protection of our forests from fire.””

Then came the fire season of 1910 and the ‘big blowup’. Wildfires swept the forests of Oregon, Washington, Idaho, and Montana, devastating millions of acres of forests and resources, and costing the lives of nearly one hundred people.

Fisher continues:

“Oregon landowners and others raised a new concern besides preventing and controlling wildfires. It was now estimated that there were four million acres of burned-over land suitable only for growing of timber. Increasing sentiment focused on deciding what steps needed to be taken as soon as possible to reforest these lands and make them productive once again.

Slowly, as 1910 came to a close, momentum began to build for legislative action. In November, the Oregon Conservation Commission created by the 1909 Oregon Legislature issued its report. The report was critical of the state’s lack of effort to correct faults in the forestry program and recommended legislative action in the coming 1911 legislative session. Specifically, the commission recommended the following:

- Provide for a forester familiar with western conditions and experienced in organization for the prevention of forest fires as State Forester.
- Provide liberal appropriations for forest fire patrol services and authority to cooperate with other agencies.
- Improve fire laws and provide for strict enforcement.
- Study the forest conditions and needs.
- Provide for a system of general public education with specific advice for agriculture that will encourage lands being held for future forest crops.
- Develop a system of taxation for deforested land that is not more valuable for agriculture and that would encourage this land being held for future forest crops.
- Study ways for the state to acquire cut-over or burned forest lands that were better suited to state ownership than private.”

## A Better Solution

Fisher describes the impact and outcome of the 1910 experience on the hearts of minds of many Oregonians, including the Oregon Legislative Assembly, which with extensive collaboration and the full support of the major wildfire and forestry players in the state, considered a bill to amend the original 1907 effort:

“On January 11, 1911, newly-elected Governor Oswald West spoke to a joint session of the Oregon House and Senate and strongly supported the forestry bill. “It is imperative that the state adopt some sensible and adequate policy of forest protection,” he stated. During the next few weeks, hearings were held on enrolled House Bill 50 identified by The Oregon Statesman as “the Buchanan Bill” named for the legislator who introduced it, Representative J. A. Buchanan of Medford. Buchanan represented Douglas and Jackson counties in the 1909 and 1911 sessions. House Bill 50 was passed and on February 24, 1911, Governor Oswald West affixed his signature and filed it with the Secretary of State.

With the stroke of a pen, a new seven-member State Board of Forestry was created, the appointments of a State Forester and Deputy were authorized, and \$60,000 was appropriated for fire protection and investigation, short of the \$100,000 recommended by the private forest associations. The few forest laws already on the books from 1864, 1907, and 1909 were incorporated into this legislation.

[The seven member] Board membership included the Governor, the acting head of the Forestry School at Oregon Agricultural College, and five electors to be appointed by the Governor from recommendations made by the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers’ Association, the U. S. Forest Service, and the Oregon Wool Growers Association.

The Board was authorized to supervise all matters of forest policy and management under the jurisdiction of the state. The Board was authorized to appoint a State Forester who was to be “a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires,” identical words from the Oregon Conservation Commission report and words that remain in the law today.”

See Appendix B for the original text of Sections 1 and 2 of 1911 House Bill 50.

## The Evolving Board

As the years since 1911 have passed, the composition and makeup of the Board has changed, and certainly new or modified responsibilities have been added or adjusted. But in a very real sense, the core purpose and mission of the Board has remained. In 1959, Governor Mark Hatfield recommended removing the Governor as permanent chair of the Board and instead retaining the authority to appoint the chair, and this recommendation became law. By 1979, several law changes led to a board size of 18 members, as a ‘portfolio board’, with a wide variety of interests represented. This was the largest number

of Board members in its history. A board this size proved challenging to manage and efficiently conduct business, and the Legislature reduced the size of the board to 12 members in 1984, and then in 1987, via HB3396, the Legislature, based on recommendations from the Governor, established the Board of today with seven members, the first true ‘citizens board’ since inception.

After 112 years, nearly two hundred men and women from all regions of Oregon and all walks of life have volunteered their time and effort to serve on the Board and ‘invest’ in Oregon’s future.

## Legal Context

### Current Oregon Law and Rules for the Board and State Forester

Oregon Revised Statutes (ORS or Statutes) Chapter 526 provide the enabling legal framework for the Board and the State Forester, and Oregon Administrative Rules (OAR or Rules) Chapter 629 provide clarifying rules in support of those statutes (See Appendix C for the full text of relevant statutes and rules).

#### *The Board Statutes and Rules Relating to Governance*

Three statutes pertain to the Board relative to governance roles and responsibilities – ORS 526.009, 526.016, and 526.060. Key provisions include:

**“526.009 State Board of Forestry; chairperson; terms; vacancies; confirmation; qualifications; removal.** (1) There is created a State Board of Forestry consisting of seven members appointed by the Governor. The members appointed to the board shall be subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. The Governor shall designate one member of the board as chairperson to hold that position until that member’s term expires or until relieved by the Governor as provided in subsection (6) of this section. The chairperson shall have such powers and duties as are provided by the rules of the board.”

This statute describes the governance relationship between the Governor, the Oregon Legislature, and the Board. Additional provisions describe Board members’ terms, appointments, public interest, and removal.

**“526.016 General duties; limits; compensation and expenses; meetings; rules.** (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.”

This statute describes the broad authority and duties of the Board, and the first listed duty is the preeminent and overarching authority and responsibility of the Oregon Board of Forestry. It is from this primary authority that all other duties, responsibilities, and functions emanate. It is important to note that

this primary duty is virtually unchanged from the original enabling legislation, House Bill 50, passed by the 26<sup>th</sup> Oregon Legislative Assembly and signed into law in 1911, now 112 years ago. That text reads as follows:

“...Said Board of Forestry shall supervise all matters of forest policy and management under the jurisdiction of the State, and approve claims for expenses incurred under the provisions of this act...”

Additional provisions describe the appointment of Board advisory committees, limits on timber sale matters, Board member compensation, Board meetings including quorum establishment, and rulemaking authority.

**“526.060 State Forestry Department Account; subaccounts.** (1) Except as provided in ORS 526.121, 530.147 and 530.280, all assessments, federal apportionments or contributions, and other moneys received by the forester or State Board of Forestry, shall be paid into the State Treasury and credited to the State Forestry Department Account, which is established separate and distinct from the General Fund. All moneys in the State Forestry Department Account are continuously appropriated, and shall be used by the forester, under the supervision and direction of the board, for the purposes authorized by law.”

This statute establishes the fiduciary responsibilities of the Board and the relationship of the Board to the State Forester for financial activities.

The Rules of the Board relating to governance are contained within Chapter 629, Division 10, and include rules for the following:

- Rules of Order – Roberts Rules of Order Adopted for Use
- Board Chairperson
- Board Meeting Agendas
- Board Meeting Order of Business
- Board Meeting Quorum
- Board Meeting Notice
- Board Committees
- Board Meeting Minutes and Reporting

#### *The State Forester Statutes and Rules Relating to Governance*

Two statutes pertain to the State Forester relative to governance roles and responsibilities – ORS 526.031 and 526.041. Key provisions include:

**“526.031 State Forester; deputy and assistants; compensation.** (1) The State 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

forester shall be the chief executive officer of the State Forestry Department. The forester shall hold office at the pleasure of the board, and shall act as its secretary.

(2) With the approval of the board and subject to applicable provisions of the State Personnel Relations Law, the State Forester may appoint a Deputy State Forester, assistant state foresters and other employees of the department. During the State Forester’s absence or disability, all authority shall be exercised by the Deputy State Forester or by the assistant whom the State Forester or the board, by written order filed with the Secretary of State, has designated as Acting State Forester.

(3) The board shall fix the compensation of the State Forester. In addition to their salaries, the forester, the deputy and assistants shall be reimbursed, subject to the limitations otherwise provided by law, for their actual and necessary travel and other expenses incurred in the performance of their duties. [1965 c.253 §7; 1983 c.759 §13]”

This statute establishes the governance relationship (including financial compensation) between the Board and the State Forester, and the nature of the organizational management of the Department.

**“526.041 General duties of State Forester; rules.** The forester, under the general supervision of the State Board of Forestry, shall:

(1) In compliance with ORS chapter 183, promulgate rules consistent with law for the enforcement of the state forest laws relating directly to the protection of forestland and the conservation of forest resources.”

This statute outlines the general duties (roles and responsibilities) of the State Forester, and with the introductory phrase, references a key governance relationship between the Board and the State Forester – “...under the general supervision of the State Board of Forestry...”. The first listed duty also articulates the broad authority of the State Forester to promulgate rules to carry out the responsibilities outlined in statutes.

As with the enabling legislation for the Board, again it is important to note that this primary duty is consistent and similar to the original enabling legislation, 1911 House Bill 50. That text reads as follows:

“...He shall, under the supervision of the State Board of Forestry, execute all matters pertaining to forestry within the jurisdiction of the State;...”

So again, we see the continual expression of the governance relationship between the Board and the State Forester through time, and the articulation of broad authority and responsibility granted to the State Forester.

The remainder of the listed duties of the State Forester in this statute are considered operational and administrative in nature, and thus are not related to governance per se. However, the duties listed can and should form the basis, in part, of the State Forester position description and related performance expectations, both of which are key governance elements.

## Other Oregon Law for Boards and Commissions Generally

Outside of a boards, commissions, or agency’s own statutes or rules, many other Oregon Statutes and Rules apply to the operations and administration of agencies, boards, and commissions, either organizationally, or individually to people as public employees (agencies) or public officials (boards and commissions). However, there are no general or overarching governance Statutes or Rules.

There are three Chapters of Oregon law that do support the governance work of boards, commissions, and their related leadership at an organizational level: (1) Chapter 182, *State Administrative Agencies Generally*, which includes statutes that relate to state board member attendance, notice of meetings, and affirmative action appointments; (2) Chapter 192, *Records; Public Reports and Meetings*, which includes statutes that relate to records management and public meetings; and (3) Chapter 291, *State Financial Administration*, which includes statutes that relate to financial oversight and performance outcomes.

As the Board and the State Forester proceed to develop governance policies, these related Statutes and associate Rules will need to be considered and assurance must be made that the governance policies that the Board adopts do not conflict with these Statutes and Rules. This will be a key role for the Governance Project workgroup, the consultant, and the Boards and Department’s Department of Justice General Counsel.

## Oregon Governor’s Office Expectations and Standards

### Established Expectations

For a number of years, the Governor of Oregon has produced a membership handbook for Oregon boards and commissions. This handbook establishes general expectations and provides overarching standards for boards, commissions, and their respective members. Statutory requirements, as applicable, are summarized and referenced.

Relevant specifically to the notion of board governance policy, the *2015 Governor’s Membership Handbook for Oregon Boards and Commissions*<sup>4</sup> states:

“It is recommended that boards have a set of bylaws to direct and clarify its actions, procedures, and organization. Bylaws are the guidelines by which a board functions and should include expectations of members. Issues such as attendance, responsibilities and discipline should be addressed in the bylaws. Board members are expected to adhere to bylaws and all relevant statutes. An organization’s bylaws generally include a number of articles, such as the following:

- Name of board
- Mission statement
- Membership

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<sup>4</sup> [Oregon Membership Handbook for Boards and Commissions \(oregon.gov\)](https://www.oregon.gov/GOVERNMENT/GOVERNANCE/PAGES/membership-handbook-for-boards-and-commissions.aspx)

- Officers
- Meetings
- Executive board (if needed) Committees, subcommittees
- Parliamentary procedure, often including the name of the manual the board will follow
- Amendment procedures for changing the bylaws”

The *State of Oregon Overview of Boards, Commissions, and Small Entities*<sup>5</sup> training for new board and commission members includes the same expectation statement regarding development and implementation of bylaws.

Thus, it is clear that the Oregon Governor, as head of the executive branch of Oregon government, expects that Oregon boards and commissions will have a written set of governance policies to “direct and clarify its actions, procedures, and organization.”

### Current Oregon Governor’s Expectations

Governor Kotek has established the following expectations of service for those individuals who serve on state boards and commissions. These expectations relate directly to the governance work of many boards and commissions including the Board of Forestry.

#### “Expectations of Service

Service is varied and based upon the needs, expectations and policy goals. Most seats are volunteer positions and have an average expectation of approximately 10-15 hours of work per month. Some Commissions however have a need for specialized skills, but most people will find a Board or a Commission that is a great fit for their knowledge base. Public members of Boards and Commissions are people who may not have regular, ongoing experience in a specific topic area, but have a general interest in a particular Board or Commission’s work arena. This is a great opportunity to learn more about an area of interest and contribute a perspective that is fresh and unique to the service area.

Candidates are expected to actively engage and participate once they are confirmed and appointed, so it is important that you are clear on your time and availability. Travelling within the state to meetings can be a part of some Board’s or Commission’s expectations, so make sure that you factor in the location of meetings into your decision. Finally, each Board or Commission has a particular term during which they serve. Most terms are between 2-4 years and all Board and Commission members are subject to a two-term limit. If you enjoyed serving and completed your term on one Board or Commission, consider seeking appointment to another Board or Commission. Your experience is invaluable!”<sup>6</sup>

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<sup>5</sup> [Oregon Overview of Boards, Commissions, and Small Entities Training](#)

<sup>6</sup> [Governor of Oregon : Boards & Commissions : State of Oregon](#)

Governor Kotek also issued a memo (January 11, 2023) to agency leaders outlining her expectations for agency leadership and management. The majority of the expectations are agency management focused. However, the first listed expectation deals with performance reviews for agency directors and will influence the Board's governance policy development efforts moving forward. The key new expectation is the use of a 360-performance template. This addition should prove useful to both the Board and the State Forester.

A second expectation that indirectly relates to the Board's governance work is a requirement for a universal approach to strategic planning and agency performance management. This will likely relate to and possibly impact the *Forestry Program for Oregon* revision process and will need to be carefully evaluated in this context.

## Current Board and Department Governance Policy

Neither the Board nor the Department currently have a comprehensive set of governance policies. However, a single Board governance policy was developed and adopted by the Board in July of 2020 in response to needs of that time. In addition, there are several other efforts that relate directly or indirectly to the governance work of the Board and the Department.

### Governance Policy (See Appendix D for the full text of the policy)

On July 22, 2020, the Board adopted a written policy entitled, "Governance Policy". The policy was the result of evaluations and deliberations amongst and between the Board and the State Forester. The July 22, 2020, Board Governance Policy states:

"It is the Policy of the Oregon Board of Forestry (Board) to have a set of bylaws to direct and clarify its actions, procedures and organization, which include expectations of members. The Board will establish written documentation for Board processes and procedures developed to execute its statutory responsibility."

The policy identifies authorities, responsibilities, and four primary standards. The policy also references documentation generated by the Board during 2019 and early 2020 meetings, including reference to and adoption of the expectations and standards contained in the *Governor's Membership Handbook for Boards and Commissions*.

This effort is a welcome step in the right direction, particularly in its call for the establishment of a set of written bylaws (referencing the Governor's Handbook language) and written documentation. However, it is fundamentally lacking in four important respects:

1. It was developed from a reactive posture rather than a proactive vision. While this may have addressed some of the needs of the time, its language is much more 'process' focused and not 'policy' focused.



2. While it touches on some key governance aspects, it is not comprehensive in nature, and therefore, not a complete statement of the Board's or the State Forester's governance roles, responsibilities, standards, and expectations. It also exists as a single policy in isolation of other needed areas of governance articulation.
3. The basis of the policy (which is reflected in the policy appendices), is a set of statements not organized into logical topic areas. It is, therefore, difficult to establish or understand clear actions and responsibilities and coherent standards of performance.
4. The policy was developed and established at a point in time when only three of the current seven Board members were serving. Since the policy has not been formally reviewed since inception, these four newer Board members have not had a chance to 'weigh in' on the policy nor its basis statements.

In summary, while this single policy recognizes the value and need of 'good governance policy' for the Board, it has not yet served as intended. After nearly three years, the Board, to date, does not "have a set of bylaws to direct and clarify its actions, procedures and organization..." which the policy requires. The current Board Governance Project will realize that stated policy while accomplishing much more for the future.

### 2022 Financial Oversight of the Board of Forestry (See Appendix E for the full text of the policy)

As a result of the MGO Financial Review Project, the consultant recommended, and the Department accepted, the establishment of a financial oversight policy (MGO Process Recommendation #16). While this is a Department policy, it relates to the Board's governance authority and responsibility for financial review and oversight. The policy statement is:

"The Department of Forestry's policy is to provide the Board of Forestry with consistent reporting of financial information. This policy's purpose is to ensure the Board has the information required to fulfill their statutory responsibility in financial oversight."

The policy includes statements of responsibility and standards for financial reporting, financial policy and procedure, financial planning, and fiscal management. Where appropriate, the elements of this policy will need to be, at a minimum, referenced in the Board Policies Manual, or possibly incorporated into the Manual.

It is possible that when the MGO review process concludes, there may be additional recommendations that directly or indirectly relate to governance for either the Board or the State Forester. If that occurs, then the governance policy system must account for and address those additional parameters.

### Forestry Program for Oregon

Since 1977, the Board has expressed its primary strategy for sustaining Oregon's forests through the development and implementation of the *Forestry Program for Oregon* (FPFO). While the *Forestry Program for Oregon* is not a governance effort per se, it does express the Board's mission, vision, values,

and first-order goals, which are all a part of describing the governing environment and should be expressed in a well-crafted set of governance policy. The current *Forestry Program for Oregon* was adopted in July 2011. The Board and the Department are currently in process of creating the next iteration of the *Forestry Program for Oregon*.

The 2011 Forestry Program for Oregon Mission, Vision, Values, and Goals are as follows:

**Mission:**

Leading Oregon in implementing policies and programs that promote sustainable management of Oregon's public and private forests.

**Vision:**

If the *Forestry Program for Oregon* is implemented successfully, the Board of Forestry's vision is that Oregon will have:

1. Healthy forests providing an integrated, sustainable flow of environmental, economic, and social outputs and benefits.
2. Public and private landowners willingly making investments to create and maintain healthy forests.
3. Statewide forest resource policies that are coordinated among natural resource agencies.
4. The Board of Forestry recognized as an impartial deliberative body operating openly and in the public interest to achieve the Board's mission.
5. Citizens who understand, accept, and support sustainable forestry and who make informed decisions that contribute to achievement of the vision of the *Forestry Program for Oregon*.
6. Adequate funding for the Department of Forestry to efficiently and effectively accomplish the mission and strategies of the Board of Forestry, and department personnel policies that encourage and recognize employees, allowing them to meet their full potential in providing excellent public service.

**Values:**

1. A global context. We believe Oregon's forests are important to the global environment, economy, and society, and that forest landowners, managers, government agencies, interest groups, and all other Oregonians should consider the impact of their decisions at local, state, national, and international levels.
2. The dynamic nature of Oregon's forests. We recognize that Oregon's forests are diverse, dynamic, and resilient ecosystems at a landscape scale. A broad range of forest conditions exists naturally, and various forest values, in proper proportion, are mutually compatible over time.

3. The intrinsic value of Oregon forest resources. We believe that while Oregon's native forest plants, animals, and ecosystems provide economic, scientific, cultural, recreational, and aesthetic values, their existence alone warrants their stewardship and enhancement.

4. Active management. We believe Oregon's forests should be actively managed to maintain forest health, to conserve native plant and animal species, and to produce the products and benefits people value. In this context, we define "active management" as the application of practices through planning and design, over time and across the landscape, to achieve site-specific forest resource goals. Active management uses an integrated, science-based approach that promotes the compatibility of most forest uses and resources over time and across the landscape.

5. Meeting current and future needs. We believe forest resources should be used, developed, and protected at a rate and in a manner that enables people to meet their current environmental, economic, and social needs, and also provides that future generations can meet their own needs.

6. Landowners and the public sharing responsibility for sustainable forests. We believe forest sustainability depends on the contributions of both landowners and the public. We support the private landowner's right to practice forest management in a manner that meets or exceeds Oregon's Forest Practices Act. The public must also play an active role by supporting incentives and other non-regulatory methods that encourage continued investment in Oregon's forests to maintain and increase the public values provided by private forests.

7. Forests that contribute to quality of life. Oregon's forests and the state's rural and urban populations are interdependent. We believe Oregon's forests play a significant role in providing all Oregonians a high quality of life, including products, jobs, water and other ecosystem services, recreation, tax revenues for community well-being, and a quality environment.

8. Healthy rural Oregon. We believe a healthy rural Oregon, which relies on working landscapes, is vital to the quality of life enjoyed by all Oregonians. Forests contribute to this healthy rural economy through generating traditional forest sector jobs and tax revenue and also through a healthy environment that supports associated trades such as salmon fisheries and forest recreation.

9. Different landowners playing different roles. We believe different land ownerships play different roles in achieving the full suite of environmental, economic, and social needs met by the forested landscape. Private forest landowners play unique and valuable roles in Oregon's forest landscape, and their continued vitality must be assured in the face of threats by development, inequitable regulation, reduced technical and financial assistance, and economic challenges.

10. Informed public participation. We value broad-based, informed public participation and consensus-based decision-making whenever possible.<sup>1</sup>

11. Continuous learning. We are committed to continuous learning. The results of forest management policies and programs should be evaluated and appropriately adjusted based upon ongoing monitoring, assessment, and research.

## Goals:

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.

## Assessment

### Board Governance Performance Evaluation

#### Background

For the 2005-07 biennium, the Oregon Department of Administrative Services (DAS) and the Oregon Legislative Fiscal Office (LFO) were given a joint budget note requiring them to jointly develop best management practices performance measures to be applied to governance boards and commissions. A recommendation was submitted and approved in July 2006. For the 2007-09 biennium, the Legislature added it to all governing boards and commissions' set of Key Performance Measures (KPMs).

The approach requires all Oregon governance boards and commissions to conduct, at least annually, an evaluation of governance performance. Fifteen evaluation criteria were originally established, and the Board adopted the approach on September 6, 2006 (as an early adopter) and began conducting the annual evaluation at that time. In addition, in 2007, the Board added a sixteenth criterion that addresses public input and communications, transparency, and the role of Board advisory committees. The evaluation has now been conducted fifteen times.

## Results

Over the past ten years, the overall percent of the standard best-practices criteria met for the Board's governance performance measure are as follows:

|      |      |
|------|------|
| 2013 | 100% |
| 2014 | 100% |
| 2015 | 100% |
| 2016 | 100% |
| 2017 | 100% |
| 2018 | 100% |
| 2019 | 94%  |
| 2020 | 89%  |
| 2021 | 84%  |
| 2022 | 97%  |

For the past five years, the narrative summary<sup>7</sup> for the Board's governance performance measure provides the following insights and perspectives:

### **2018 – 100%**

#### How Are We Doing?

The Board's annual board governance performance evaluation resulted in Board member agreement that all sixteen best-practices criteria had been met with a 100 percent achievement rate, effectively meeting their annual target.

#### Factors Affecting Results

While the Board continues to meet its performance measure goals, a reflection of the board's positive working relationships and mutual respect across differences on the issues before them, significant concerns remain. Continued challenges in addressing financial viability and state forest management amongst noted polarization of stakeholders are affecting the board's results. Interest is shared across the board in building consensus and making the difficult decisions needed within the controversial and complex landscape; however, growing concerns surrounding the multiple vacancies of the board is clear.

A full complement of board members, prioritization of strategic issues, and continued engagement on the best practices criteria could improve the board's performance.

### **2019 – 94%**

#### How Are We Doing?

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<sup>7</sup> These are the exact summaries for 2018-2022 which are included with the ODF Performance Management Report submitted, via the Oregon Department of Administrative Services to the Governor's Office and the Legislature.

The Board of Forestry concluded the annual board governance performance evaluation with common agreement in meeting 94 percent of the standard best-practices criteria, with minor levels of disagreement limiting the Board in reaching their 100 percent target.

#### Factors Affecting Results

Six of the seven Board members completed the evaluation. Areas of concern within the best practices criteria included currency and applicability of the agency's mission and high-level goals, review of the agency's key communications, the Board's appropriate accounting of resources, and coordination with others where responsibilities and interests overlap.

Overall, the Board is currently working to build new relationships and cohesive group dynamics following transition in membership. These transitions have occurred midway of substantive policy issues before the Board, challenging members to develop a common understanding on the history and depth of specific issues, while deliberating to gain alignment on priorities and policy direction, given limitations of time in public meeting forums and pressures to continue moving forward on critical policy issues.

### **2020 – 89%**

#### How Are We Doing?

The Board of Forestry concluded the annual board governance performance evaluation with common agreement in meeting 89 percent of the standard best-practices criteria. Disagreement found in several areas limited the Board from reaching their 100 percent target.

#### Factors Affecting Results

Six of the seven Board members completed the evaluation. Areas of concern within the best practices criteria included currency and applicability of the agency's mission and high-level goals as understood in the Forestry Program for Oregon and Forest Practices Act rules, review of the agency's key policy-level communications, the Board's involvement in policy-making activities across the state including engagement in Board meetings held at different geographic locations around Oregon, the Board's current financial oversight model, coordination with other public agency or boards where responsibilities and interests overlap, and the Board's engagement in appropriate training sessions including workshops, symposia, and field tours. The complexity of the significant forest policy issues before the Board combined with tensions across highly polarized stakeholder groups continues to challenge Board members as they strive to acquire sufficient time and information to develop a holistic and common understanding of the critical matters before them.

Despite the challenges, overall Board members indicated solid improvements in communications, board functioning and group dynamics over the past year, and shared optimism in continued growth, progression forward, and opportunities welcoming new board members in the coming year.

### **2021 – 84%**

#### 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.

#### **2022 – 97%**

#### How Are We Doing?

The Board of Forestry concluded the annual board governance performance evaluation with common agreement in meeting 97 percent of the standard best-practices criteria. Disagreement found in just one best practices criterion limited the Board from reaching their 100 percent target.

#### Factors Affecting Results

Five of the seven board members serving in the 2021 calendar period completed the evaluation. Results of the evaluation suggest that current board members see the board functioning in a highly effective manner across the majority of best practices in governance with only one criterion affecting the Board's ability to meet their performance measure target of 100% for 2022. The Board found common agreement in reaching 97% of their best-practices, a significant upward trend from the prior year's evaluation of 84%.

The upward trend can be attributed to: improvements occurring with the recent hiring process for the State Forester; the Board's engagement in policy-making activities and resulting communications; increased oversight and reporting of the department's financial accounting; time spent in the field learning the technical aspects of Forestry's mission; and the significant input received by members of the public.

Areas for further improvement include: completion of the Board's *Forestry Program for Oregon*; strategically planning agendas to focus on priority issues with greater consideration to the urgency of key matters and limited time of the volunteer board; increasing collaboration with other agencies around shared goals including monitoring and climate-smart forestry; building stronger alignment in budgeting and investment strategies; defining a sustainable funding solution for State Forests; expanding public input to assess values held by all Oregonians; continuing to meet across the state, connecting with the

public in the field; and revisiting the current committee structure used to delegate work amongst the Board.

Overall, the Board had positive reflections on their effectiveness as a board with recognition to the significant volume of complex issues requiring their attention.

## Common Themes

Several common themes span these five most recent performance narratives including:

### *Challenges*

- Significant operational policy issues regarding the forests and natural resources of Oregon.
- Significant public polarization around a number of the current operational policy issues.
- Significant workload for a volunteer board, particularly when board vacancies occur and the timeframe for bringing on new board members is long.
- Several challenges regarding Board governance exist including communications, both between Board members and between Board members and staff, work and topic priority setting, meeting agenda development, oversight for agency financial planning and management.
- The currency and applicability of the Board and Department's mission and long-term goals.
- The challenge that the COVID-19 pandemic brought to the Board's work and engagement with stakeholders.

### *Positives*

- Dedication and commitment of the Board collectively and Board members individually to the work before them and their roles and responsibilities.
- In recent years, with the advent of a new Board chair, new members, and a new State Forester, improved working relationships and communications amongst the Board and with the agency leadership.
- Improving collaboration with allied agencies and organizations.
- Generally positive efforts in many of the areas of governance, with recent improvements noted in meeting planning, agenda development, and Board efficiency.
- A general tone of optimism and 'trajectory recovery' in the most recent evaluations.

## Current Board and Key Staff Perspectives

### Process

During March and April 2023, the consultant held one-on-one discussions via Zoom with all seven current Board members and five Department key leadership staff (key staff), including Cal Mukumoto,



Kyle Abraham, Ryan Gordon, Hilary Olivos-Rood, and Sabrina Perez. The purpose of the discussions was to gain insights and perspectives on the current governance work of the Board, the mutual governance work of the Board and the State Forester, and a specific discussion about new Board member orientation. Participants were also able to share any other governance-related perspectives they wished to provide. The discussions and resulting perspectives were offered in confidence with respect to the person providing the insights and are presented in this report in a summarized fashion. Both common themes and unique perspectives are included.

The topics are not listed in a priority order, but rather, following an overall assessment, are listed in a general progression from those that are most significant to effective governance policy development to those with lessor significance. However, all of the topics are important to the present and future governance functioning of the Board and the State Forester.

### Results and Commentary

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p><b><u>Overall Assessment:</u></b></p> <ul style="list-style-type: none"> <li>• There was universal agreement across the participants that the Board is in a better place today than in recent times (6 months ago; past two years; past three years) in terms of work performed, relationships and communications between Board members, and general governance approaches being utilized.</li> <li>• There was universal agreement across the participants that the Board and State Forester working relationship is much better today than prior circumstance, i.e., before the arrival of the current State Forester, particularly with respect to communications and relationships. One Board member stated it as, ‘things seem to be calmer and more stable now.’</li> <li>• Notwithstanding the first two points, there was universal agreement across the participants that significant challenges exist for the work of the Board and the State Forester, and that this will simply be the case (‘comes with the territory’) moving forward. Across Board members, there is a range of significance of these challenges, given either the topic involved or the Board’s capacity to devote the necessary time and effort to address the challenges.</li> <li>• All Board members shared that the current State Forester is doing a very good job, is very approachable and engaged, is a very good leader for the Department, and a very</li> </ul> | <p>Based on observations of the Board and the State Forester in action, and an examination of the work of the Board and Department relative to the mission, vision, and values, the consultant concurs with the overall assessment.</p> <p>Clearly, some of the improvement stems from a change in the people serving on the Board and the appointment of the current State Forester. Other factors include a recognition of the need for some improvements in governance aspects including communications, expectations, meeting agenda development, meeting management, and Board assessment. Some of the improvements stem from the fact that, compared to several years ago, this current set of Board members now has nearly two full years of time together, and over a year and a half of time with the current State Forester.</p> <p>In summary, the Board and State Forester are on an improving trajectory with respect to governance and relationships, with no substantial ‘points of failure’ identified at this time. While operational policy challenges exist, an aura of ‘continuous improvement’ is noted in the comments and actions of both Board members, the State Forester, and key leadership. It is anticipated that the governance policy development effort will proceed with this ‘continuous improvement’ lens as the primary perspective and provide support for current and</p> |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Consultant Commentary                                       |
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| <p>good partner with the Board. Board members realize that he is still in the transition phase but is doing well with that change. Several Board members expressed that they are interested and eager for the State Forester to engage in the Board meeting discussions and ‘find and share his voice.’</p> <ul style="list-style-type: none"> <li>• The State Forester and other key staff have a high personal regard for the current Board members and believe that collectively and individually the Board is dedicated to their roles and responsibilities.</li> <li>• All of the six non-chair Board members and the State Forester and key staff expressed strong appreciation and support for the current Board Chair and in various expressions, believe his leadership has been very good and instrumental to the efforts of the Board and the Department.</li> <li>• All of the Board members and key staff agreed regarding the value and necessity of both pre-board and post-board meeting conversations and discussions. There were some varying thoughts on the best approaches, but everyone saw value in preparing for Board meetings and also debriefing on the meeting outcomes.</li> <li>• There was also high value expressed for the periodic contacts made between the State Forester and individual Board members, or between the Board Chair and individual Board members. The current rhythm seems about right, but members are open to what works well for each person involved. One Board member posed the question this way: “Where does the Board do its work?”, i.e., in meetings only, ‘offline’ outside of formal Board meetings (while not compromising public meeting law), in subcommittees, etc.</li> <li>• There was interest expressed by a couple of Board members about how best to have ‘heart-to-heart’ discussions between Board members regarding differences in philosophies, priorities, and how they see the world of natural resources. The preference would be to have these conversations in a more private setting, but the public meeting laws must be followed. However, several</li> </ul> | <p>future operational work of the Board and the agency.</p> |

| <b>Participant Perspectives</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Consultant Commentary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>options were suggested that could prove possible and useful.</p> <ul style="list-style-type: none"> <li>For most of the Board members and some of the staff, it is recognized and acknowledged that improvements in some governance practices will have an important and lasting impact on the effectiveness and efficiency of the Board and the State Forester.</li> </ul>                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b><u>Codified Board and Department Governance Policy:</u></b></p> <ul style="list-style-type: none"> <li>Several Board members and key staff articulated the vital importance of establishing and codifying Board and Department governance policy.</li> <li>Some expression was noted by both several Board members and key staff that while ‘things may not be broken now’, reliance on vague, general written statements, or worse, unwritten rules or policy can occur over time and must be guarded against.</li> </ul>                                                                      | <p>Based on (1) the current status of the Board with respect to written governance policy, (2) current procedures and actions by the Board as a whole, the Board members individually, and the State Forester in interaction with the Board, and (3) the value known and recognized by established governance policy for a variety of organizations, the consultant concurs with these perspectives.</p> <p>It is interesting to note that in the absence of written governance policy, boards generally succeed or fail (or are effective or not) primarily based on personalities and relationships, i.e., good and positive ones produce good and positive results, and vice versa. While collegiality and positive relationships are vital to any governance effort, these positive dynamics can and do change over time, sometimes dramatically, and without written board governance policy, the end results are usually predictable and not positive.</p> |
| <p><b><u>Board Member Workload:</u></b></p> <ul style="list-style-type: none"> <li>There was universal agreement among Board members and staff that the workload of the Board of Forestry is significant, in both of the two key dimensions of impact, i.e., in terms of topic (importance of the operational policy itself to Oregon and Oregonians) and in terms of quantity of responsibilities the Board must engage and manage on an ongoing basis.</li> <li>This concern about workload is particularly relevant to a volunteer board like most Oregon state boards and commissions.</li> </ul> | <p>The consultant concurs with the participants’ perspectives and assessment.</p> <p>Oregon’s history and significance as a state, both within her borders and externally, is rooted deeply, directly, and significantly to her forests, forest resources, and the reliance that millions of Oregonians have on the presence and well-being of her forests. Comparatively, there are many other states where forests and forest resources are not primary, nor even secondary. Therefore, the policy issues entrusted to the Board and the State Forester by statute are significant to Oregon and Oregonians in dozens of dimensions and in both direct and indirect ways. In addition, because of this value proposition, the sheer number of key and vital policy issues is also significant, again by contrast to other policy topics of other Oregon</p>                                                                                                    |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>boards and commissions or in contrast to other states.</p> <p>In addition, the issue is exacerbated, in part, by the physical size of the Board at seven members. Ironically, if the Board attempts to address some of the overall workload of the Board through subcommittees or special assignments, this only adds to the workload of those individual Board members so assigned. And while subcommittees are an excellent way for boards to parse out some of the preliminary or technical work to be done, with only seven members to draw upon, the ability to employ this approach in meaningful ways is extremely limited.</p> <p>A majority of the current Board members are fully engaged in their vocation. Those Board members who are not in the vocational workforce full time are giving of their time and talent in dozens of other leadership roles, most by choice, but significant nonetheless.</p> <p>This is a challenging dilemma to address, and there are no easy answers. However, during the governance policy development process, some options and alternatives can be explored.</p> |
| <p><b><u>Expectations of the State Forester and Performance Evaluation:</u></b></p> <ul style="list-style-type: none"> <li>• Several Board members and key staff reflected on the adequacy of current expectations by the Board of the State Forester. While it was mentioned that the official position description was revised and updated during the State Forester recruitment process in 2021, it is not clear whether the full suite of expectations by the Board under ‘good governance’ is currently being provided.</li> <li>• This topic also relates to the performance evaluation of the State Forester, and again, whether the performance is based on stated criteria from the position description, written direction in other forms, or verbal direction and conversations.</li> <li>• Several Board members and key staff also shared perspectives on the most appropriate</li> </ul> | <p>The consultant concurs with the participants’ perspectives and assessment.</p> <p>CEO performance evaluation is critical to both the operations of the organization and the effectiveness of the Board and the governance relationship. Without proper attention to performance and evaluation, strengths cannot be affirmed and encouraged, and weaknesses or deficiencies cannot be identified and corrected. This must occur comprehensively and in a timely manner.</p> <p>The State of Oregon employee evaluation program sets a baseline approach. While this has merit generally, it does not have the robustness needed for effective CEO evaluation.</p> <p>Many options exist for effective CEO evaluation, and during the governance policy development effort, alternatives can be, and should be, further</p>                                                                                                                                                                                                                                                                                       |

| <b>Participant Perspectives</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Consultant Commentary</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>and effective ways to get ‘outside’ perspectives brought into the State Forester’s evaluation. Several options and alternatives were suggested including a more formal ‘360 degree’ process, peer reviews, engagement of key agency leadership staff, and other ideas.</p> <ul style="list-style-type: none"> <li>• Several Board members shared thoughts about how best to seek regular reports from the State Forester on progress towards outcomes, particularly as articulated in high level goals and strategies.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>explored and considered. The current state requirements can be maintained and met while necessary and efficient steps are employed.</p> <p>The question of regular reporting on progress towards outcomes will be an important aspect of the Forestry Program for Oregon revision, but it also should be addressed in the governance policy development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b><u>Board Meetings and Agenda Development:</u></b></p> <ul style="list-style-type: none"> <li>• All of the Board members and staff shared perspectives regarding the development of Board meeting agendas. The perspectives ranged from generally satisfied with the current approach to some comments seeking a bit more clarity and intentionality to the process. No one thought that the current agenda development process is broken beyond repair.</li> <li>• The subject of Board meeting scheduling, work plans, and longer-term planning in general was raised by several Board members and a couple of staff members. Perspectives varied about the current ‘flexible’ approach, with some appreciating the flexibility but some concerned about the potential for missing key deadlines and/or decision points, or not reflecting the highest priority policy issues that the Board must tackle.</li> <li>• Several Board members are concerned about whether the very highest priority policy issues and topics are being addressed by the Board on an ongoing basis and are not sure that the current planning cycles and approaches support identifying and addressing those highest priorities.</li> <li>• There was strong support expressed by most Board members and staff for the inclusion of a ‘meeting summary’ agenda item at the end of the Board meeting for a time of both recapping information requests and decisions, as well as a time for more informal reflection. One Board member cautioned though that the end of meeting time should not be used for</li> </ul> | <p>The consultant generally concurs with the participants’ perspectives and believes that the Board and staff would benefit from more clarity about the process and decisions regarding the agenda and its development.</p> <p>Relevant statutes exist in Chapter 526 and rules in Chapter 629 regarding meeting scheduling and agenda development. These requirements must be adhered to in the formulation of schedules and agendas over time.</p> <p>From a governance perspective, agenda development is a critical function. In fact, some in the organizational management field believe that, on an ongoing basis, agenda determination is the most important decision a board makes over time. The logic is clear – the work of the board is determined by the agendas of its meetings. Therefore, getting this right’ is critical to both the effective functioning of the Board but also in ultimately providing the time and space for the most critical and highest priority operational topics.</p> <p>The current approach that that Board is taking is an ‘open call’ approach, where any given Board member or the State Forester may propose an agenda item at any time. Between the Board Chair, the State Forester, and Board support staff, decisions are then made on specific meeting agendas. The process, however, is not universally well understood by all Board members or staff. Benefit would be achieved by taking a fresh look at agenda development and longer-term work planning to see if clarity or efficiency can be improved.</p> |

| Participant Perspectives                                   | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>'new agenda items' nor 'additional public comment'.</p> | <p>In addition, beginning in 2023, the Board has chosen to be a bit more flexible on the notion of its work plans, in part to be more responsive to urgent or pressing issues as they arise. The Board is using this year to assess this approach and see if it meets the needs of both a consistent structure while remaining flexible. While flexibility is important, relative to several Board member comments, the Board and the State Forester, at the end of the day, need to assure themselves and stakeholders that the very highest policy issues are being addressed by the Board over time. This was the core essence of the work plan approach. Some further examination of the prioritization process will occur with the Forestry Program for Oregon revision, but that needs to translate into the actual work of the Board over time. Further consideration of this topic at the governance level is needed.</p> <p>Many of the topics the Board must address by statute or rule are driven by firm timelines and due dates (e.g., the biennial budget process or the annual Fire Protection fiscal budgets process). These 'outside' requirements also significantly drive and influence the development of agendas and the workload for any given board meeting.</p> <p>Two other key aspects of agenda development and topics are the use of operational reports by program staff and the use of outside 'experts' or stakeholder panels. While there is high value in keeping the Board apprised of current conditions and future situations, there may be more efficient and effective ways to transmit the needed information. This should be explored further in the governance policy development effort.</p> <p>Finally, the notion of a 'meeting summary' agenda item at the close of each meeting is tremendously valuable and critical to good governance over time, particularly relative to setting expectations and maintaining reliable and open communications. This time can also be used for an informal 'on the spot' Board evaluation with respect to that specific meeting. As the governance policy development process moves</p> |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b><u>Board Decision-making Processes including Board (collective or individual) Requests for Information:</u></b></p> <ul style="list-style-type: none"> <li>• Several Board members and some staff commented that the current Board decision-making process is working well including the use of the consent agenda, formal motions when needed or required, and the flow of the decision sequence from concept to evidence gathering to deliberation to decision. However, as one staff person said, it is critical that the Board operate at the right level (strategic and governing) rather than lower levels of management and detail.</li> <li>• There was concern expressed by several Board members and by several key staff regarding the requests for follow-up or additional information regarding particular topics, either by the Board collectively or by individual Board members. In some cases, concern was expressed that the process for requests is not clear, nor the nature of sharing of information with the full Board. One staff person related it as the familiar adage and approach: ‘this rock? No not that rock’. One intriguing option that was suggested is to provide the Board with a ‘policy staff person’ who would do some of the information and data discovery and analysis, much like a legislative committee staff person might do.</li> <li>• More broadly, several Board members also are seeking clarity and agreement on the nature and appropriate protocols for interactions and communications between Board members individually and agency staff, particularly at the Division or lower levels.</li> <li>• Several Board members expressed a desire to have more discussion and clarity on how and when does an individual Board member speak for the Board vis-à-vis the Board ‘speaking with one voice’.</li> </ul> | <p>The consultant concurs with the participants’ perspectives and believes that the Board and staff would benefit from more clarity about the process and decisions regarding follow-up information requests.</p> <p>It is clear from recent Board meeting agenda material that overall, the breadth and depth of agenda item material is generally very complete and thorough. However, it is recognized that depending on the Board’s deliberations or discussions, additional information may be valuable and applicable to the ultimate decisions that are made. The question becomes, then, how to handle those requests for additional information in a manner that is responsive yet efficient in terms of staff workload and respects the authority and role of the State Forester to his staff and to the Board.</p> <p>The Board does not currently have a defined process in place to address this topic. Logic would lead to the notion that the requests should flow through the State Forester, but how the requests get to the Forester, in what manner, under what circumstances, and in what timeframe, is less certain. The expectations for response and delivery are also not currently articulated.</p> <p>While this can seemingly be a fairly minor topic in the scope of governance, it actually speaks to the governance framework of expectations and the relationship of the Board to the State Forester, and by extension, the staff. Therefore, it is an important governance topic and as the governance policy development process moves forward, further examination of this concept and development of reasonable and efficient standards will be helpful.</p> <p>The question of Board member/staff interactions and communications is also worthy of consideration and policy articulation. While certainly the goal of open and transparent communications between the Board and agency staff is important and affirmed, it must be</p> |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><b><u>Board Performance Evaluation:</u></b></p> <ul style="list-style-type: none"> <li>• All Board members and staff support the notion that Board performance evaluation is necessary and contributes to improvements of the Board’s work over time.</li> <li>• The question for Board members becomes whether the current approach is the most useful, effective, and efficient method, and whether it adequately captures the performance of the Board at multiple levels over time.</li> <li>• Several of the concerns expressed include only conducting formal evaluation once a year, using a ‘percentage of criteria met’ at the appropriate metric, using a multiple point evaluation scale for each criterion rather than a simpler ‘yes/no’ rating, and the ability to include substantive comments in the evaluation in a way that brings essential issues to the forefront.</li> <li>• There were also concerns expressed as to whether even the current approach is discussed enough during Board meetings, both on the annual initiation end as well as the annual finalization step. Another question was raised as to whether recommended changes that come from the evaluation are formally tracked and incorporated into the Board’s processes for improvement – in other words, do the agreed upon recommendations for changes or improvements actually find their way into the work and rhythm of the Board over time?</li> </ul> | <p>The consultant concurs with the participants’ perspectives.</p> <p>The only formal Board performance evaluation is generally prescribed in statute and administrative rule and codified in a joint executive and legislative agreement on procedures. The evaluation is part of the suite of performance measures for a particular board and/or agency and is reported once a year.</p> <p>Like the previous discussion regarding CEO performance evaluation, Board performance evaluation is critical to the ongoing effectiveness of the Board in effectively meeting its responsibilities and governing in a way that is responsive to needs and issues and represents ‘best practices’. As stated before, without proper attention to performance and evaluation, strengths cannot be affirmed and encouraged, and weaknesses or deficiencies cannot be identified and corrected. This must occur comprehensively and in a timely manner.</p> <p>Much of the discussion related to CEO evaluation applies to the Board at this time as well. Many options exist for effective Board evaluation, including evaluation at multiple levels and varying time scales, and also consideration of the use of ‘outside’ perspectives. During the governance policy development effort, alternatives can be, and should be, further explored and considered. The current state requirements can be maintained and met while necessary and efficient steps are employed.</p> |
| <p><b><u>New Board Member Orientation:</u></b></p> <ul style="list-style-type: none"> <li>• There was universal agreement by the four most recent Board members and key staff that the new board member orientation effort, led by Hilary Olivos-Rood, was “outstanding.” Other terms used were, “phenomenal”, “really good”, “wonderful”. There is a great deal of information to cover and is sometimes “a bit</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The consultant concurs with the participants’ perspectives.</p> <p>New board member orientation is one of the most critical aspects of good governance. A well-oriented board member is able to effectively contribute earlier on and in more depth than otherwise would be the case.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |



| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>overwhelming” but overall, with the paced or sequenced approach over the first two years, it is working well.</p> <ul style="list-style-type: none"> <li>• There was also expression by the three longer serving Board members that their orientation was nearly non-existent, except perhaps for some program overviews and introduction to some state law and requirements on public meetings, ethics, and public records. This made their ability to get up to speed a real challenge and more difficult than it needed to be. There were also no clear expectations regarding the role of the Board member and the nature of the Board as a governing body in general.</li> <li>• There was mention by several Board members of a bit more involvement by the Board Chair and State Forester in the orientation process over time. Selected points of entry would be very useful and welcomed, particularly in the early stages.</li> <li>• There were several topics that several Board members mentioned as areas of improvement including (1) somehow getting a sense, even in the candidating phase before appointment, of the scale and magnitude of the time commitment, workload, and meeting requirements; (2) some additional insights or even training on effective decision-making in an open, public environment, which for many Board members is different from their own life experiences or other board experiences; (3) include some way or provision to provide for relationship building opportunities between Board members and also with key staff. This happens during Board meetings, but the time is usually limited or compressed, and early on, this would provide significant value; (4) exploring the use of a better online Board calendar to clearly show all the moving pieces the Board needs to be aware of over time, including Board meetings and events, advisory committee meetings and events, key agency events, outside agency key events, due dates, etc.; (5) an opportunity fairly early on to visit a field office and get familiar with the people and operations of the agency on the ground; (6) some orientation about how to be an effective (and legal) ambassador of the</li> </ul> | <p>Having said that, the time commitment and workload’ of orientation itself must be accounted for and considered in the other workload and responsibilities of the board member. There is a ‘sweet spot’ of proper and complete orientation and readiness to do the work, and this point must be in view in all that is planned and delivered.</p> <p>It appears that the current approach is nearly at that ‘sweet spot’, but some caution is warranted about the overall load, particularly if some of the additional topics that were expressed by current Board members are included in future orientation efforts.</p> <p>There are many options to consider to approach the ‘sweet spot’ and these can be further explored during the Development (Phase 2) and Implementation (Phase 4) phases of the current project.</p> <p>One of the most valuable options would be the consideration of some amount of ‘Board effectiveness training’ that would occur periodically over time, not just for new members but for all members and key staff. This approach has dual benefits – it potentially ‘offloads’ some orientation workload so that the orientation effort itself does not become too onerous, and it also incorporates the notion of continuous improvement as an ongoing rhythm of the Board development process.</p> |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>agency and the Board in external situations and encounters. This, in part, speaks to the proper role of the Board member in public settings, like liaison responsibilities with other agencies; (7) some expectations and/or training on how to interact with other Board members outside of meetings vis-à-vis Oregon public meeting law; (8) some expectations and/or training on how to operating within an Executive Session of the Board and what and what not to do post Session.</p> <ul style="list-style-type: none"> <li>• There was mention made by a couple of Board members and by staff that the current approach does need to be finalized and codified (institutionalized) so that the current effort of excellence can be repeated over time regardless of who is in the Board Administrator role.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b><u>Board Records Management:</u></b></p> <ul style="list-style-type: none"> <li>• It was noted by several Board members and key staff that Board records are generally available and accessible. There was some concern expressed by several Board members about the timing of the Board materials sometimes coming too close to the meeting.</li> <li>• It was also noted that the current repository for Board material could be improved and hopefully made ‘searchable’ in a more straightforward way.</li> <li>• It was also noted that meeting minutes have not yet been completed and posted for many meetings back in time.</li> </ul>                                                                                                                                                                              | <p>The consultant concurs with the participants’ perspectives.</p> <p>While the current Board web pages are very complete for meeting materials, there is less adequacy (or locating capability) for Board members regarding other Board and agency documents of need and requirements, e.g., budget information, financial information, governance information, etc.</p> <p>Short of the overall search tool for the agency website, there is no ‘tailored’ search for Board members or Board-specific materials. While the information is likely available, it is possibly more burdensome than necessary to locate and access the desired information. The former Decision Support System (DSS) that was developed for the Board in the early 2000s addressed these types of issues, but that system was apparently removed when the former ODFnet was taken down.</p> <p>As the Board moves to establish effective Board governance policy, a simple and quick repository of ‘Board materials’ will need to be established. This may include the actual materials themselves, or quick links to other online locations, or both.</p> |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The backlog of uncompleted Board meeting minutes must be addressed as soon as possible. The last official set of minutes was for the August 24, 2021, Board meeting. Department staff are fully aware of the situation and share the concern. It is a workload issue at this point, but there are options and alternatives to consider that might involve outside resources and/or staging the completion of the minutes. At a minimum, the formal actions of the Board by meeting should be catalogued and made available as soon as possible.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b><u>Executive Sessions:</u></b></p> <ul style="list-style-type: none"> <li>• While there is a high level of understanding of the legal requirements of Executive Sessions of Board and Commissions under the Oregon Public Meeting law, it is nonetheless the concern of several Board members and key staff about how restrictive those requirements may be in light of the desire on the part of several Board members to have open, frank, informal discussions amongst themselves (not in a decision-making mode) to wrestle with important operational or governance topics together as a full Board and State Forester.</li> <li>• There was some expression of need for clarity around the expectations and deliberations of litigation discussions with the DOJ General Counsel in Executive Session. Topics of interest include how does the Board absorb advice from our attorney, and then what is the best way to act, and how much discretion does the Board have to consider other alternatives.</li> </ul> | <p>The consultant concurs with the participants’ perspectives and concerns.</p> <p>This is actually a topic that is very relevant to good governance. Every effective board has to have the opportunity, at times, to engage in open, frank, informal discussions. While Oregon law provides for this in specific cases or for specific topics or reasons, there does not seem to be an avenue open to a more regular use of Executive Sessions for the purposes described. The limitations primarily revolve around allowable topics for formal Executive Sessions and the issue of the presence of a quorum of the Board under public meeting law generally. The questions around litigation discussion are also a valuable governance topic.</p> <p>Some exploration of this issue is warranted in the governance policy development process and further work is needed to determine if reasonable alternatives exist or not. This might include some amount of DOJ General Counsel involvement.</p> |
| <p><b><u>Board Subcommittees and Advisory Committees:</u></b></p> <ul style="list-style-type: none"> <li>• This topic was mentioned by a couple of Board members and key staff. While the Board has authority to establish advisory committees, and several current committees are prescribed by either law or rule, the question remains about how best the Board utilizes the efforts and responsibilities of these committees over time.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>The consultant concurs with the participants’ perspectives.</p> <p>This topic not only relates to the governing aspect of the use of advisory or subcommittees of the Board, but also relates to the question of Board member workload and the overall demands of the Board work itself.</p> <p>There are plans in the works for further examination of this topic. For now, the governance policy development work will</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Participant Perspectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consultant Commentary                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>examine this point during development of draft policy, and explore, at least preliminarily, some options or alternatives for utilizing Board subcommittees and advisory committees more effectively and efficiently.</p>                                                                                                                                                                                      |
| <p><b><u>The Role of a Board Member in External Settings (e.g., other agency liaison):</u></b></p> <ul style="list-style-type: none"> <li>Several Board members mentioned the roles and responsibilities of some Board members as liaison to other agencies. It was mentioned that there may be value in providing some additional clarification on expectations, roles, responsibilities, and outcomes. This was not expressed as a significant issue or need, but one of interest and clarification.</li> </ul>                                                                                     | <p>The consultant concurs with the participants’ perspectives.</p> <p>While this topic area is understandably role-specific (i.e., not all liaison roles are the same), it would be of value to clarify the Board’s expectations for these types of roles and what outcomes are generally expected. This can be achieved during the Board’s governance policy development effort.</p>                            |
| <p><b><u>Conflict of Interest:</u></b></p> <ul style="list-style-type: none"> <li>A couple of Board members raised the topic of the lack of a formal conflict of interest policy and procedure for Board members. State ethics law speaks to the issue broadly, but what is mentioned here is the actual Board policy for declaring and affirming a conflict and how to address that declaration. The issue was not raised because of any concern about an actual conflict of interest, but rather that the Board does not currently have adequate policy and procedure around this topic.</li> </ul> | <p>The consultant concurs with the participants’ perspectives.</p> <p>This is a primary topic of good governance generally, and the methodology that will be employed to develop the draft Board governance policy will address this topic. Supplemental procedures will need to be crafted to implement the policy, but excellent resources exist to make this procedure development very workable.</p>         |
| <p><b><u>Linkage to the <i>Forestry Program for Oregon</i>:</u></b></p> <ul style="list-style-type: none"> <li>Several Board members mentioned the linkage of this project to the revision of the <i>Forestry Program for Oregon</i> and suggested that the timing is good for synchronization and interplay of the two efforts.</li> </ul>                                                                                                                                                                                                                                                           | <p>The consultant concurs with the participants’ perspectives.</p> <p>The revision of the <i>Forestry Program for Oregon</i> will establish a refreshed and current top-level mission, vision, values, and goals for the Board and the Department for the next planning cycle. These elements will become a part of the Board Policy Manual, as foundational elements on which the Board policies will rest.</p> |

## Conclusion

### Key Points Summary

In summary, the Board Governance Project Phase 1 Scoping and Assessment effort reveals the following key points:

- The Board is currently fully constituted at seven members.
- The current Board members have an individual and collective passion and commitment to their roles and responsibilities, and to the best possible service to the forests, people, and communities of Oregon.
- Likewise, the current State Forester is passionate about the work of the Board, his role and responsibility in leadership of the agency, the value and importance of all agency staff, and the roles that forests and the Department play in the lives of all Oregonians and in and livelihoods of those who depend on sound forest and allied natural resource policy.
- The workload and tasks before the Board and the Department are often significant, and at times, daunting.
- The Phase 1 effort did not reveal any ‘critical points of failure’, either presently or anticipated.
- While the Board does have one written policy regarding governance, that policy only requires the development of a set of bylaws, i.e., comprehensive governance policy. In other words, the current governance policy simply requires the development of governance policy. Therefore, the Board does not currently have written, codified governance policy in place that is current, comprehensive, standards-based, and broad enough in scope to address all necessary aspects of effective governance including the relationship and interactions with the State Forester.
- The current Board members and the State Forester are genuinely interested in making needed improvements in the respective and joint governance work and are supportive of the efforts needed to make these improvements over time.

### Next Steps

The next step of the project is Phase 2 Governance Policy Development. Using well-tested tools and methodologies, the draft Board governance policies will be developed as a ‘Board Policies Manual’. This draft development effort will be conducted by a development workgroup established by the Board Chair and State Forester, comprised of the following people:

- Board Chair Jim Kelly
- Board Member Chandra Ferrari
- State Forester Cal Mukumoto
- Planning Branch Director Ryan Gordon
- Board of Forestry Administrator Hilary Olivos-Rood
- Klamath-Lake District Assistant District Forester Teresa Williams
- The consultant, Clark Seely

The workgroup will be facilitated by the consultant and guided by the framework established in *Good Governance for Nonprofits*, by Fredric Laughlin and Robert Andringa, and use the results of this Phase 1 Scoping and Assessment work.

The workgroup will meet periodically over the next five months via Zoom, and in an iterative process, develop a set of draft governance policies. It is anticipated that during the cycles of development, both the Department of Justice General Counsel for the Board and the Department and the Office of the Governor's Executive Appointments will be engaged in the draft work for review and/or consultation as needed.

In addition, over the next several months, the consultant and key Department staff will meet with the agency Executive Team and Leadership Team to review and discuss the project, the process, intended outcomes, and their engagement.

## Special Thanks

A special thanks is given by the consultant to each of the Board members for their time and sharing of perspectives, and to the five key staff members for the same. Also, a special thanks to Hilary Olivos-Rood for her continued support and assistance with the project. And finally, a special thanks to Alan Maul, Department retiree and Director of the ODF Forest History Center, for his assistance and support in framing the historical context of the project.

## Appendix A – Board Governance Through Board Policy Background Paper

### Board Governance Through Board Policy<sup>8</sup>

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### Effective Governance in a Partnership Relationship

#### *A Background Paper*

#### What is Governance?

“Governance is the exercise of authority and influence over an organization through deciding what and what not to do to further the mission and achieve intended outcomes.”<sup>9</sup>

#### What is Policy?

“Policy is a definite course of strategic action adopted (usually in writing) by a decision-making body to guide a path towards and achieve an end result.”

#### What is Board Governance Through Board Policy?

- Governing boards of all types – public, private, for profit, nonprofit, governmental – adopt some system and style for conducting their business.
- Sometimes it is loosely defined and relatively informal, and sometimes very structured and formal (often because of external requirements), with many points in between.
- Sometimes the system and style are based on past practice, carried forward, without much regard to current needs and ‘goodness of fit’. In fact, at the extreme, no one on the current board or the chief executive may know why certain things are done the way they are, or how it was decided that a particular role or responsibility is placed on some element of the governing structure or with some individual – ‘it’s just the way we’ve always done it.’
- Other times, the governing system is quite intentional and purpose-built for the organization’s needs now and in the future, and of course as a principle of modern organizational management and best practice, this is the preferred approach.
- And while nearly every governing body has some sort of system in place, the approach and framework around which that system is built can be based on differing principles and requirements, e.g., legal, operational (programmatic or functional), collective, management, constituent, advisory.
- In more recent times, many boards of all stripes and persuasions which have a governing responsibility have gravitated toward using a framework or approach that is based on establishing policy as the key element to their governance methodology.

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<sup>8</sup> Prepared by Clark W. Seely, Seely Management Consulting, Inc., based (1) specifically on the Governance Roadmap Approach expressed in *Good Governance for Nonprofits*, Fredric L. Laughlin and Robert C. Andringa, 2007, and other related Andringa Group materials; and (2) generally on *Boards That Make A Difference*, Third Edition, John Carver, 2006 and *Reinventing Your Board*, John Carver and Miriam Carver, 2006.

<sup>9</sup> See other definitions and perspectives on the concept of governance in Appendix 1 of this paper.

- This is due, in part, because boards are typically accustomed to working in the realm of policy, even though most of it is operational in nature. So, this familiarity helps transition to a governance system that is built around the use of policy.
- Thus, in this approach, the formation and implementation of policy is the ‘framing structure’ and ‘system tool’ for board governance.

#### Why is Board Policy Required for Effective Board Governance?

- Most governing boards today are not in need of complete ‘tear-down and reconstruction.’ This is in part due to the significant focus on the subject of governance in both public and private sectors over the past four decades, ironically often due to catastrophic failures in governance, e.g., the Enron story. And there have been catastrophic failures in the nonprofit and governmental arenas as well.
- Because of this intense focus, there has been much study and knowledge developed around the subject of governance generally and best practices specifically that many boards have adopted or incorporated into their existing governance systems, either by choice or by legal direction.
- However, the vast majority of boards have areas of need, sometimes significant, that are constraining or confounding effective and efficient governance.
- Yet they often have incorporated governance changes in a fragmented, piecemeal fashion, rather than in a deliberate, wholistic, systems approach. This may meet an immediate, isolated need, but is rarely durable for the long term.
- According to Fredric Laughlin and Robert Andringa in their 2007 book, *Good Governance for Nonprofits*, some of the more significant benefits or values that a policy-driven governance approach provides can be seen at both a strategic level and a tactical level.<sup>10</sup>

#### *Strategic Value and Benefits*

- Governance scholar John Carver suggests that there are three basic products or contributions of the nonprofit board that it cannot delegate. He calls them, “the irreducible minimum contributions of governance.” They are:
  1. ***Linkage to the Ownership*** – Connecting the moral owners with the organization.
  2. ***Explicit Governing Policies*** – Expressing the values and perspectives of the organization in explicitly enunciated and properly catalogued policies.
  3. ***Assurance of Organizational Performance*** – Ensuring organizational performance that is consistent with applicable policies.
- The order here is intentional and important – ownership; governing; assurance. Carver goes on to say that

“Boards can contribute any number of products to an organization, but these three products cannot be delegated, and this irreducible trio applies to all governing boards.

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<sup>10</sup> Fredric Laughlin and Robert Andringa, *Good Governance for Nonprofits* (New York: AMACOM, 2007), 24-29.



The board may add other products to this list, but it cannot shorten it and still govern responsibly.”<sup>11</sup>

- A governance approach that rests upon board policies allows a board to adequately define, articulate, and implement the ‘why, what, and how’ of these three strategic contributions.

#### *Tactical Value and Benefits*

- Laughlin and Andringa go on to articulate seven values and benefits of a policy approach at what they call a ‘tactical’ level. They are:
  1. ***The Board Speaks with One Voice*** – When the board finally speaks to an issue in the form of policy, it should speak with one voice. The policy approach ensures that the board’s voice is clear, consistent, and current. This is the primary benefit, at a tactical level, of the policy approach.
  2. ***Policies are Explicit*** – The board codifies its intentions through written policy. It does not govern or function on the basis of ‘unwritten rules’ or ‘wisdom from the past.’
  3. ***Clear Guidance to the Chief Executive*** – There is no more important job of the board than assuring the performance of the chief executive, and thus the organization. Guidance comes in the form of delegation, limits on authority, and performance evaluation.
  4. ***Efficient Orientation of New Board Members*** – The policy approach ensures that new board members are confident in assuming their new roles and responsibilities from the beginning and can effectively contribute and ‘play their role’ early on.
  5. ***Eased Policy Development and Elimination of Duplication*** – The policy approach ensures that boards see all their governing policies in context of one another and allows for consideration of the linkage of their governing policies to the organization’s operational policies.
  6. ***Efficiency of Having Board Policies in One Place*** – While this value seems simple on the surface, due to regularly occurring turnover and change of board members (in most situations), many boards collectively, and members individually, lose track of where policies are and how to recall and use them as needed. Technology has greatly improved this situation over time, but the value of ready access and availability is ensured with the policy approach.
  7. ***Modeling Efficiency and Competence to the Owners, Chief Executive, and Organizational Staff*** – Through the policy approach, the board makes clear that its system of governance is effective, efficient, and robust, and provides assurance to the owners and models competence to the chief executive and staff. This is a subtle, but very important value and benefit of the policy approach. In many respects, this is the key to boards continuing to have the ‘license to operate’ from the owners.
- Thus, we understand that the policy approach addresses the most core aspects of organizational governance while providing significant tactical and ‘day-to-day’ benefits.

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<sup>11</sup> John Carver, *Boards that Make a Difference, Third Edition* (San Francisco: Jossey-Bass, 2006), 199.

### How is Effective Board Policy Developed and Implemented?

- Laughlin and Andringa say that, given the significant examination of governance over the past four decades, many ‘best practices’ have been formulated to express and define what ‘good governance’ looks like, particularly for nonprofits. The organization, BoardSource, is nearly exclusively dedicated to examining and formulating these governance best practices for nonprofits.
- So, for Laughlin and Andringa, the key question is no longer the ‘what’ to do, but rather, ‘how to do it.’
- This is the point at which many boards get stuck – they understand the need (usually), they begin to understand the ‘what’ of best practices, but they can’t figure out the ‘how.’ Laughlin and Andringa put it this way, as they reflected on the work of Jim Collins and his seminal organizational management research in his 2001 book, *Good to Great*:

“...Our concern is not so much with the lack of definition of ‘great’ or ‘exceptional’ boards, but rather with how one moves into that category, i.e., how a nonprofit board goes from good to great.”<sup>12</sup>

- A bit later in their book, they make the point more directly:

“The fundamental reason for not developing a board policies approach is that boards and chief executives don’t know how to do it.”<sup>13</sup>

- This has become the crux of the matter for many boards and organizations. Yet, through the work of experienced guides like Laughlin and Andringa, coupled with some supportive expertise, boards and chief executives can, in fact, learn how to do it and achieve success.
- Board Policy must be intentional and described. This is achieved by the creation and implementation of what is known as a ‘Board Policies Manual’, or BPM.
- The BPM is a thorough, clear, concise, written expression of the governance policies of the board in a way that addresses three interrelated aspects:
  1. The roles and responsibilities of the board and how the board governs and functions;
  2. The authorities delegated to the chief executive of the organization; and
  3. The governance partnership relationship between the board and the chief executive including roles, responsibilities, and accountabilities.
- Once the BPM is created and implemented, it becomes the expression of the ‘what, how, who and why’ of governance of the organization, agreed upon by the board members and the chief executive. In this way, it is assured that there is a mutual understanding and agreement between the board and the chief executive regarding roles, responsibilities, expectations, and accountability. Everyone is, as they say, ‘singing off the same sheet of music.’
- It also becomes a living document, adaptable through time as governance needs change.

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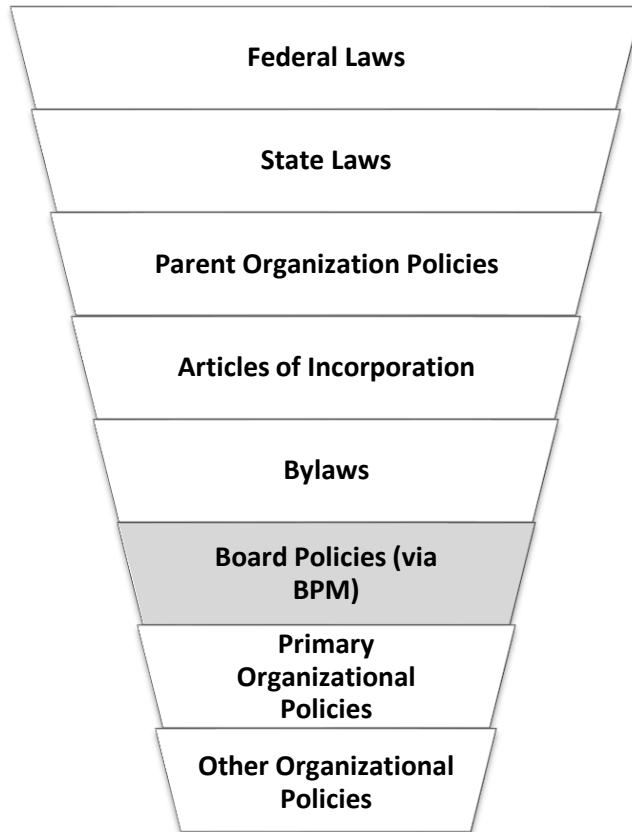
<sup>12</sup> Laughlin and Andringa, *Good Governance*, 13.

<sup>13</sup> Laughlin and Andringa, *Good Governance*, 29.

- The BPM is built in three primary stages:<sup>14</sup>
  1. ***Committing to the BPM*** – Developing a BPM requires the full buy-in from the board and the chief executive. Without this commitment, pursuing this approach does not make sense, and frankly, is not worth the time, and in fact, may do more harm than good.
  2. ***Developing the BPM*** – Notwithstanding the importance of the BPM for a board, its development does not have to be a daunting task or process. Board member involvement is key and required, but with support, does not have to be burdensome or overwhelming. A time-tested methodology is in place in the work of Laughlin and Andringa, and much of the ‘heavy lifting’ of structure and best practices have already been incorporated into their model and accompanying template, which is based on six overall parts or sections. They suggest that BPMs of most organizations can be 15-25 pages in total length. Through eight progressive steps, the BPM is developed in an orderly and complete manner.
  3. ***Implementing and Integrating the BPM*** – The BPM is not intended to be a static document, ‘one and done’. Its role is to be a part of the governance process, like a tool, on a continuing basis. Like any effective policy, it must be kept current, up-to-date, and relevant.
- The BPM exists within a hierarchy of other organizational ‘policies’ that influence, and may even direct, the governance and management of the organization. A simplified model of this hierarchy in western societies looks like this:

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<sup>14</sup> Laughlin and Andringa, *Good Governance*, x-xi.



etc.

- A key principle of the hierarchy is that the policies at a particular level must not conflict with nor contradict the policies above it.
- As the BPM is built, checks are made to ensure that coherence and compatibility is maintained up and down the hierarchy.
- The ‘Primary Organizational Policies’ would be the key organizational policies that typically would be found in such documents or materials as strategic plans, HR policies, financial and accounting policies, internal controls and audits policies, public involvement and participation policies, etc.
- The ‘Other Organizational Policies’ would typically be policies at levels below the organization itself, i.e., divisions, programs, units,

- Laughlin and Andringa’s experience reveal that (1) each step in the process is necessary, and (2) the overall process is sufficient to move an organization from its present level of governance to where it wants to go.
- Key to their approach is that, at the end of the day, the results must be practicable and usable. If done well, the result will be serviceable and long-lasting.
- Finally, realistic expectations are important:
  - Is the policy approach to governance and a BPM a ‘silver bullet’ to correct all the issues and concerns of governance that a board may have? No.
  - Is the approach a guarantee that the board will not encounter issues or concerns in the future? No.
  - Does the policy approach and BPM ensure that the board and chief executive make gains and strides in governance, leadership, and management of the organization together, in an effective partnership relationship, which serves the owners and the organization effectively? Yes, most assuredly.

Appendix 1 – Governance Considered

*“The purpose of governance is to ensure, usually on behalf of others, that an organization achieves what it should achieve while avoiding those behaviors and situations that should be avoided.”* John Carver, *Boards That Make A Difference*, 2006, page xxvii

*“Governance comprises the arrangements (includes political, economic, social, environmental, administrative, legal, and other arrangements) put in place to ensure that the intended outcomes for stakeholders are defined and achieved.”* Good Governance in the Public Sector—Consultation Draft for an International Framework, CIFPA, 2013

*“Governance is concerned with structures, processes for decision making, accountability, control, and behavior at the top of organizations.”* Governance in the Public Sector: A Governing Body Perspective, IFAC, 2001

*“Governance is the process by which decisions are made and implemented (or not implemented). Within government, governance is the process by which public institutions conduct public affairs and manage public resources.”* Manual On Fiscal Transparency, IMF 2007

*“Public sector governance encompasses the policies and procedures used to direct an organization’s activities to provide reasonable assurance that objectives are met and that operations are carried out in an ethical and accountable manner.”* The Role of Auditing in Public Sector Governance, Institute of Internal Auditors, 2012

Note the Common Themes or Keywords: (1) outcomes, achievement; (2) assurance, accountability; (3) decision making, directing, controlling; (4) public resources, public affairs; (5) policies, processes, procedures, arrangements, structures

Appendix B – Oregon 1911 Legislative Assembly House Bill 50 Sections 1 and 2

26<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY—1911 Regular Session

# House Bill 50

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## AN ACT

[H. B. 50.]

For the protection of the forests of the State of Oregon; to prevent and suppress forest fires; to create a State Board of Forestry to serve without compensation, and a State Forester and deputy, and for the appointment of fire wardens, and to prescribe their rights, powers and duties, and to provide for the payment of their compensation and expenses and the expenses of said Board; providing penalties for the violation of the provisions of this act, making an appropriation therefor; repealing Sections 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, of Lord's Oregon Laws (Chapter 131 of the Laws of Oregon for the year 1907), and declaring an emergency.

*Be it enacted by the People of the State of Oregon:*

*Be it enacted by the Legislative Assembly of the State of Oregon:*

Section 1. There shall be a State Board of Forestry, consisting of the Governor, the acting head of the Forest School of the Oregon Agricultural College, and five electors of the State of Oregon, to be appointed by the Governor from and upon the authoritative recommendation of the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers' Association and the United States Forest Service, and Oregon Wool Growers' Association, each to select and name one of such electors. In the absence of such recommendation the Governor shall nevertheless appoint said electors. Said Board of Forestry shall supervise all matters of forest policy and management under the jurisdiction of the State, and approve claims for expenses incurred under the provisions of this act. The members of said Board shall receive no compensation for their services thereon but shall be entitled to actual traveling expenses which may be incurred in attending Board meetings.

Said Board shall meet at any convenient place in the State upon the call of the Governor or its secretary. A majority of said Board shall constitute a quorum.

Section 2. The State Board of Forestry shall appoint a State Forester, who shall be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. He shall hold office at the pleasure of said Board, who shall also have power to fix his compensation at not to exceed three thousand dollars (\$3,000) per annum. He shall be authorized and empowered to appoint a deputy whose salary shall be fixed by the State Board of Forestry at not to exceed eighteen hundred dollars (\$1800) per annum. He shall be allowed necessary office and contingent expenses, including clerical help and he and his deputy shall be paid actual traveling and field expenses which may be incurred in the performance of their official duties. He shall, under the supervision of the State Board of Forestry, execute all matters pertaining to forestry within the jurisdiction of the State; appoint and instruct fire wardens as provided for in this act; direct the improvement and protection of State forest lands; collect data relative to forest conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush-covered land and prosecute for any violation of said laws; co-operate with land owners, counties or others in forest protection; advise and encourage re-forestation; and publish such information on forestry as he may deem wise. He shall act as secretary of the State Board of Forestry and prepare annually a report to the Governor on the progress and condition of State forest work, containing recommendations for improving methods of forest protection, management and reproduction within the State of Oregon. During the State Forester's absence or disability, all his authority shall be exercised by his deputy.

Filed in the office of the Secretary of State February 24, 1911.

1911 Oregon Laws, Chapter 278

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Editor's Note: This document is a rendition of House Bill 50 of the 1911 Oregon Legislative Assembly as it appears in 1911 Oregon Laws, Chapter 278. The document contains the full and complete wording of the bill, but is formatted in a more current Oregon bill design.

The original bill was passed by the Oregon House of Representatives on February 13, 1911, passed by the Oregon Senate on February 17, 1911, received by the Oregon Executive Department on February 18, 1911, and filed in the office of the Oregon Secretary of State on February 24, 1911.

February 16, 2011

## Appendix C – Current Oregon Statutes and Administrative Rules for the Oregon Board of Forestry and Oregon State Forester Relating to Governance

### **526.009 State Board of Forestry; chairperson; terms; vacancies; confirmation; qualifications; removal.**

(1) There is created a State Board of Forestry consisting of seven members appointed by the Governor. The members appointed to the board shall be subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. The Governor shall designate one member of the board as chairperson to hold that position until that member's term expires or until relieved by the Governor as provided in subsection (6) of this section. The chairperson shall have such powers and duties as are provided by the rules of the board.

(2) The term of office of a member of the board is four years. A member shall be eligible for reappointment, but no member shall serve more than two consecutive full terms. In case of a vacancy for any cause, the Governor shall make an appointment as provided in subsection (1) of this section.

(3) Appointments made by the Governor under subsection (1) of this section shall include appointment of at least one member from each of the forest regions established under ORS 527.640 and the rules adopted thereunder by January 1, 1987.

(4) No more than three members of the board may derive any significant portion of their income directly from persons or organizations that are subject to regulation under ORS 527.610 to 527.770, 527.990 (1) and 527.992.

(5) Except as provided in subsection (4) of this section, no member of the board shall have any relationship or pecuniary interest that would interfere with the member representing the public interest.

(6) The Governor may at any time remove any member of the board for inefficiency, incompetence, neglect of duty, malfeasance in office, unfitness to render effective service or failure to continue to meet the criteria of appointment pursuant to this section. [1965 c.253 §4; 1973 c.230 §1; 1979 c.394 §1; 1983 c.759 §5; 1987 c.919 §6]

**526.016 General duties; limits; compensation and expenses; meetings; rules.** (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. Advisory committees may be appointed by the board to make recommendations concerning any function vested by law in the board. Notwithstanding any other provisions of law, the board shall not supervise or direct the State Forester in matters relating to the geographic scheduling, annual volume and species allocation, appraisals and competitive timber sale techniques used in the sale of forest products from lands managed under the provisions of ORS chapter 530.

(2) The members of the board are entitled to compensation and expenses as provided in ORS 292.495.

(3) The board shall meet on the first Wednesday after the first Monday in January, March, June and September, at places designated by the chairperson of the board or the State Forester. The board may meet at other times and places in this state on the call of the chairperson or the State Forester. A majority of the voting members of the board constitutes a quorum to do business.



(4) In accordance with the applicable provisions of ORS chapter 183, the board shall adopt rules to perform the functions defined by statute. [1965 c.253 §6; 1969 c.314 §62; 1973 c.230 §3; 1983 c.759 §8; 1987 c.919 §8]

**526.060 State Forestry Department Account; subaccounts.** (1) Except as provided in ORS 526.121, 530.147 and 530.280, all assessments, federal apportionments or contributions, and other moneys received by the forester or State Board of Forestry, shall be paid into the State Treasury and credited to the State Forestry Department Account, which is established separate and distinct from the General Fund. All moneys in the State Forestry Department Account are continuously appropriated, and shall be used by the forester, under the supervision and direction of the board, for the purposes authorized by law.

### **629-010-0010**

#### **Rules of Order**

Roberts Rules of Order are adopted for the conduct of meetings of the Board and committees of the Board; however, Oregon statutes, specific rules of order adopted by the Board, or actions of the Board will take precedence over Roberts Rules of Order. Rules of order adopted by a committee shall not be effective until approved by the Board.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

#### **History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### **629-010-0020**

#### **Chairperson**

Under the provisions of ORS 526.009(1), the Chairperson has the following powers and duties:

- (1) The duties of a presiding officer as prescribed by Roberts Rules of Order.
- (2) The duty to appoint standing and ad hoc committees.
- (3) Pursuant to ORS 526.016(3), in cooperation with the State Forester, the duty to determine where Board meetings are to be held.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

#### **History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

### **629-010-0030**

#### **Agendas**

The Secretary shall send an agenda together with the minutes of previously held committee meetings and the minutes of the last Board meeting to all members of the Board prior to each Board meeting.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

#### **History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

[629-010-0040](#)

**Order of Business**

The order of business of Board meetings shall be determined by the Chairperson in cooperation with the State Forester. At the request of any two Board members, the Chairperson shall include a specific item on the agenda.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

[629-010-0050](#)

**Quorum**

A majority of the members of the Board or a committee constitutes a quorum to do business.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

[629-010-0060](#)

**Meetings and Notice**

The Secretary shall follow the procedures established by the Attorney General for giving notices of Board and committee meetings. Unless a meeting is called exclusively for the purpose of holding an executive session pursuant to ORS 192.660, copies of the meeting notices shall be sent to organizations and individuals that the Board may designate. In addition, a copy of the notice shall be sent to any organization or individual that has indicated to the Chairperson or to the Secretary an interest in the subject matter to be considered at a meeting.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

[629-010-0080](#)

**Committees**

The Chairperson may appoint standing committees or ad hoc committees to consider matters of Board responsibility which are not feasible to be handled by the Board as a whole.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

[629-010-0090](#)

**Attendance**

In accordance with ORS 182.020, the Secretary shall submit a copy of the minutes of each Board meeting to the Governor or the Governor's Assistant including members present and absent with an attachment indicating the members' reason for absence.

**Statutory/Other Authority:** ORS 183.310(1), 192.610 - 192.710, 526.016(4) & 526.041(1)

**Statutes/Other Implemented:** ORS 192.610 - 192.710 & 526.016(4)

**History:**

FB 3-1992, f. & cert. ef. 3-10-92

FB 38, f. 6-10-74, ef. 7-11-74

**526.031 State Forester; deputy and assistants; compensation.** (1) The State 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 forester shall be the chief executive officer of the State Forestry Department. The forester shall hold office at the pleasure of the board, and shall act as its secretary.

(2) With the approval of the board and subject to applicable provisions of the State Personnel Relations Law, the State Forester may appoint a Deputy State Forester, assistant state foresters and other employees of the department. During the State Forester's absence or disability, all authority shall be exercised by the Deputy State Forester or by the assistant whom the State Forester or the board, by written order filed with the Secretary of State, has designated as Acting State Forester.

(3) The board shall fix the compensation of the State Forester. In addition to their salaries, the forester, the deputy and assistants shall be reimbursed, subject to the limitations otherwise provided by law, for their actual and necessary travel and other expenses incurred in the performance of their duties. [1965 c.253 §7; 1983 c.759 §13]

**526.041 General duties of State Forester; rules.** The forester, under the general supervision of the State Board of Forestry, shall:

(1) In compliance with ORS chapter 183, promulgate rules consistent with law for the enforcement of the state forest laws relating directly to the protection of forestland and the conservation of forest resources.

(2) Appoint and instruct fire wardens as provided in ORS chapter 477.

(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 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 heretofore or hereafter acquired by the board for administrative purposes and no longer needed.

(12) Coordinate any activities of the State Forestry Department related to a watershed enhancement project approved by the Oregon Watershed Enhancement Board under ORS 541.932 with activities of other cooperating state and federal agencies participating in the project.

(13) Prescribe uniform state standards for certification of wildland fire training courses and educational programs.

(14) 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. [1965 c.253 §10 (enacted in lieu of 526.020); 1969 c.249 §2; 1975 c.605 §27; 1987 c.734 §13; 1993 c.415 §5; 1997 c.413 §5; 2003 c.539 §38; 2011 c.49 §2]

Appendix D – Oregon Board of Forestry Policy, *Governance Policy*

|                                                                                                                                                   |                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|  <p><b>OREGON DEPARTMENT OF FORESTRY<br/>POLICY DOCUMENT</b></p> |                                   |
| <b>Title:</b> Governance Policy                                                                                                                   |                                   |
| <b>Division/Program:</b> Board of Forestry                                                                                                        |                                   |
| <b>Applicability:</b> All Board Members                                                                                                           |                                   |
| <b>Effective Date:</b> July 22, 2020                                                                                                              | <b>Last Review Date:</b> TBD      |
| <b>Approval Name:</b> Peter Daugherty                                                                                                             | <b>Review Interval:</b> 4 Years   |
| <b>Signature:</b>                                                | <b>Custodian:</b> Peter Daugherty |
|                                                                                                                                                   | <b>Position:</b> State Forester   |

**POLICY STATEMENT:**

It is the Policy of the Oregon Board of Forestry (Board) to have a set of bylaws to direct and clarify its actions, procedures and organization, which include expectations of members. The Board will establish written documentation for Board processes and procedures developed to execute its statutory responsibility.

**AUTHORITY:**

[ORS 526-009 to 526-052](#), [OAR 629-010-0005 to 629-010-0100](#), [Membership Handbook for Boards & Commission](#). Kate Brown, Governor State of Oregon. Revised 2/18/15.

**DEFINITIONS:**

**Governance:** the effective and responsible management of the organization , which includes considering needs, communication and decision making.

**RESPONSIBILITIES:**

**Board Chair:** Oversees and administers the Board policy framework and governance process, which provides the structure to guide the development of Board Policies.

**State Forester:** As Secretary to the Board, supports the Board Chair in administering the Board policy framework and governance processes.

**Board of Forestry:** Approves all Policies and ensures that they are appropriately reviewed and vetted with the Department.

**STANDARDS:**

- A. Establishment of Policies and support documentation shall only occur by approval of the Board of Forestry.
- B. All Policies and supporting documentation will be posted on the Board website and reviewed at least every four years, as specified in the Policy. Review of support documentation shall not exceed the policy review interval.
- C. Detailed instructions and forms will not be included in Policies but should be included in procedures, guidance, and other supporting documents associated with a Policy.
- D. If there is an existing policy from statute, administrative rule, or another agency (such as the Department of Administrative Services, State Archives, etc.) that applies to the Board, then this policy will not be duplicated in a Board Policy, and referenced appropriately.

**SUPPORTING DOCUMENTATION:**

Board of Forestry Governance: [Expectations of Board of Forestry Member](#), July 22, 2020.

Board of Forestry Governance: [Governance Topics](#), July 22, 2020.

Board of Forestry [Approved Meeting Minutes](#), July 22, 2020.

| Policy History |                                                          |
|----------------|----------------------------------------------------------|
| <i>Date</i>    | <i>Description</i>                                       |
| 07/22/2020     | Adopted by the Board of Forestry <a href="#">[audio]</a> |

## Board of Forestry Governance

### GOVERNANCE TOPICS

Generated from the October 9, 2019, January 8, 2020 Board of Forestry Executive Sessions on the State Forester's Annual Performance Review, and March 4, 2020 Board meeting.

- Board develops a statement of expectations or guidelines to which members commit. For example, a code of conduct for Board members, Board charter, operating principles, or working guidelines. (In progress)
- Board reviews current process on developing Board work plans and revises as appropriate (Board discussion planned for September 2020 meeting).
- Board process to manage individual requests for information. While we currently use an informal process, the Board has not specifically discussed the process as a governance issue.
- Board process for two board members to submit a request for agenda topics. The Board discussed a potential process at the October retreat, but no decision was made to formalize the process.
- Board discussion on priorities and process for the revision of the Board's strategic plan, *Forestry Program for Oregon*. (Board will address this topic under the *Overarching Issues work plan*).
- Board members work collaboratively with staff on agenda topics to increase efficiencies and develop working relationships, e.g., call lists to discuss ideas.
- Board discussion on the level of information needed for policy decisions, their expectations about science included in Department staff reports, and the role of science in policy decisions.
- Process for assigning Board members to liaison positions to other Boards and Commissions and other Board positions.
- Process for staff evaluations / feedback of the Board performance. To be conducted in conjunction with Board self-evaluation process.
- Board prepares for calendared events and work plan topics that are communicated by State Forester or staff.

## Board of Forestry Governance

### Expectations of Board of Forestry Members

*The first set of expectations are from the Governor's Membership Handbook for Boards and Commissions – revised 2/18/2015 (Adopted by Board, March 4, 2020).*

- Regularly attend board meetings.
- Prepare for meetings by reading reports, proposals and other documents prepared or distributed by staff.
- Recognize that serving the public interest is the top priority. All members have been appointed to the board to serve the public at large.
- Understand the primary responsibility of every board member is to protect the health, safety and welfare of the general public.
- Recognize the board must operate in a public and open manner.
- If you were recommended by a professional association or special interest group, you will be expected to provide the board with your technical expertise, and to bring the point of view of the group to the board.
- All board members must work for the benefit of the public first, with the good of any particular profession, industry or special interest group taking a secondary position.
- Listen to all viewpoints and work as a cohesive group to create a forum for developing good policies and procedures and finding fair solutions to problems.
- Learn about issues affecting the board.
- Examine all available evidence before making judgment.
- Acknowledge that authority to act is granted to the board as a whole, not to individual members.
- Board members must be familiar with and operate within their board's governing statutes and bylaws, and state and federal laws at all times.
- To ensure accountability, all applicable policies and procedures adopted by the board should be in written form.
- No board member should make decisions or take unilateral action without the consent of the board as a whole.
- Questions about board issues should be directed to the board's administrative or executive officer, who will see that all board members receive full information by the next regular meeting.
- Board members should disclose no details of board investigations or matters dealt with in executive session unless they are part of the public record.
- Board members should use caution about participating in private discussions on behalf of one party in the absence of other parties to a dispute.




- Board members should remember they are seen as representatives of the board when they appear at industry or professional gatherings. They must take care not to appear to be speaking for the board unless specifically authorized by the board to do so.
- Board members must keep in mind that their mission is to serve the public, and it is inappropriate to use board membership to create a personal platform.

*This set of expectations are from discussions with Board Members and March 4, 2020 Board meeting. (Adopted by Board, July 22, 2020).*

- Understand that the board set standards for the department through policy.
- Individual Board members may not agree with a decision, but once a Board decision is made, all Board members will respect the decision and move forward.
- The Board will take action only after hearing the State Forester's (Department's) recommendation.
- Avoid surprising staff. If you have alternate recommendations or new requests for information, discuss with State Forester or staff prior to a board meeting so they can prepare accordingly.
- Board members will strive to get out in the forests to discuss policy topics with staff and stakeholders.
- Board members commit to fostering an environment that respects all individuals, that seeks diverse perspectives, and values differences.

Appendix E – Oregon Department of Forestry Policy, Financial Oversight of the Oregon Board of Forestry

|                                                                                                                                                   |                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
|  <p><b>OREGON DEPARTMENT OF FORESTRY<br/>POLICY DOCUMENT</b></p> |                                                      |
| <b>Title:</b> Financial Oversight of the Board of Forestry                                                                                        |                                                      |
| <b>Division/Program:</b> Administrative Branch                                                                                                    |                                                      |
| <b>Applicability:</b> All ODF Employees                                                                                                           |                                                      |
| <b>Effective Date:</b> April 12, 2022                                                                                                             | <b>Last Review Date:</b> April 11, 2022              |
| <b>Approver:</b> State Forester                                                                                                                   | <b>Review Interval:</b> 5 years or sooner            |
| <b>Signature:</b> Cal Mukumoto<br>/s/ (signature on file with ODF)                                                                                | <b>Custodian:</b> Deputy Director for Administration |

**POLICY STATEMENT:**

The Department of Forestry’s policy is to provide the Board of Forestry with consistent reporting of financial information. This policy’s purpose is to ensure the Board has the information required to fulfill their statutory responsibility in financial oversight.

**AUTHORITY:** ORS 291.015, 291.100, 293.590, 279A.015, 526.009, 526.016, 526.031, 526.036, 526.041, 526.046, 526.060; OAR Chapters 125 and 629; OAM 01.05.00; ODF Policy – Delegation of Authorities

**RESPONSIBILITIES:**

**Deputy Director for Administration:** is responsible for the Department’s presentation of financial results to the Board of Forestry.

**Employees:** are responsible for adhering to all state policies and procedures in performance of accounting functions, internal controls, and public contracting.

**Managers:** are responsible for the accuracy and adequacy of the Department’s accounting and financial reporting and holding employees accountable for adherence to state policy and procedure.

**State Forester:** is responsible for ensuring compliance with state statutes applicable to the Department.

**STANDARDS:**

**I. Financial Reporting**

The Department shall:

- 1) Provide the Board with information on the Department’s financial performance which includes quarterly agency actuals to budget and financial statements including performance indicators relevant to financial position, operations, and cash flows.
- 2) Provide the Board with comparative views of the Department’s current financial performance

as compared to that of previous years, and projections on how its financial future appears.

- 3) Prepare financial reports for board review adhering to the level of detail, frequency, deadlines, and distributions of the reports defined by the Board.
- 4) Adhere to financial reporting intervals as defined through the Board’s biennial work plan.
- 5) Provide the biennial agency request budget, annual forest protection district budgets and rates, and annual risk assessment for the Board’s review.

**II. Financial Policy and Procedure**

The Department shall:

- 1) Ensure policies and procedures for financial transactions are documented, reviewed, and updated.
- 2) Ensure agency employees are operating within approved policies.
- 3) Ensure approved financial policies and procedures are being followed.

**III. Financial Planning**

The Department shall:

- 1) Engage the Board in strategic financial planning and decision making.
- 2) Set long range financial goals along with strategies to achieve them.

**IV. Financial Management**

The Department shall:

- 1) Manage the agency in an efficient and effective manner according to best practices.
- 2) Evaluate and recommend trainings designed to support board members in fulfilling their financial oversight roles.
- 3) Ensure that the agency has sufficient cash on hand to pay its operating expenses.
- 4) Seek and provide resources necessary to support the Board’s assessments and review of the agency’s financial performance, adherence to approved policies and procedures, and effectiveness in management.

**EXCEPTIONS, EXEMPTIONS, AND CONDITIONS:** None

**SUPPORTING DOCUMENTATION:**

Board of Forestry Administrative Work Plan 2022-2024 (and subsequent versions)  
Sample Monthly Financial Report – February 2022

| Policy History |                                                                                                   |
|----------------|---------------------------------------------------------------------------------------------------|
| Date           | Description                                                                                       |
| 04/12/22       | New ODF Policy – Financial Oversight of the Board of Forestry approved, published, and effective. |

## **Board Meeting Wrap Up**