



Oregon Board of Forestry

Wednesday and Thursday, June 5-6, 2024

Tour and Meeting Agenda

Revised
6/4/24

Field Tour and Public Meeting Information

Wednesday, June 5, 2024: Field Tour – from 8:00 am to 4:00 pm in Sandy, Oregon. Starting point at McMenamins Edgefield located at 2126 SW Halsey St, Troutdale, OR 97060, in the West Parking Lot. Members of the public wishing to join the tour are asked to RSVP by emailing boardofforestry@odf.oregon.gov by end of day, Friday, May 31, 2024. Those attending the tour should bring their own lunch and PPE gear, including hardhat, reflective vest, and appropriate footwear. The field tour will highlight the 20-Year Resiliency Strategy, the Federal Forests Restoration Program and provide an opportunity to view an active timber sale.

Thursday, June 6, 2024: Hybrid Public Meeting – from 8:00 am to 3:30 pm in Troutdale, Oregon. The Board of Forestry will meet for the regular public business meeting at the McMenamin's Edgefield, Blackberry Hall – 2126 SW Halsey St, Troutdale, OR 97060. The meeting will be open to the public, allowing for both in-person and virtual attendance. An opportunity for the public to provide live testimony will be available. Instructions for sign-up can be found on our website: <https://www.oregon.gov/odf/board/Pages/bofmeetings.aspx>. Submit written testimony to boardofforestry@odf.oregon.gov prior to the meeting, or up to two weeks after the meeting day. Submissions should include the meeting date and agenda item number/topic header with the written submission.

Virtual Meeting Link:

<https://www.youtube.com/c/OregonDepartmentofForestry>

June 5th Field Tour Schedule

	Check-In: McMenamin's Edgefield	
7:30 am	Parking available – <i>West Parking Lot</i>	
8:00 am	Vehicle assignments	
8:15 am	Departure and travel	
	Stop 1: Timber Park in Estacada	
8:45 am	Welcome and Introductions	<i>Don Everingham, Steve Wilson</i>
9:00 am	20-Year Landscape Resiliency Strategy	
	➤ <i>Shared alignment around the 20-Year Landscape Resiliency Strategy</i>	<i>Cal Mukumoto, Laura Schwitzer</i>
	➤ <i>Strategy overview and next steps</i>	<i>Nathan Beckman</i>
	➤ <i>Assessments, Planning and Implementation</i>	<i>Meta Loftsgaarden, Damon Brosnan, Rob Pentzer</i>
10:15 am	Departure and travel	
	Stop 2: Car Good Neighbor Authority (GNA) Unit 151	
11:00 am	Federal Forest Restoration (FFR) Program Overview	
	➤ <i>FFR Program Statewide Overview</i>	<i>Kyle Sullivan-Astor</i>
	➤ <i>Mt Hood National Forest Collaborative and Wasco County Forest Collaborative</i>	<i>Andrew Spaeth</i>
	➤ <i>Technical assistance, science support and research informing consensus</i>	<i>Andrew Merschel</i>

Oregon Department of Forestry
2600 State St Salem OR, 97310
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	➤ <i>The Management Framework: Purpose and need for the projects, relationship with ODF-FFR Program</i>	<i>Phil Monsanto</i>
11:45	Q & A	
12:15 pm	Lunch	
1:00 pm	Departure and travel	
	Stop 3: Car Good Neighbor Authority (GNA) Unit 170	
1:15 pm	Timber sale overview and status	<i>Jennifer Erdmann</i>
1:30 pm	Timber sale purchaser	<i>Neil Kissler</i>
	➤ <i>Forest operator</i>	<i>Ben Hainley</i>
	➤ <i>Forest sector trade association perspective</i>	<i>Andy Geissler</i>
1:45 pm	Oregon Mass Timber Coalition Economic Development Administration grant update	<i>Marcus Kauffman</i>
2:00 pm	Q & A	
2:30 pm	Field tour wrap-up	<i>Chair Kelly</i>
2:45 pm	Departure and travel	
3:45 pm	Return; field tour concludes	

Public Participation Note:

- There will be no online option for participation, however, a recording will be posted on the ODF Board meeting webpage that highlights the tour stops.
- Members of the public who wish to attend should RSVP by emailing boardofforestry@odf.oregon.gov no later than end of day, Friday, May 31, 2024.
- Individuals must sign a waiver to participate in the field tour.
- There is limited space available to ride with ODF staff, and members of the public should be prepared to drive their own vehicle. Members of the public may be asked to carpool with one another in the event that there is an excessive number of vehicles participating in the field tour.
- Dress appropriately for local weather and a moderate amount of walking over uneven terrain. Close-toed shoes are recommended.
- Personal Protective Equipment (PPE) is required to attend the final stop listed. ODF staff will have limited quantities on-hand, and it is recommended that members of the public who wish to attend the final stop bring their own PPE, which will need to consist of a hardhat and reflective safety vest.
- Bring your own personal lunch and water.
- Restrooms will be available at the start, end, and at stops 1 and 2. There will be no access to restroom facilities during the 3rd and final stop.
- The scheduled times listed on the field tour schedule are approximate. Oregon Department of Forestry has the discretion to modify the tour presenters, stop locations, tour route or timing if unforeseen circumstances occur.
- Individuals who may require special accommodations for the tour should contact the Board Administrator at boardofforestry@odf.oregon.gov, at least 72 hours prior to the event date.



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June 6th Public Meeting Agenda

Consent Agenda

A. 2024 Q2 Financial Dashboard Report	<i>James Short</i>
B. Agency Request Budget	<i>James Short</i>
C. 2024 Legislative Short Session Briefing	<i>Derrick Wheeler</i>
D. Rangeland Fire Protection Association Budgets	<i>Levi Hopkins</i>
E. 2024 Board Governance Performance Self Evaluation	<i>Sabrina Perez</i>
F. Legislative Report on Private Forest Accord Implementation*	<i>Josh Barnard</i>
G. Adoption of Post-Disturbance Harvest Rules*	<i>Josh Barnard</i>
H. Decertification of Common School Forest Lands in Klamath County	<i>Justin Butteris</i>
I. Certified Burn Manager and Prescribed Fire Liability Fund Rulemaking	<i>Chris Cline, Tim Holschbach</i>
J. Fire Season Readiness	<i>Chris Cline</i>
K. Committee for Family Forestlands Reappointment	<i>Mike Kroon</i>

**Consent items F and G have been moved to a future meeting.*

Action and Information

8:00 am	1. State Forester and Board Members Comments Welcome and opening comments from the agency director and members of the board. This is an information item.	<i>State Forester Mukumoto, Chair Kelly</i>
8:15 am	2. Public Forum Sign-up instructions for providing public comment are posted on the Board's meeting webpage. Comments are limited to two minutes or less. Forum is reserved for remarks on information items and topics off the agenda. Comment times may be reduced at the discretion of the Board Chair. This is an information item.	<i>Members of the Public</i>
8:45 am	3. Forest Protection Association Budgets The 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.	<i>Chris Cline, Ron Graham</i>
9:15 am	4. Vision for Oregon's Forests The Department will provide the final draft of the Vision for Oregon's Forests, as provided by the Forestry Program for Oregon Subcommittee. Seeking board decision on accepting the Vision for Oregon's Forests as presented. This is a decision item.	<i>Joy Krawczyk</i>
9:45 am	BREAK	
10:15 am	5. Advancing Wildfire Prevention The Department will provide a presentation of the current wildfire prevention laws and responsibilities, wildfire cause statistics, and recommendations for administrative rule updates. This is a decision item with 15 minutes for public testimony.	<i>Chris Cline, Tim Holschbach, Levi Hopkins</i>



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11:00 am	6. Wildfire Hazard Map and Procedural Rules The Department will provide an overview of proposed revised rules regarding the wildfire hazard map. This is a decision item with 15 minutes for public testimony.	<i>Tim Holschbach</i>
11:30 am	7. *Jefferson County Forest Patrol Assessment Appeals Testimony from property owners in Jefferson County who have been added to the forest patrol assessment roll. This topic does not allow for public comment. This is a decision item	<i>Tim Holschbach, Levi Hopkins</i>
12:00 pm	LUNCH	
1:00 pm	8. Western Oregon State Forests Draft Forest Management Plan Staff will lead a facilitated discussion between the Board of Forestry and the Forest Trust Land Advisory Committee to further develop performance measures for the draft Western Oregon State Forests Management Plan.	<i>Tyson Wepprich, Mike Wilson</i>
2:30 pm	9. Oregon State University's College of Forestry Report The Dean Thomas DeLuca will provide a presentation on findings from the Oregon State University's College of Forestry. This is an information item.	<i>Dean Thomas DeLuca</i>
3:00 pm	10. Wrap-Up and Closing Comments Chair Kelly to open up discussion of board member orientation and briefings and provide closing comments.	<i>Chair Kelly and Board Members</i>
3:30 pm	Adjourn	

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

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.
- To provide oral comments at an in-person meeting, register in advance using the information in the meeting agenda and 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.
- Commenters have two to three minutes to make their comments. Comment on decision items is limited to 30 minutes per decision item.

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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. Send to boardofforestry@odf.oregon.gov. All comments to the Board will become part of the official record of the meeting and made available to the public on the Board's webpage.

WORK SESSIONS: Certain agenda topics may be marked with an asterisk indicating a "Work Session" item. Work Sessions provide the Board with an 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 arguments 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).

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>

GENERAL INFORMATION: For regularly scheduled meetings, the Board's agenda is posted on the web at 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.

If you are experiencing technical issues or require accommodations, email boardofforestry@odf.oregon.gov or contact the Board Support Office at (503) 302-6344.

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.

STAFF REPORT

Agenda Item No:	A
Work Plan:	Administrative
Topic:	Financial Dashboard
Presentation Title:	Department Financial Report for March, April and May 2024
Date of Presentation:	June 6, 2024
Contact Information:	James Short, Department Chief Financial Officer (503) 302-8478, james.short@odf.oregon.gov

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. 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 introducing 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 2024
- 2) Department of Forestry Financial Report for April 2024
- 3) Department of Forestry Financial Report for May 2024 (available before meeting)



April 1, 2024

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

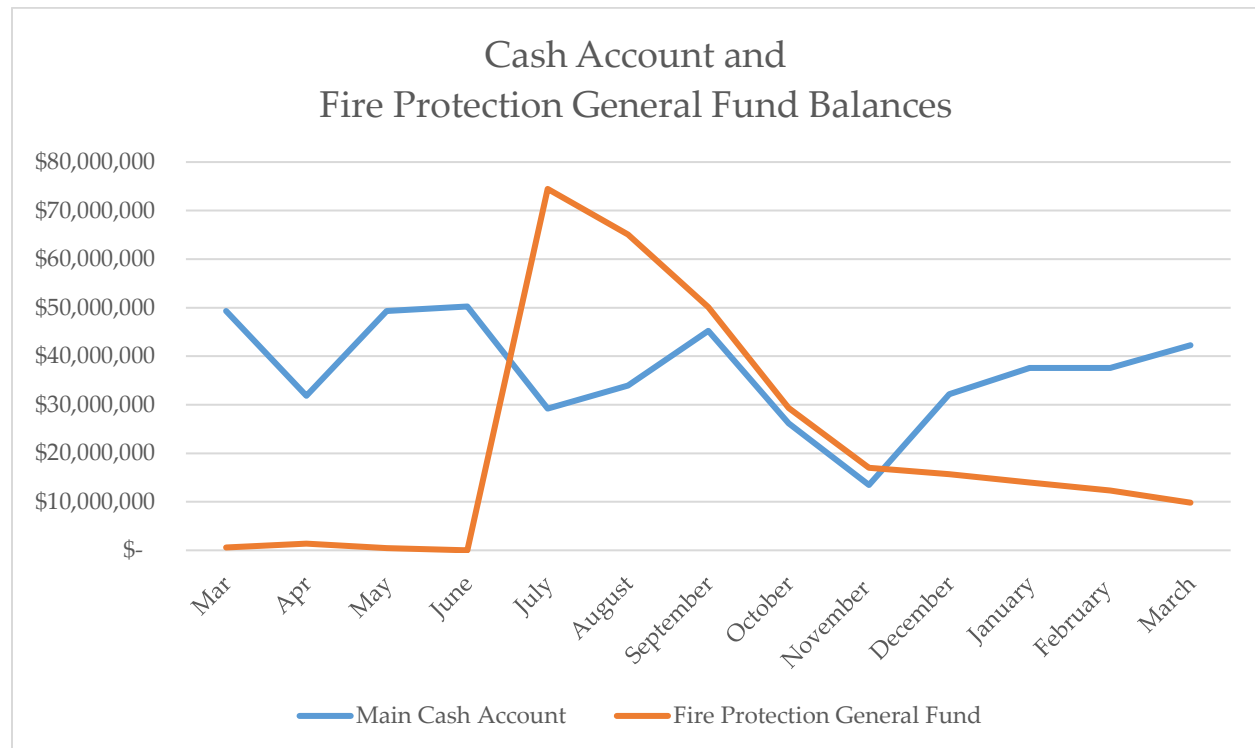
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

Cash and General Fund Balances

As of March 22, ODF's principal cash account balance was \$42.3 million, and the 2023-25 Protection Division General Fund appropriation balance was \$9.8 million (Figure 1). Between February and March, there was an increase of 4.7 million to the cash account balance, and the Protection Division General Fund balance had a net reduction of \$2.5 million.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of March 22, 2024.



Financial Projections

Net financial activity for February 2024 resulted in a net decrease of \$6 million to the department's available resources (Table 1).

The quarterly distribution to counties for their respective portion of timber sales revenue occurred in January causing a decrease to the department's available resources. However, the department received partial payment of the fire season 2021 insurance claim, which helped offset the decrease.

Table 1 - Financial Projections through March 18, 2024(in thousands)

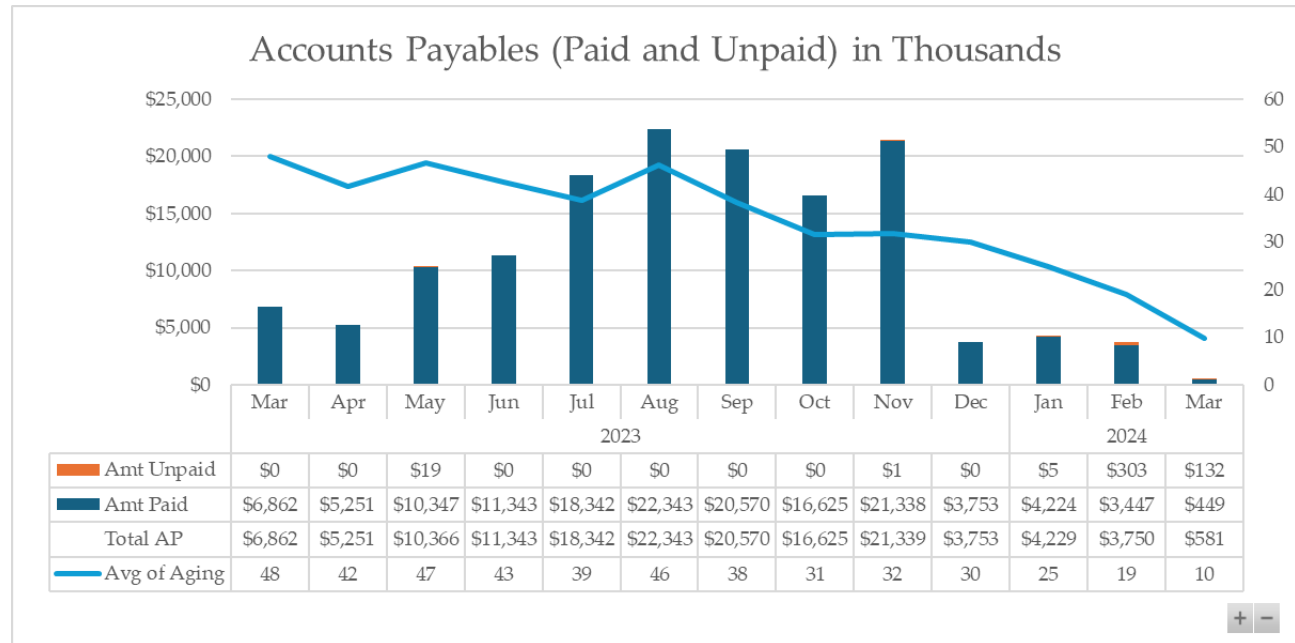
	24-Feb		24-Mar	24-Apr
	Projection	Actual	Projection	Projection
Total Revenue	\$23,940	\$21,093	\$20,357	\$24,496
Total Expenditures	(\$19,531)	(\$23,594)	(\$21,317)	(\$36,277)
Net Total Exp/Rev	\$4,409	(\$2,501)	(\$961)	(\$11,781)
Beginning Cash Balance	\$54,592	\$54,592	\$51,950	\$50,990
End of Month Cash Balance*	\$59,001	\$51,950	\$50,990	\$39,209
Less: Dedicated Funds	(\$17,677)	(\$18,218)	(\$17,177)	(\$17,177)
End of Month Main Cash Balance	\$41,324	\$33,733	\$33,813	\$22,032
Available GF Appr	\$72,464	\$74,263	\$67,272	\$60,280
Available Resources	\$113,788	\$107,996	\$101,084	\$82,312

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

Accounts Payable

Department-wide expenditure activity decreased since the last reporting period (Figure 2), which is consistent with the department's fire season activity. The fire season was slower this year therefore seeing less invoices for payment and invoices were paid earlier in the year.

Figure 2 - Accounts Payable as of March 18, 2024



Accounts Receivable

Between February and January, there was a net increase of \$2 million in the total accounts receivable balance (Figure 3).

Accounts older than 120 days equate to \$26.8 million, or 56% of the total balances owed to ODF (Figure 4). Of these accounts, the majority are due from FEMA (\$12 million), federal partners (\$16.8 million), and private parties for cost recovery (\$18.2 million).

Figure 3 - Accounts Payable as of March 18, 2024

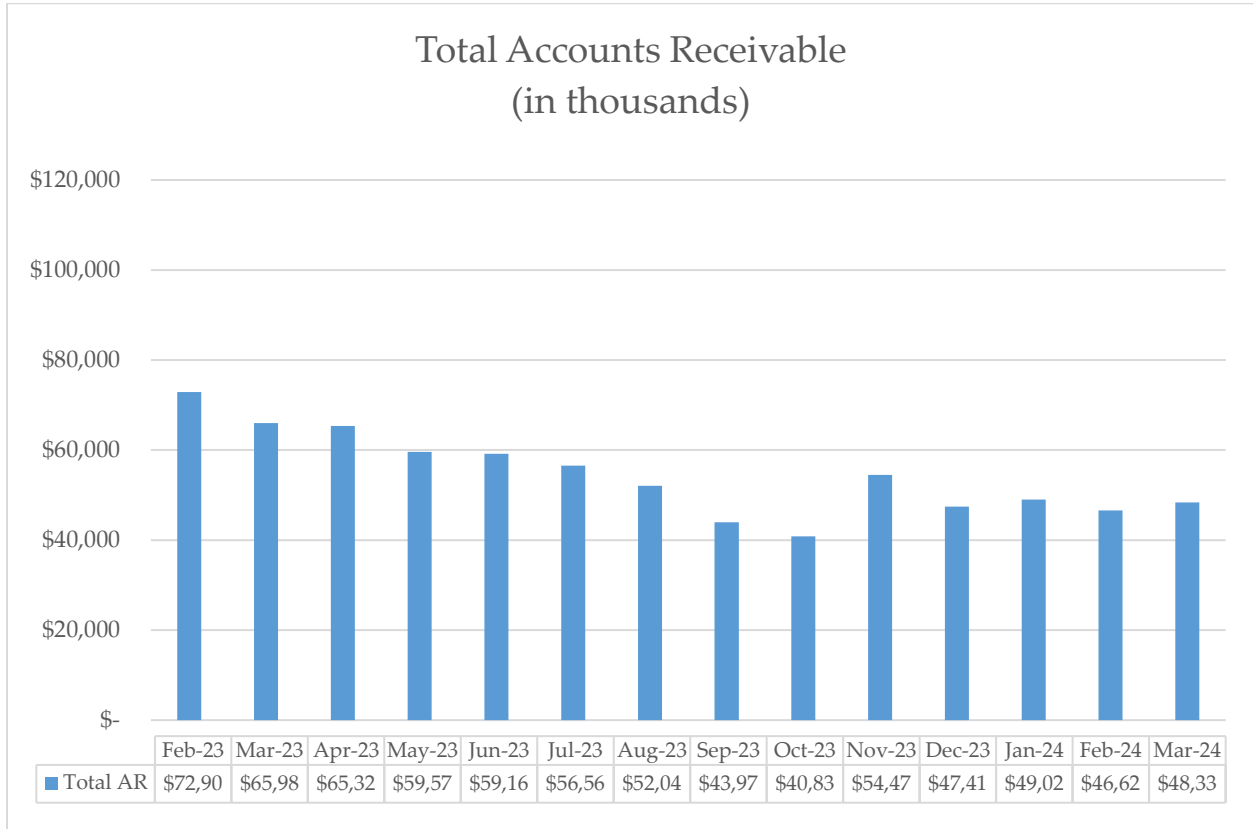
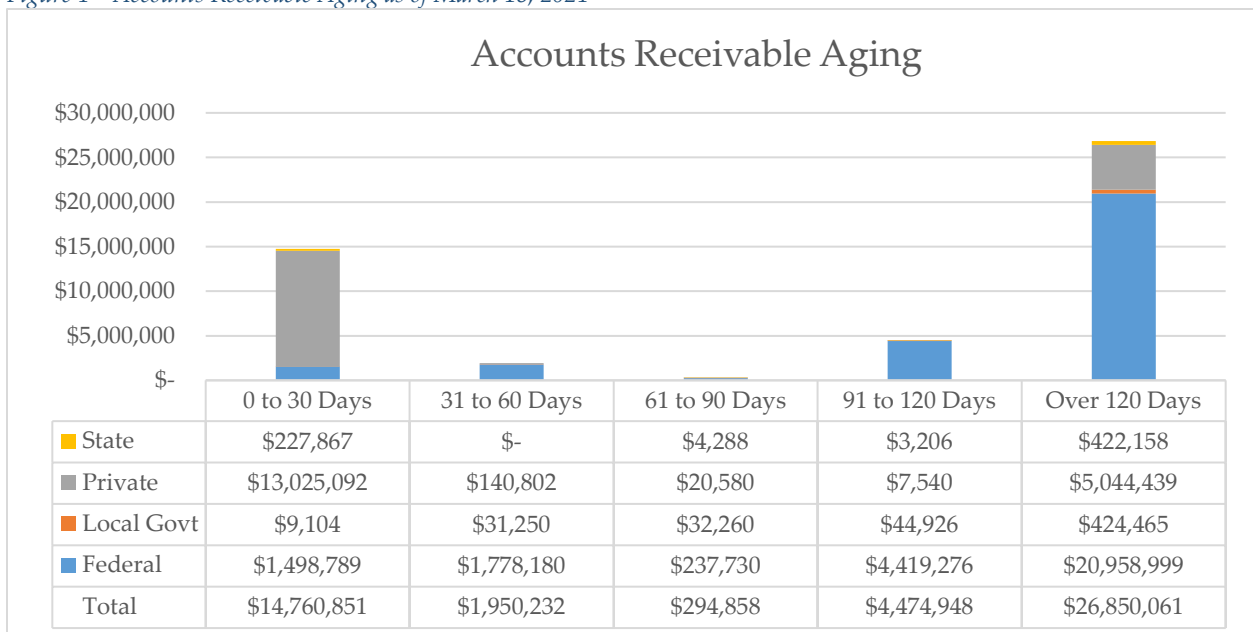


Figure 4 – Accounts Receivable Aging as of March 18, 2024



Fire Costs

Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of March 18, 2024

Fire Protection Large Fire Cost Summary							
Fire Season	2018	2019	2020	2021	2022	2023	Total
Fire Costs	108.12	33.66	139.85	149.18	53.82	91.85	576.48
Currently Invoiced	(0.16)	(0.16)	(11.06)	(5.12)	(4.47)	(0.65)	(21.62)
Outstanding to Invoice	(0.06)	(0.49)	(1.59)	(3.81)	(19.31)	(52.78)	(78.04)

The department recovers some fire costs through two FEMA grant programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via the fire funding framework, cost-share agreements, and cooperative agreements, which are all included in the numbers provided in Table 2.

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

FEMA grant applications submitted.

As of March 25, 2024, 19 grant applications totaling \$9.8 million have been submitted to FEMA, of which \$9.8 million are obligated grant applications pending ODEM audit/review and distribution to ODF.

FEMA grant applications not yet submitted.

An additional \$6.3 million in estimated FEMA-PA and FMAG grant applications (18) have yet to be submitted to FEMA. This includes estimated fire costs for the 2023 fire season. Nine FEMA-FMAG applications associated with administrative costs (\$325,000) cannot be forwarded to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

Nine FEMA grant applications (\$5.9 million) are associated with estimated suppression costs. They will be submitted to FEMA after completing all cost-share and fire payment reconciliations.

Sincerely,



Cal Mukumoto
Oregon State Forester

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



May 1, 2024

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

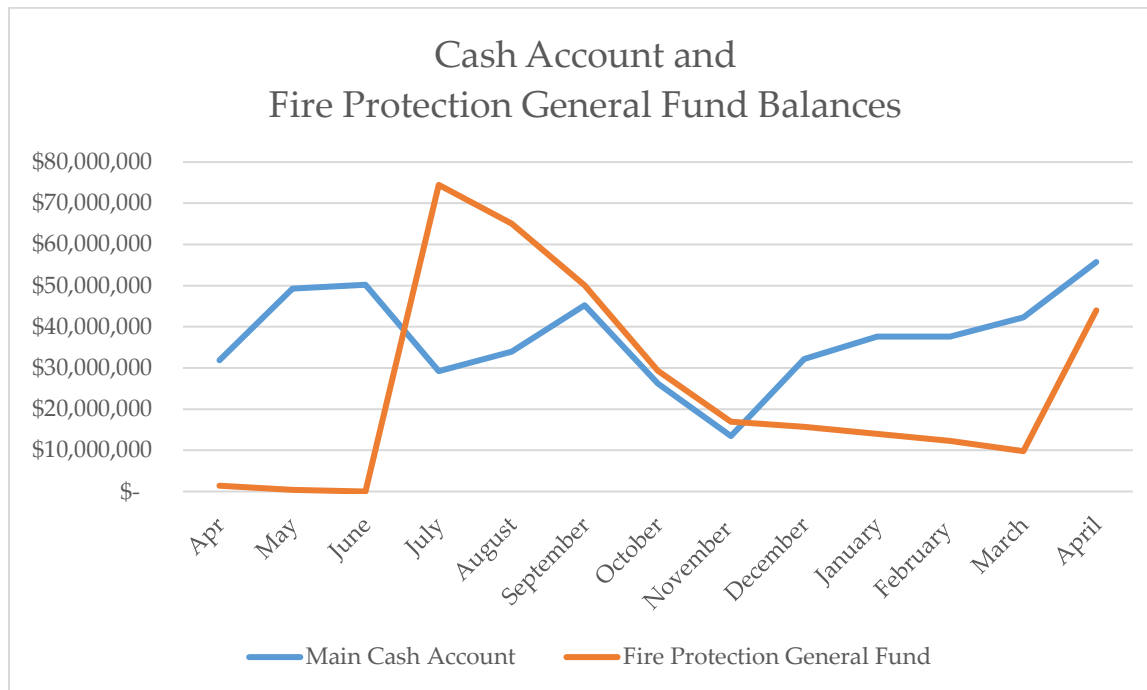
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

Cash and General Fund Balances

As of April 24, ODF's principal cash account balance was \$55.73 million, and the 2023-25 Protection Division General Fund appropriation balance was \$43.99 million (Figure 1). Between March and April, there was an increase of 13.45 million to the cash account balance, and the Protection Division General Fund balance had a net increase of \$34.19 million.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of April 24, 2024.



Financial Projections

Net financial activity for March 2024 resulted in a net increase of \$7 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, 2024, projected at \$19.5 million.

Table 1 - Financial Projections as of April 22, 2024(in thousands)

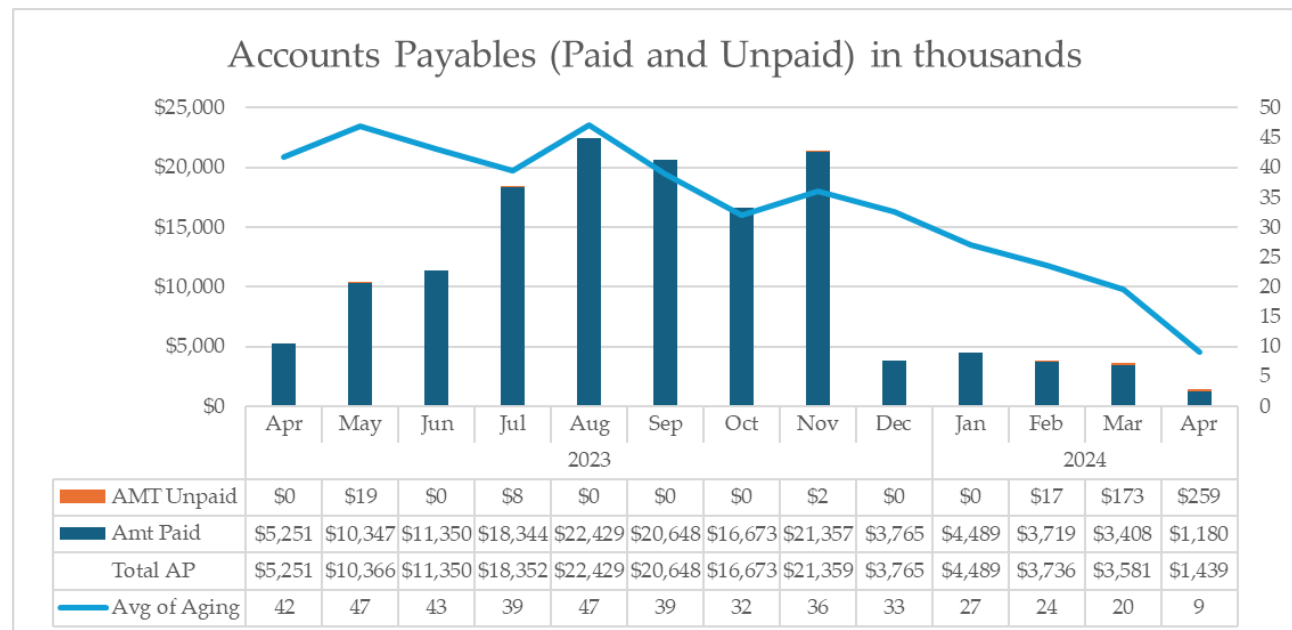
	24-Mar		24-Apr	24-May
	Projection	Actual	Projection	Projection
Total Revenue	\$20,357	\$24,313	\$24,816	\$39,008
Total Expenditures	(\$21,317)	(\$17,218)	(\$40,910)	(\$20,907)
Net Total Exp/Rev	(\$961)	\$7,095	(\$16,094)	\$18,101
Beginning Cash Balance	\$51,950	\$51,950	\$58,577	\$42,483
End of Month Cash Balance*	\$50,990	\$58,577	\$42,483	\$60,584
Less: Dedicated Funds	(\$17,177)	(\$17,389)	(\$18,177)	(\$18,177)
End of Month Main Cash Balance	\$33,813	\$41,189	\$24,306	\$42,407
Available GF Appr	\$67,272	\$70,275	\$95,883	\$73,891
Available Resources	\$101,084	\$111,464	\$120,189	\$116,299

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

Accounts Payable

Department-wide expenditure activity decreased since the last reporting period (Figure 2), which is consistent with the time of year. As the department prepares for the 2024 fire season, an increase in accounts payable balances is anticipated.

Figure 2 - Accounts Payable as of April 22, 2024



Accounts Receivable

Between March and April, there was a net decrease of \$9.5 million in the total accounts receivable balance (Figure 3).

Accounts older than 120 days equate to \$23.98 million, or 62% of the total balances owed to ODF (Figure 4). Of these accounts, the majority are due from FEMA (\$10 million), other federal partners (\$8.57 million), and private parties for cost recovery (\$4.5 million).

Figure 3 - Accounts Receivable as of April 22, 2024

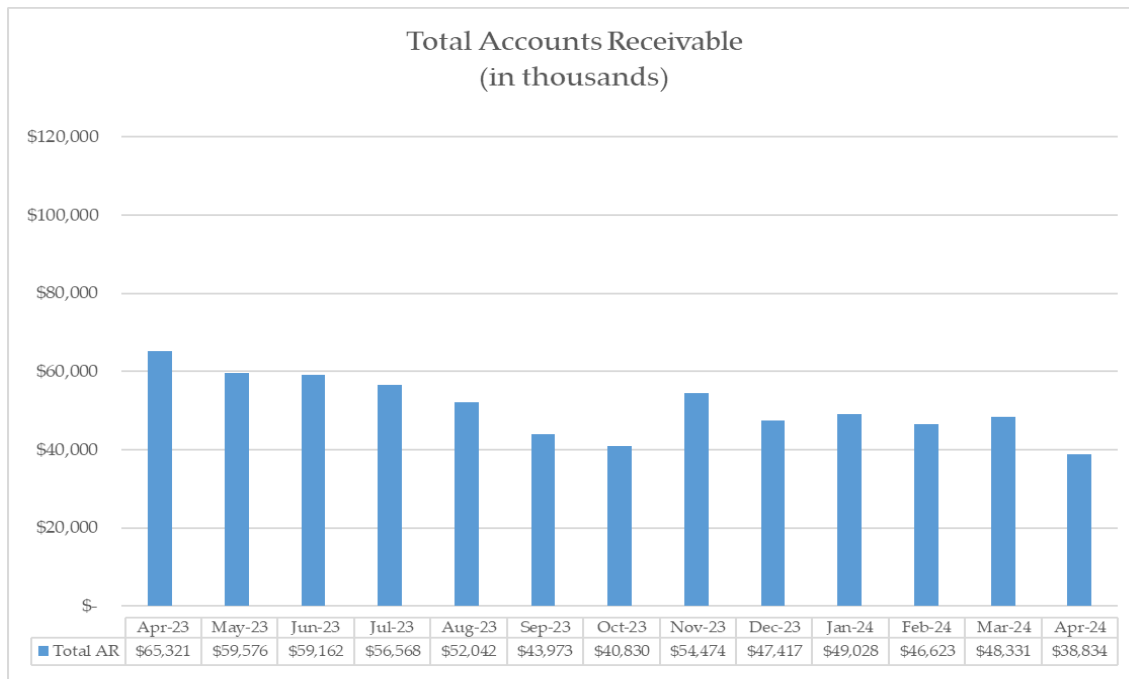


Figure 4 – Accounts Receivable Aging as of April 22, 2024



Fire Costs

Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of April 22, 2024

Fire Protection Large Fire Cost Summary							
Fire Season	2018	2019	2020	2021	2022	2023	Total
Fire Costs	108.12	33.66	139.85	149.18	53.49	92.20	576.50
Currently Invoiced	(0.08)	(0.16)	(10.03)	(3.22)	(4.55)	(1.07)	(19.11)
Outstanding to Invoice	(0.04)	(0.49)	(1.56)	(3.77)	(18.64)	(52.09)	(76.59)

The department recovers some fire costs through two FEMA grant programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via the fire funding framework, cost-share agreements, and cooperative agreements, which are all included in the numbers provided in Table 2.

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

FEMA grant applications submitted.

As of April 22, 2024, 23 grant applications totaling \$10.86 million have been submitted to FEMA, of which \$9.8 million are obligated grant applications pending ODEM audit/review and distribution to ODF.

FEMA grant applications not yet submitted.

An additional \$4.89 million in estimated FEMA-PA and FMAG grant applications (14) have yet to be submitted to FEMA. This includes estimated fire costs for the 2023 fire season. Nine FEMA-FMAG applications associated with administrative costs (\$325,000) cannot be forwarded to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

Five FEMA grant applications (\$4.57 million) are associated with estimated suppression costs. They will be submitted to FEMA after completing all cost-share and fire payment reconciliations.

Sincerely,



Cal Mukumoto
Oregon State Forester

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



June 3, 2024

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

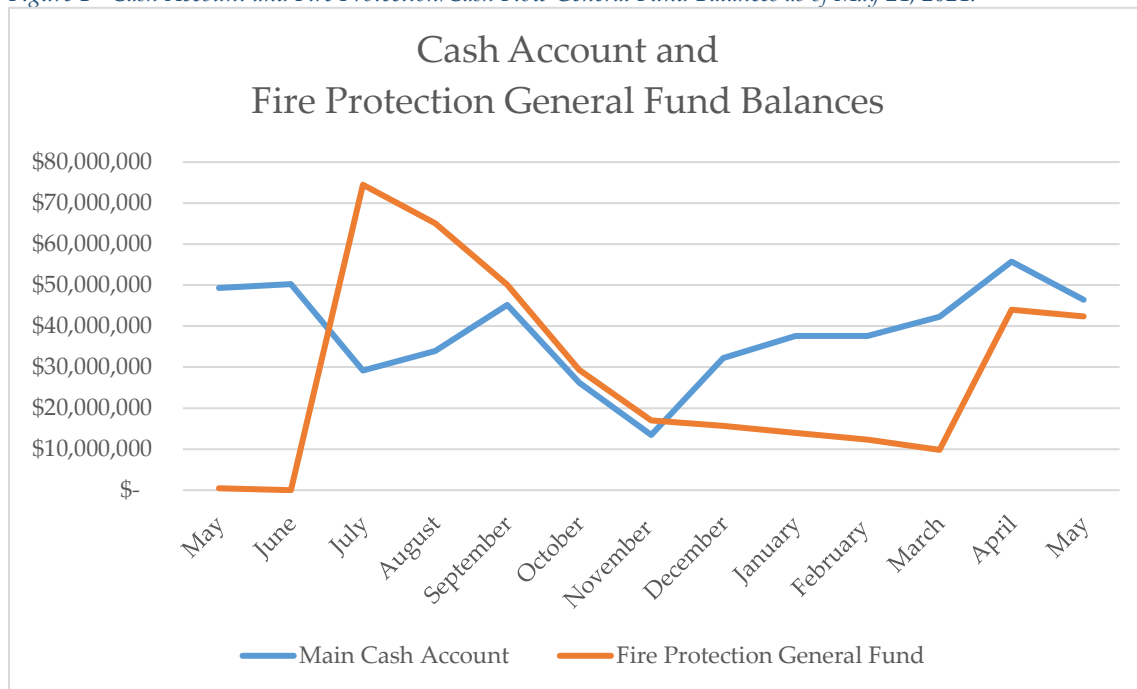
Re: Oregon Department of Forestry (ODF)—Monthly financial condition report

Dear Co-Chairs,

Cash and General Fund Balances

As of May 24, ODF's principal cash account balance was \$46.45 million, and the 2023-25 Protection Division General Fund appropriation balance was \$42.38 million (Figure 1). Between April and May, there was a decrease of 9.28 million to the cash account balance, and the Protection Division General Fund balance had a net decrease of \$1.60 million.

Figure 1 - Cash Account and Fire Protection/Cash Flow General Fund Balances as of May 24, 2024.



Financial Projections

Net financial activity for April 2024 resulted in a net decrease of \$4.8 million to the department's end of month cash balance (Table 1). In April, ODF received additional GF funding related to the 2023 fire season. In May, eligible expenditures will be moved to fire protection GF appropriation causing an increase to the end of month cash balance.

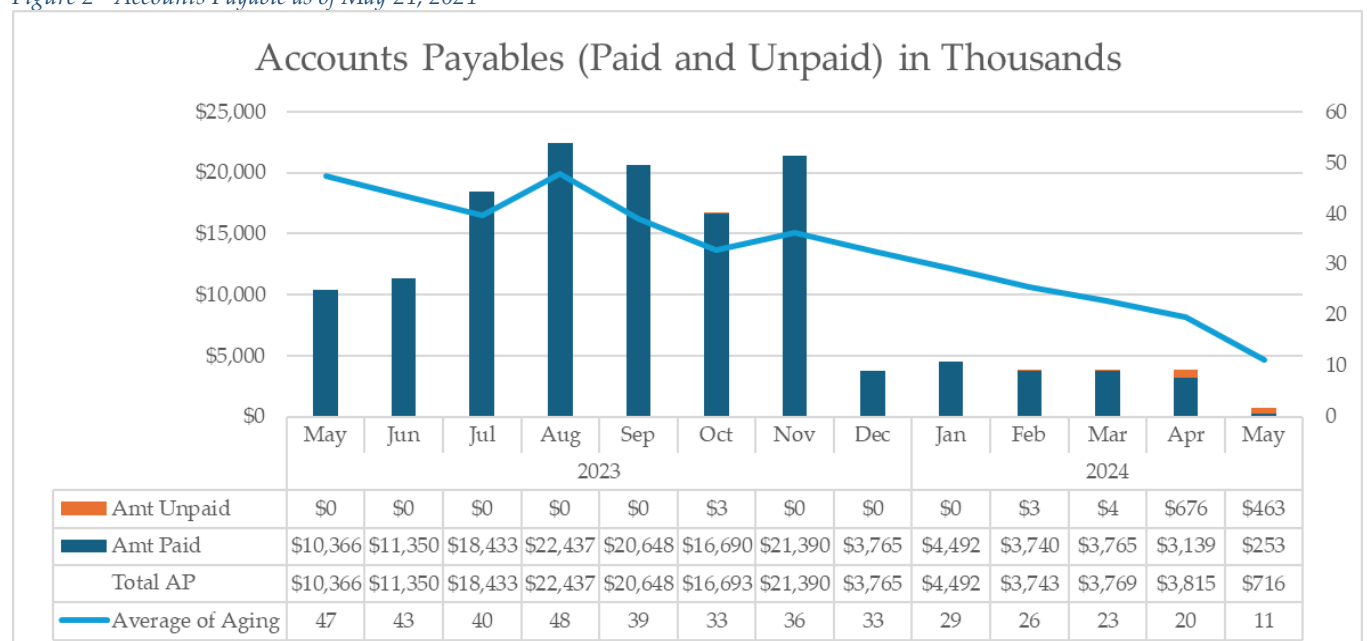
Table 1 - Financial Projections as of May 24, 2024(in thousands)

	24-Apr		24-May	24-Jun
	Projection	Actual	Projection	Projection
Total Revenue	\$24,816	\$31,584	\$39,312	\$28,452
Total Expenditures	(\$40,910)	(\$36,419)	(\$19,224)	(\$17,768)
Net Total Exp/Rev	(\$16,094)	(\$4,835)	\$20,088	\$10,684
Beginning Cash Balance	\$58,577	\$58,577	\$54,992	\$75,079
End of Month Cash Balance*	\$42,483	\$54,992	\$75,079	\$85,763
Less: Dedicated Funds	(\$18,177)	(\$18,969)	(\$18,177)	(\$18,177)
End of Month Main Cash Balance	\$24,306	\$36,022	\$56,902	\$67,586
Available GF Appr	\$95,883	\$99,026	\$79,034	\$72,042
Available Resources	\$120,189	\$135,048	\$135,936	\$139,628

Accounts Payable

Department-wide expenditure activity decreased since the last reporting period (Figure 2), which is consistent with the time of year. As the department prepares for the 2024 fire season, an increase in accounts payable balances is anticipated.

Figure 2 - Accounts Payable as of May 24, 2024



Accounts Receivable

Between April and May, there was a net increase of \$519,158 in the total accounts receivable balance (Figure 3).

Accounts older than 120 days equate to \$18.65 million, or 47% of the total balances owed to ODF (Figure 4). Of these accounts, the majority are due from FEMA (\$5 million), other federal partners (\$8.2 million), and private parties for cost recovery (\$4.5 million).

Figure 3 - Accounts Receivable as of May 20, 2024

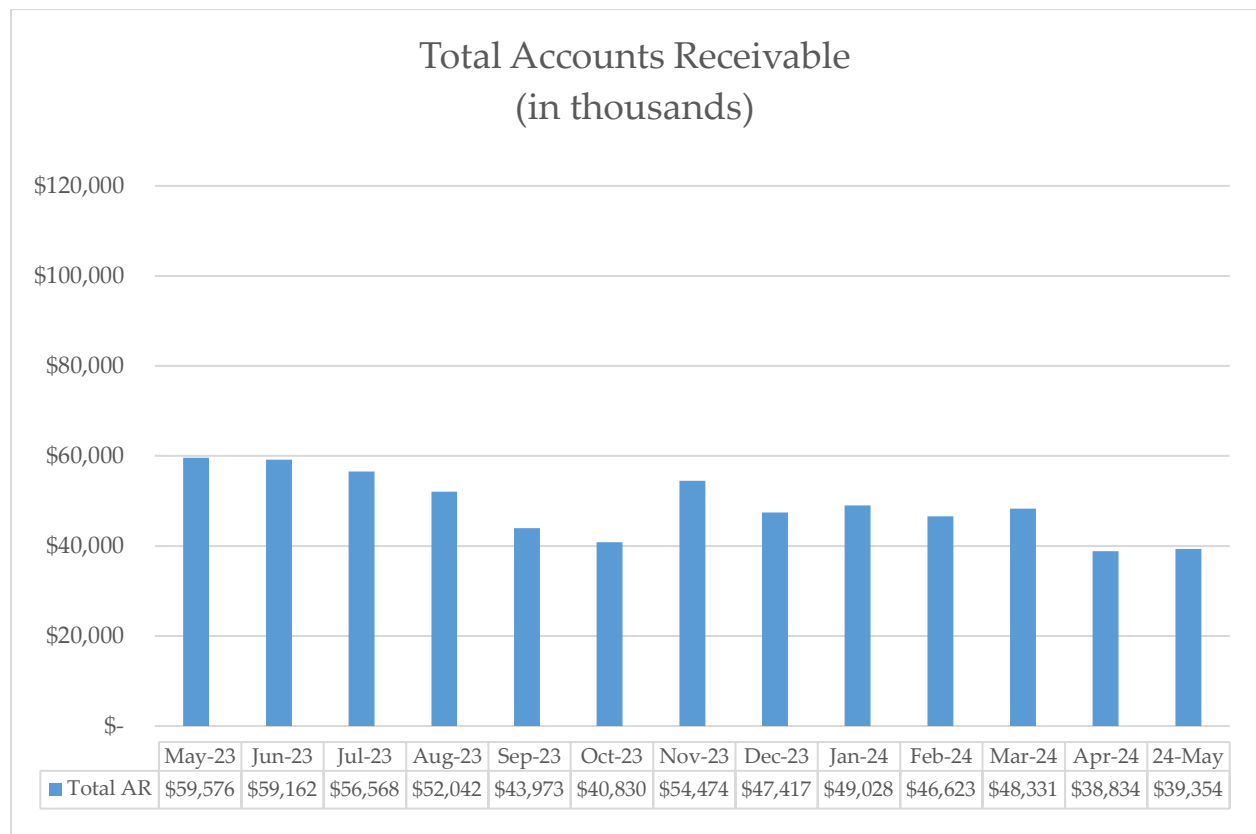
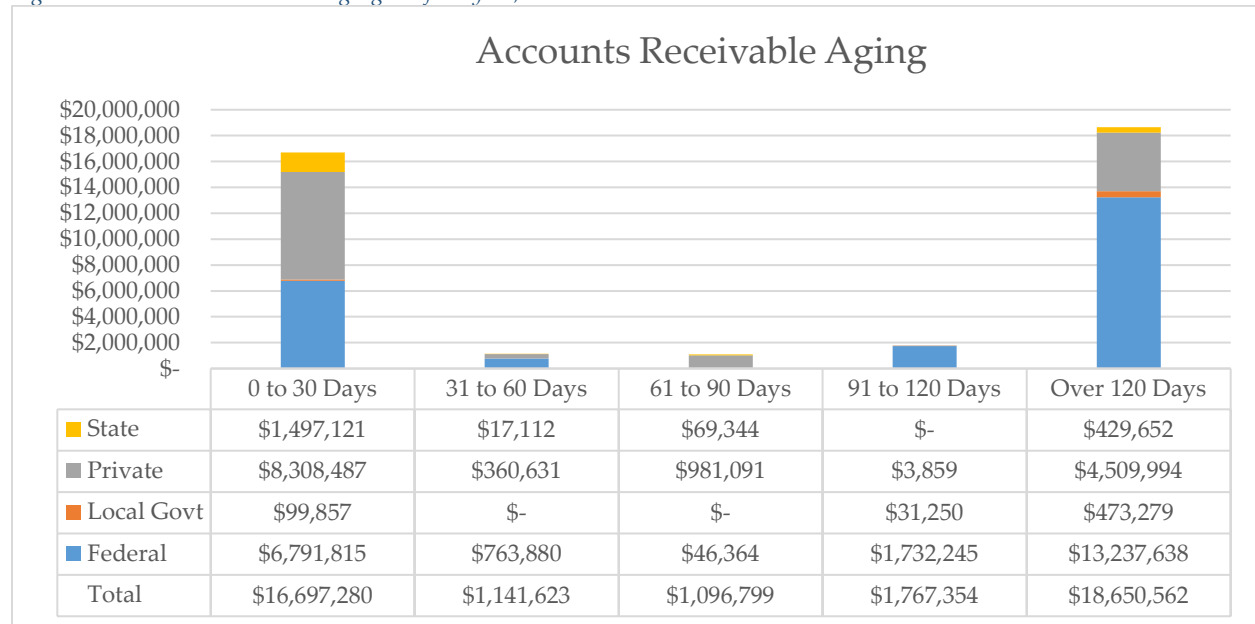


Figure 4 – Accounts Receivable Aging as of May 20, 2024



Fire Costs

Table 2 – Gross Fire Cost Summary (red indicates estimates – in millions) as of May 24, 2024

Fire Protection Large Fire Cost Summary							
Fire Season	2018	2019	2020	2021	2022	2023	Total
Fire Costs	108.12	33.66	139.85	149.18	53.49	92.2	576.5
Currently Invoiced	(0.08)	(0.15)	(5.25)	(3.22)	(4.97)	(1.74)	(15.41)
Outstanding to Invoice	(0.04)	(0.49)	(1.16)	(3.77)	(18.00)	(50.82)	(74.28)

The department recovers some fire costs through two FEMA grant programs; however, not all fire costs are recovered through FEMA. Fire costs may also be collected via the fire funding framework, cost-share agreements, and cooperative agreements, which are all included in the numbers provided in Table 2.

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

FEMA grant applications submitted.

As of May 24, 2024, 14 grant applications totaling \$5.2 million have been submitted to FEMA, of which \$4.2 million are obligated grant applications pending ODEM audit/review and distribution to ODF.

FEMA grant applications not yet submitted.

An additional \$4.89 million in estimated FEMA-PA and FMAG grant applications (14) have yet to be submitted to FEMA. This includes estimated fire costs for the 2023 fire season. Nine FEMA-FMAG applications associated with administrative costs (\$325,000) cannot be forwarded to FEMA until all ODF and subrecipient grants have been obligated by FEMA.

Five FEMA grant applications (\$4.57 million) are associated with estimated suppression costs. They will be submitted to FEMA after completing all cost-share and fire payment reconciliations.

MGO Update

ODF previously provided updates on the department's progress implementing the 28 recommendations defined by Macias, Gini, and O'Connell (MGO) in areas of budgeting, financial resources, information technology, oversight, and policies and procedures. MGO recently joined the department in a final presentation to the Board of Forestry at their March 7, 2024 meeting referencing [MGO's final Implementation Management Plan Review](#) and [ODF's final Implementation Management Plan](#).

The department is pleased to report implementation occurring across all 28 recommendations with 21 fully implemented, 3 more substantially completed, and 4 remaining in progress for technical advancement. Highlights from MGO's presentation indicate ODF has improved its accounts receivable and accounts payable practices while reorganizing the department structure to better utilize existing resources in addressing the recommendations. MGO defined the next steps for the department requiring automation of key processes and procedures with advanced levels of organizational maturity requiring investment in technology solutions. The department has greatly valued working with MGO, gleaning from their expertise and insight into our financial accounting practices, and the opportunity to collaborate on constructive improvements to our business processes. This final assessment from MGO served as a concluding presentation and closeout for our joint engagement on these 28 recommendations.

Sincerely,



Cal Mukumoto
Oregon State Forester

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

STAFF REPORT

Agenda Item No.:	B
Work Plan:	Administrative
Topic:	Agency Budget Development
Presentation Title:	2025-2027 Agency Budget Request
Date of Presentation:	June 6, 2024
Contact Information:	James Short, Department Chief Financial Officer (503) 302-8478, james.short@odf.oregon.gov

SUMMARY

Department seeking approval of the 2025-2027 Agency Request Budget (ARB) and submission of the agency budget to the Department of Administrative Services (DAS).

BACKGROUND AND ANALYSIS

Strategic thinking and planning drive the Board and agency's budget development process. The strategic framework within which legislative concepts and budget development and implementation occur includes:

- The missions and statutory policy, responsibilities and obligations of the Board, the State Forester, and the Department;
- The Board and Department strategic planning efforts;
- The Department's core operational and support functions, which represent the essence of the agency and our fundamental "reason for being" as an organization; and

The budget development process is then structured around the following elements:

- Instruction and direction from the Governor's office and the Department of Administrative Services;
- The identification of agency legislative concepts and budget focus areas which address current and projected issues, needs, opportunities and outcomes; and
- Board and stakeholder involvement and input at various stages of the process.

The primary budget building blocks include (1) the current service level (which reflects the delivery of current services), and (2) the adjustments or enhancements to the current service level in the form of Policy Packages (POPs).

This Agency Request Budget seeks to maintain critical core business while solidifying and fully operationalizing the significant investments that were made through the 2023-25 biennium. Attachment 1 summarizes this budget and will be the review and discussion document on June 5, 2024.

RECOMMENDATION

At the June 5, 2024 meeting, the Department recommends that the Board approve the 2025-2027 Agency Request Budget and direct the Department to submit the required documents to the Department of Administrative Services by the August 31, 2024 deadline.

NEXT STEPS

Following Board approval and inclusion of any Board input at the June 5, 2024 meeting, the Agency Request Budget will be submitted to the Department of Administrative Services by August 31, 2024.

ATTACHMENT

1. 2025-27 ODF Agency Request Biennial Budget Summary
2. 2025-27 ODF Agency Request Budget - Policy Option Packages

Oregon Department of Forestry



"Stewardship in Forestry"

Oregon Board of Forestry 2025-2027 Agency Request Biennial Budget Approval Thursday, June 6, 2024

**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

I. Executive Summary

The Oregon Board of Forestry and Department of Forestry are working to complete the 2025-27 Agency Request Biennial Budget (ARB). The biennial budget development process is a long, iterative, and often changing process dependent upon a number of internal and external relationships, inputs and analyses. The ARB is the first phase of that process. The ARB proposed by the Department was developed in accordance with the Board's and the Department's missions, legal responsibilities, obligations, and strategic and operational plans as well as a set of principles outlined by the Governor.

The Department's current 2023-25 Legislatively Approved Budget through April 2024 provides a stable basis for developing the 2025-27 biennial budget.

The Current Service Level (CSL) is the estimated cost of continuing current programs into the next biennium, as required by law. The Department's CSL is calculated based on specific budget instructions provided by the Department of Administrative Services (DAS). The CSL totals approximately \$606.4 million which is a \$123.8 million or 17% decrease from the 2023-25 Legislatively Approved Budget.

In order to meet Board and Department goals and objectives, support Board work plans, meet statutory and rule obligations and responsibilities, manage risk and increase efficiency in the delivery of services, the Department is proposing a total of 13 new investment packages, totaling \$106.2 million total funds, with an increase of 20.83 Full-time Equivalent (FTE).

The sum of an agency's CSL and policy packages comprise the ARB. The Department is proposing an ARB of \$712.6 million for a \$17.6 million or 2% decrease from the current biennium's Legislatively Approved Budget. The number of Department FTE increases by 31.05 for a total of 1,106.07 FTE.

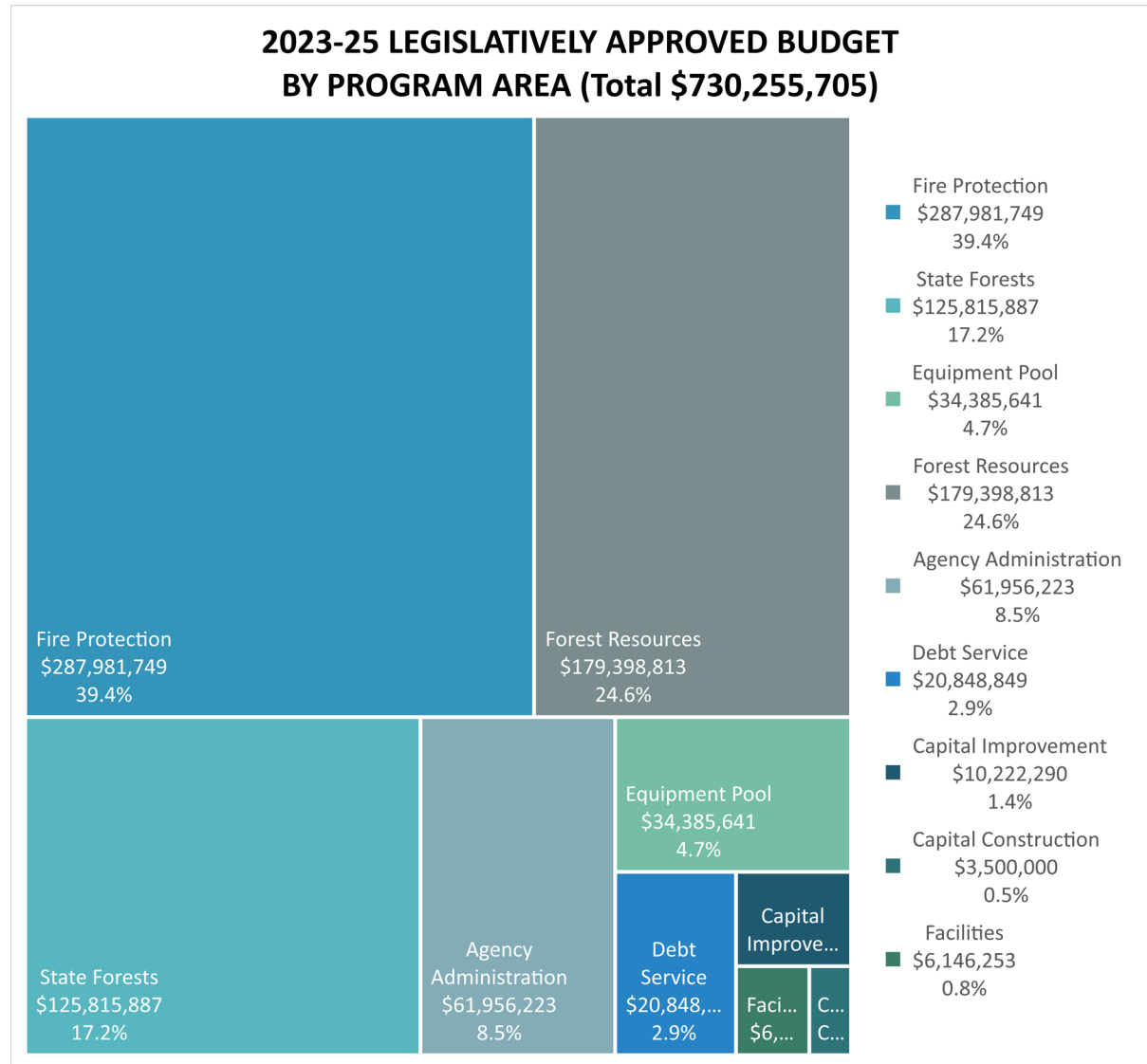
The Department will continue to involve stakeholders in the budget development process, and update the Board during regularly scheduled meetings, or more frequently as necessary, on any and all changes initiated by the Governor to the Department's Agency Request Budget.

**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

II. 2023-2025 Biennial Budget Update – Status of Current Biennium’s Budget

Chart-1

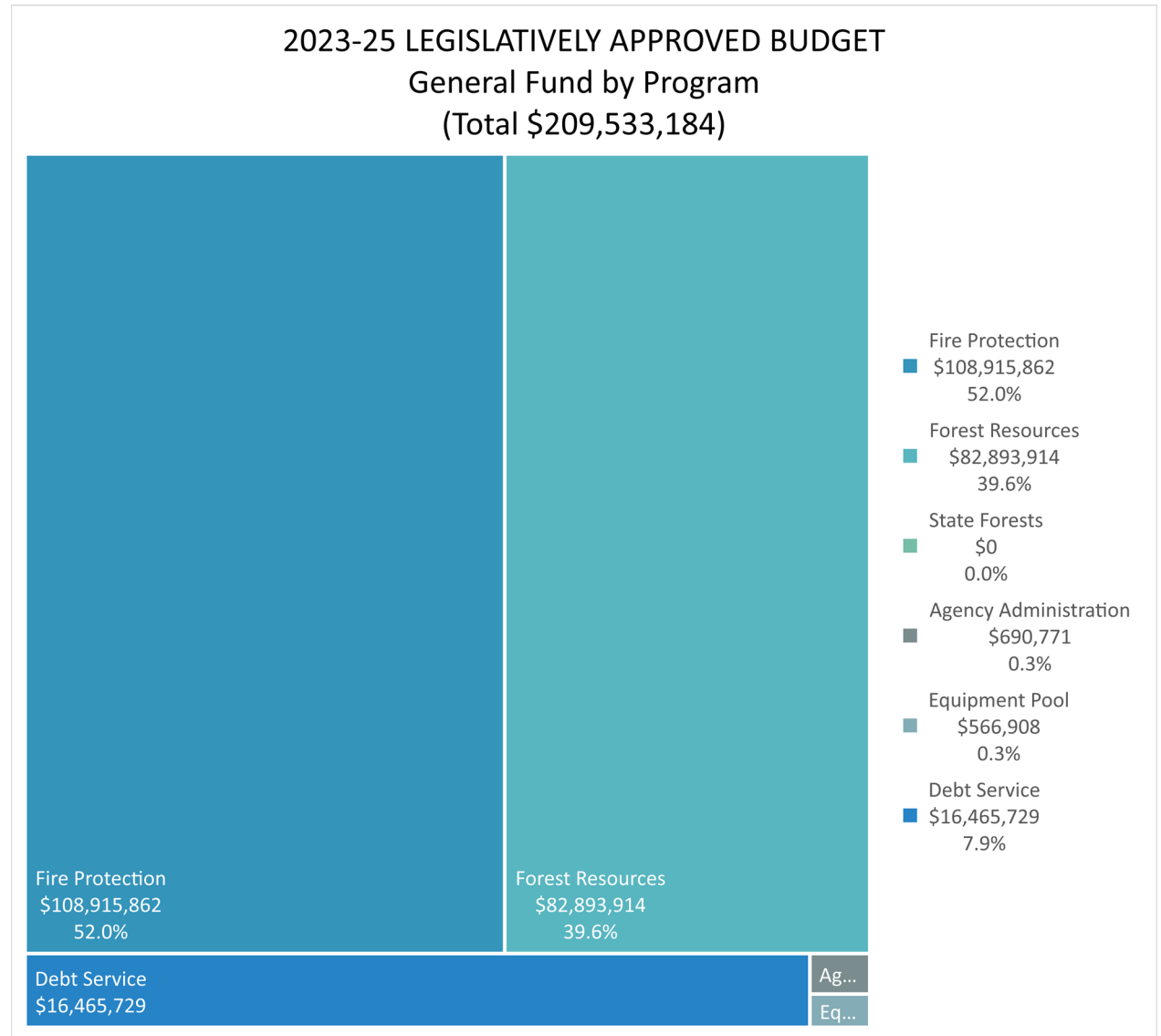
Chart-1 shows the agency’s 2023-25 Legislatively Approved Budget as of April 2024 by program area and percentage of the total budget.



**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

Chart-2

Five of the Department's eight program areas currently have state General Fund dollars: Fire Protection, State Forests, Private Forests, Debt Service, and Agency Administration. General Fund in these programs leverages both Other and Federal Fund dollars.



**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

Result of Interim Legislative Actions

The Department's Legislatively Approved Budget through April 2024 provides a stable basis for developing the base budget for the 2025-27 biennium. As necessary, all other post-April 2024 Legislative Session & Emergency Board actions for the current biennium will be incorporated into the budget process for consideration during either the Governor's Budget or Legislatively Adopted Budget phases.

III. The Biennial Budget Development Process

The 2025-27 budget process has four major phases. The Board and Department are currently in the Agency Request Budget phase.

Table-1

Agency Request Budget	Agencies start the budget process early in even-numbered years. The agency request budget is first. It lays out the policies and finances the agency asks the Governor to recommend to the legislature. It is prepared under guidelines set by the Department of Administrative Services (DAS). It consists of descriptive narratives, budget forms, and audited Oregon Budget Information Tracking System (ORBITS) reports.
Governor's Budget	The Governor and Chief Financial Office (CFO) of DAS review agency request budgets to compile the Governor's Budget. That budget reflects the Governor's priorities and the policies set in statute. It includes data on statewide revenue and expenditures and on all agencies' budgets. Each agency prepares a Governor's Budget document to show the changes the Governor made to the Agency Request Budget. Presentation materials for the legislative process are developed based on the Governor's Budget.
Legislatively Adopted Budget	The Governor's Budget is presented to the legislature as it convenes at the start of the next year. Legislative committees review the proposed revenues and expenditures. They hold public hearings to hear from each agency and the public. The committee recommendations are presented in budget reports for each budget bill. Votes on each bill produce the Legislatively Adopted Budget. It sets out General Fund appropriations; Lottery Funds allocations and expenditure limitations; Other Funds and Federal Funds expenditure limitations; and position authority for agencies. Each agency prepares a Legislatively Adopted Budget document to show the changes the legislature made to the Governor's Budget.
Legislatively Approved Budget	As a biennium progresses, the Legislative Emergency Board can make certain changes to the budget between legislative sessions. Special sessions may also be called to deal with budget issues. Any such change(s) to the Legislatively Adopted Budget result in a Legislatively Approved Budget. This is the budget agencies implement, or execute over the course of the biennium.

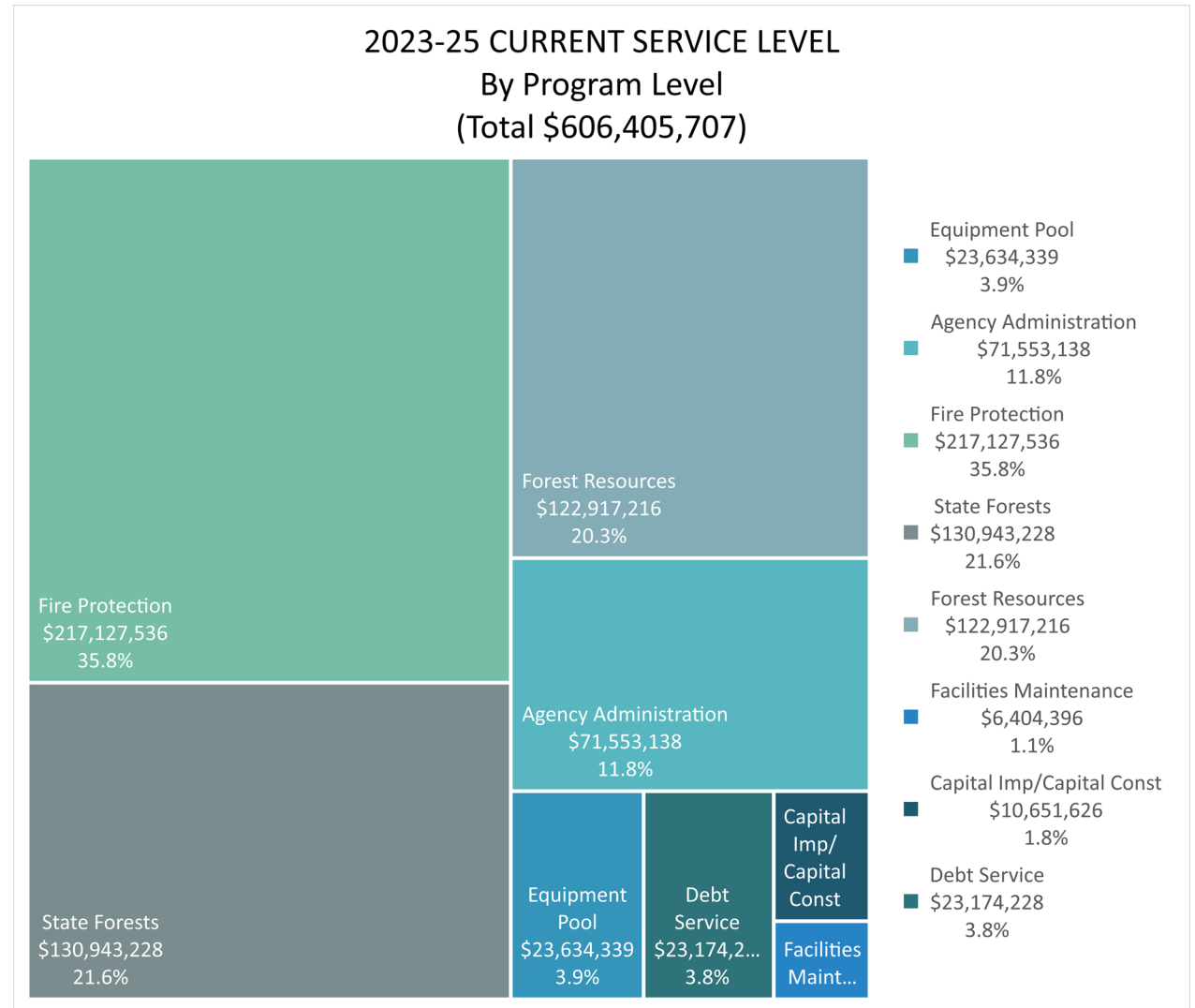
**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

IV. Current Service Level Budget

Chart-3

The Current Service Level (CSL) is the estimated cost of continuing current programs into the next biennium, as required by law. The Department's CSL is calculated based on specific budget instructions provided by the Department of Administrative Services. The CSL totals approximately \$606.4 million which is a (\$123.8) million or 17% decrease from the 2023-25 Legislatively Approved Budget.

Chart-3 graphically shows the CSL by program area and percentage of the total budget.



**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

V. Policy Enhancement Packages

				Agency Request Budget						
Priority	Package	Program	Title	General Fund	Lottery Funds	Other Funds	Federal Funds	Total	Positions	FTE
1	101	Fire Protection	Severity Fire	\$16,000,000				\$16,000,000		
2	102a	Agency Administration	Safety / Risk Mitigation	\$1,889,008		(\$608,117)		\$1,280,891	4	3.33
2	102b	Fire Protection	Safety / Risk Mitigation	(\$220,275)				(\$220,275)		
2	102c	Equipment Pool	Safety / Risk Mitigation	\$401,116		\$4,706		\$405,822		(0.33)
2	102d	Forest Resources	Safety / Risk Mitigation	(\$110,931)				(\$110,931)		
3	103a	Agency Administration	Facilities Capacity			(\$34,993)		(\$34,993)	2	0.83
3	103b	Fire Protection	Facilities Capacity	(\$12,774)				(\$12,774)		
3	103c	Forest Resources	Facilities Capacity	(\$6,641)				(\$6,641)		
4	104a	Agency Administration	Workforce Development Capacity			\$268,367		\$268,367	1	0.50
4	104b	Fire Protection	Workforce Development Capacity	\$97,967				\$97,967		
4	104c	Forest Resources	Workforce Development Capacity	\$50,930				\$50,930		
5	105	Forest Resources	Urban & Community Forests Limitation				\$28,000,000	\$28,000,000		
6	106	Agency Administration	Payroll Move to DAS			(\$500,586)		(\$500,586)	-2	-2.00
7	107	Fire Protection	Severity Position Request			\$4,000,000		\$4,000,000	37	18.50
8	108	Capital Construction	Toledo Phase 3			\$6,000,000		\$6,000,000		
9	109	Capital Construction	Santiam Building Replacement			\$5,000,000		\$5,000,000		
10	110	Capital Construction	Fire Cache Replacement, Klamath Lake			\$5,000,000		\$5,000,000		
11	111	Capital Construction	State Foresters Building Remodel			\$20,000,000		\$20,000,000		
12	112	Capital Construction	Veneta Campus Remodel, Western Lane Dist.			\$15,000,000		\$15,000,000		
13	113	Capital Improvement	Deferred Maintenance Projects			\$6,000,000		\$6,000,000		
				\$18,088,400	\$0	\$60,129,377	\$28,000,000	\$106,217,777	42	20.83

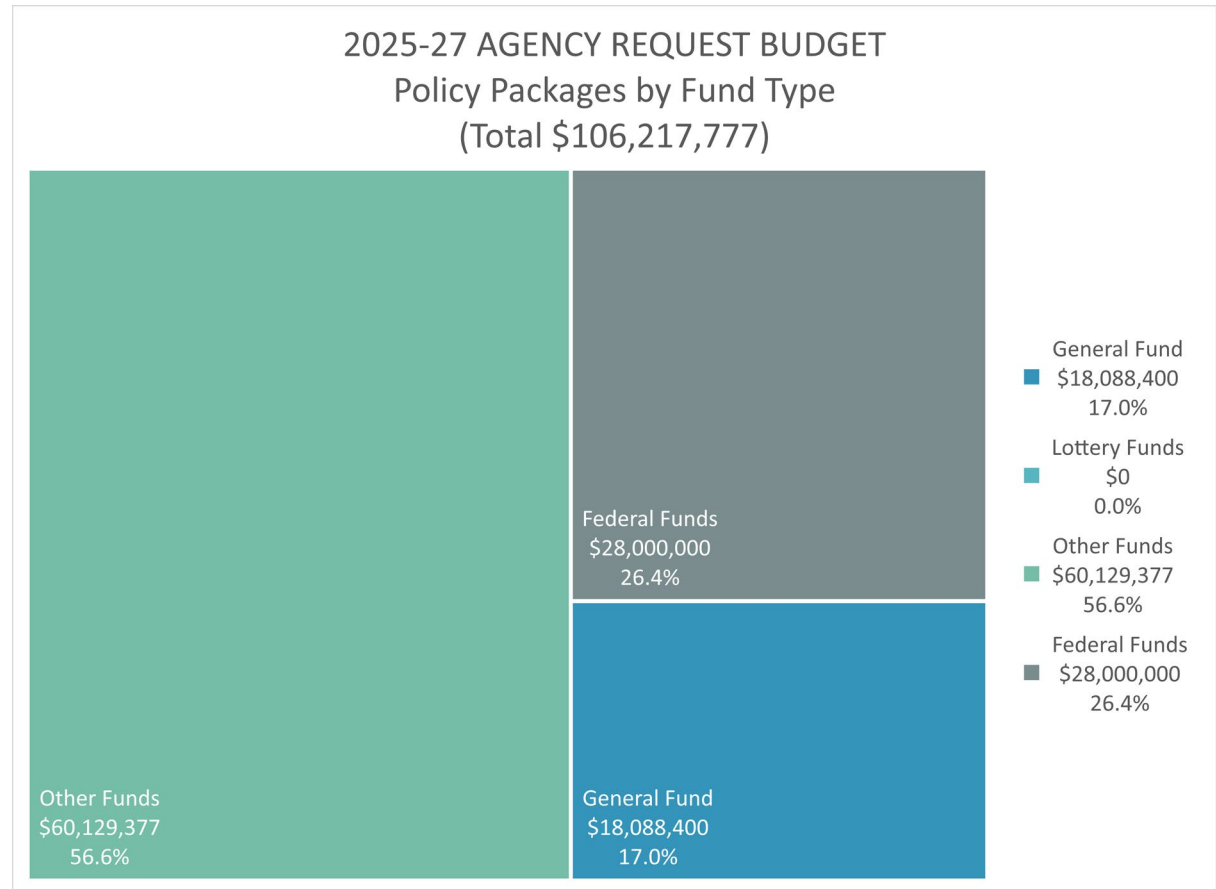
**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

Chart-4

Chart-4 graphically shows the Department's proposed policy packages by fund type. Of the \$106.2 million proposed, 17% is General Fund, 57% is Other Funds and 26% is Federal Funds

Other Fund sources of revenue include:

- Timber revenues
- Billings for services
- Grants and donations
- Fire Protection Assessments
- Miscellaneous sales

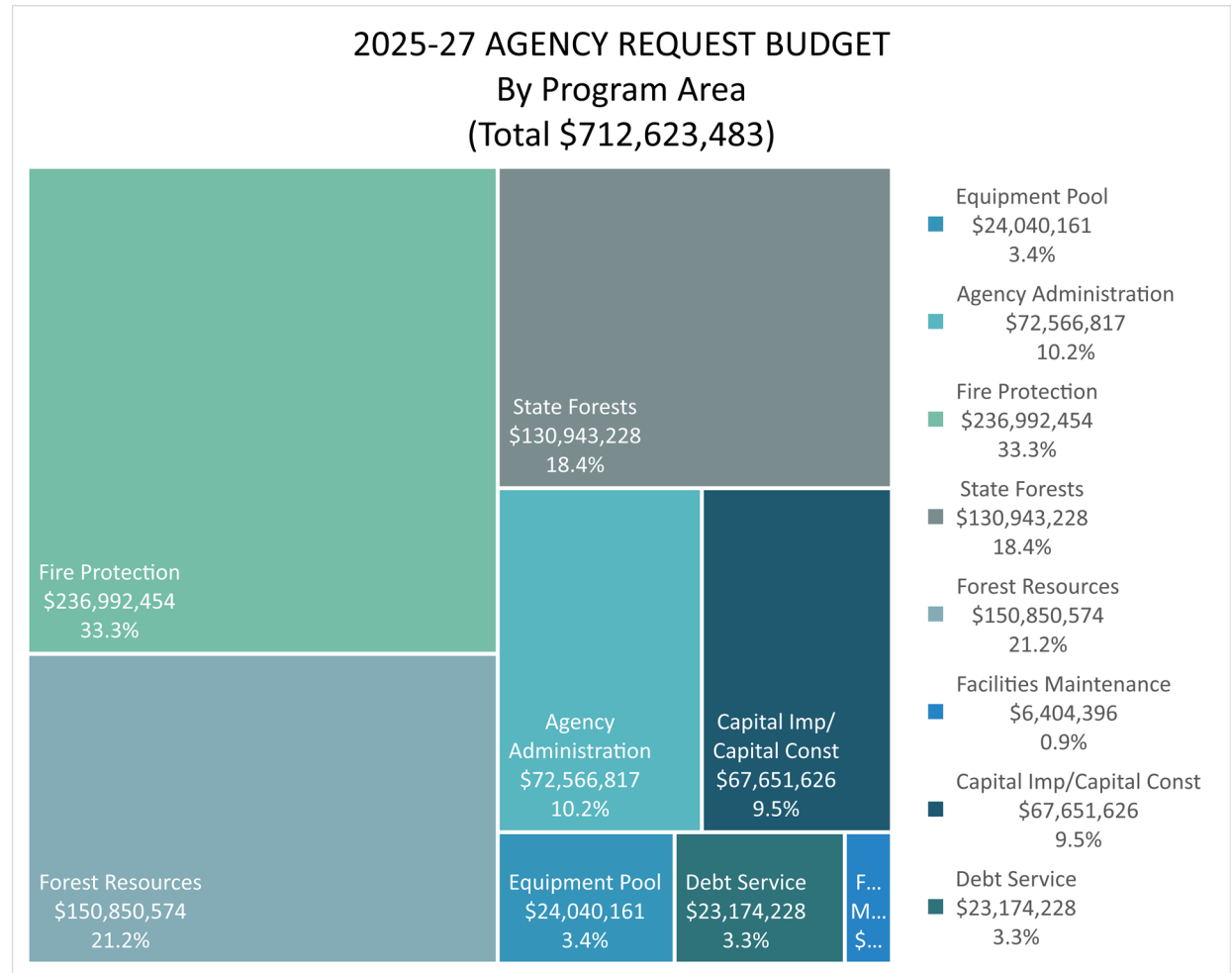


**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

VI. 2025-2027 Agency Request Budget Summary

Chart-5

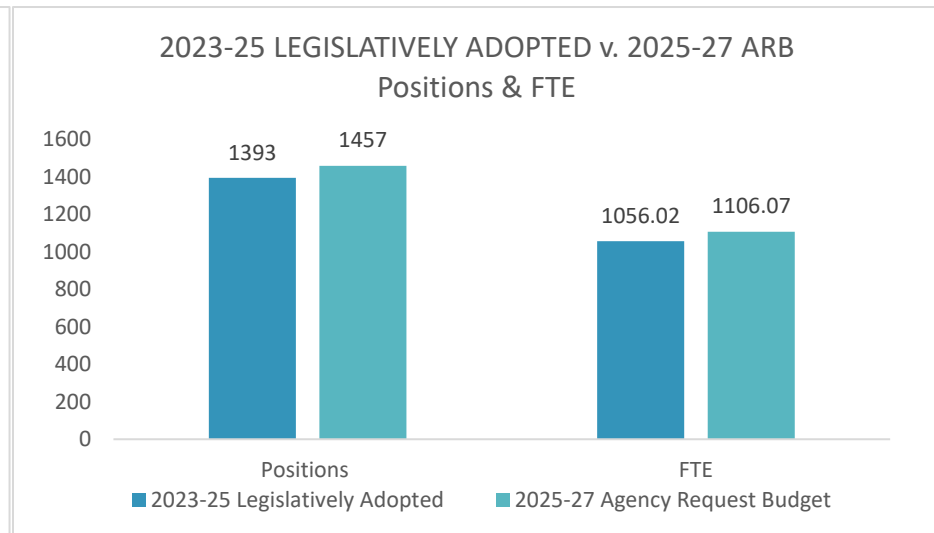
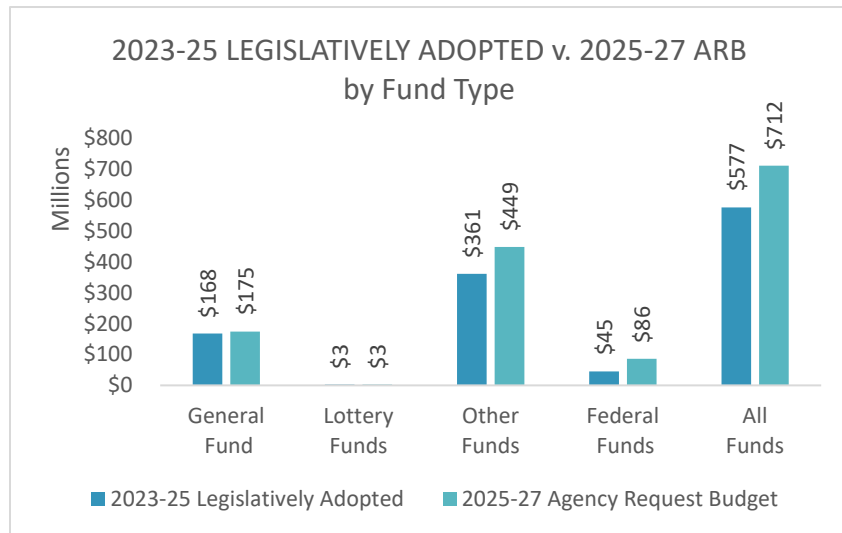
The sum of an agency's Current Service Level and policy packages comprise the Agency Request Budget (ARB). The Department is proposing an ARB of \$712 million for a \$17.6 million or 2% decrease from the current biennium's Legislatively Approved Budget. The number of Department positions increases by 64 positions.



Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary

Table-3 Compares the Department's 2023-25 Legislatively Adopted Budget with the 2025-27 Agency Request Budget

Fund-Type	2023-25 Legislatively Adopted Budget In Million \$	2025-27 Agency Request Budget In Million \$	Difference In Million \$	Percentage Change
General Fund	167.8	\$174.5	\$6.7	4%
Lottery Fund	\$2.5	\$2.5	\$0.0	0%
Other Funds	\$361.0	\$449.5	\$88.4	24%
Federal Funds	\$45.3	\$85.9	\$40.6	90%
All Funds	\$576.8	\$712.5	\$135.7	24%
Positions	1,393	1,457	64	5%
FTE	1,056.02	1,106.07	50.05	5%



**Oregon Department of Forestry
2025-2027 Agency Request Biennial Budget Summary**

VII. Governor's Budget

Pending Board approval, the Department will formally submit the 2025-27 Agency Request Budget to the Governor on or before August 29, 2024. The Governor and her budget analysts will then analyze the request and make changes based on the Governor's priorities which will be constrained by the projected amount of available General Fund resources.

The Board and Department can anticipate the following decisions to be made by the Governor:

- In order to achieve a balanced budget the Governor may require the Board and Department to undertake a certain level of General Fund budget reductions; and
- The Governor may choose not to fund all proposed policy enhancement packages put forth by the Board and Department in the Agency Request Budget.

The Department will continue to update the Board during regularly scheduled meetings or more frequently as necessary on any and all changes initiated by the Governor to the Department's Agency Request Budget. The Department will also continue to work closely with the stakeholders on key budget issues.

Oregon Department of Forestry

2025-27 Agency Request Budget



	2023-25 Legislatively Adopted Budget	2023-25 Legislatively Approved Budget	2025-27 Current Service Level	2025-27 Agency Request Budget
General Fund	\$167,803,283	\$209,533,184	\$156,449,798	\$174,538,198
Lottery Fund	\$2,557,080	\$2,557,080	\$2,558,120	\$2,558,120
Other Funds	\$361,175,877	\$436,253,895	\$389,406,591	\$449,535,968
Federal Funds	\$45,278,229	\$81,911,546	\$57,991,197	\$85,991,197
Total Funds	\$576,814,469	\$730,255,705	\$606,405,706	\$712,623,483
Positions	1,393	1,431	1,415	1,457
Full-Time Equivalent	1,056.02	1,075.02	1,085.24	1,106.07

Agency Requested Budget Highlights – Policy Option Packages

Fire Protection: Special Purpose Appropriation – Package 101

Appropriate CPI inflationary factor to be included that applies to aircraft contracts, associated contracting, staffing, and legal increases. This would be moved out of the department's budget and into the Emergency Board Budget during the Governor's Budget cycle.

This policy option package is a request to continue the appropriation of General Fund with CPI Inflationary factor applied from the state Emergency Fund as a Special Purpose Appropriation. The appropriation does not add an additional financial burden to landowners – either private or public. Resources purchased with these funds are used to suppress fires while they are still small, most often during and after multiple lightning events, and at times of severe fire conditions, effectively limiting large fires expenses. Additionally, resources purchased with these funds are dedicated to the protection of natural resources, enhanced public safety, and reductions in the smoke impacts of large wildfires. Efficient utilization of these funds and resources enables the Department of Forestry to protect natural resources, enhance public safety, and reduce the level of carbon and other emissions that affect air quality.

Fiscal Impact: \$16,000,000 General Fund

Agency Administration & Equipment Pool: Safety Risk Mitigation – Package 102

The Department of Forestry values, above all else, the safety of employees. The agency recognizes the staffing to provide the appropriate level of safety training and response agency-wide, specifically to our incident management teams are not sufficient. The agency has re-organized elevating safety and risk management as an agency priority.

This initiative is to establish a robust team to provide safety specialists within our districts and Salem headquarter and are available to be on incident response teams for fire protection.

Agency Requested Budget Highlights – Policy Option Packages

The current radio communications network has capacity limitations in both equipment and personnel impacting statewide operations. Modernization to improve the capacity and the resiliency of the network is required. Our defined objective is to have a unified communication network working in a common operating environment.

Fiscal Impact: \$1,958,918 General Fund, (\$603,411) Other Funds, 3.00 FTE, 4 Position Counts

Agency Administration: Facilities Capacity – Package 103

Support for capacity and a stable workforce within the Facilities Program. To consistently support the department's maintenance, major maintenance, capital improvement, and capital construction needs additional position capacity.

The Facilities Program is requesting a combination of permanent financing for multiple existing/current LDs and one reclassification to better serve the facilities capacity problem.

Fiscal Impact: (\$19,415) General Fund, (\$34,993) Other Funds, 0.83 FTE, 2 Position Counts

Human Resources: Workforce Development Capacity – Package 104

The agency workforce training needs have not kept pace with the growing number new FTE to the agency. Establishing a Workforce Development Unit aligns with the State Foresters priorities.

Establishing a Workforce Development Unit within HR to focus on the training, development, productivity, engagement, and retention of new and current employees to align with the Foresters priorities. This is being accomplished by utilizing and realigning existing workloads and positions to ensure appropriate classifications of work performed to be more efficient and streamlined. This is a self-funded package that reallocates existing resources within the Human Resources program to meet the needs of the agency.

Fiscal Impact: \$148,897 General Fund, \$268,367 Funds, 0.50 FTE, 1 Position Count

Forest Resources: Federal Funds Limitation – Package 105

The Urban and Community Forestry program was awarded grants by the US Forest Services to invest in green space and tree cover for Oregon's disadvantage communities during the 2023-25 biennium. The agency received a total of \$23 million for the UCF projects around the state and requests an additional \$8.0 million in one-time Federal Funds limitation increase to complete these projects. In addition, this package increases Federal Funds limitation by \$20.0 million for the Forestry Legacy program.

Fiscal Impact: \$28,000,000 Federal Funds

Human Resources: Payroll Move to DAS – Package 106

The agency became a client of DAS Shared Financial Services Payroll client during the 2023-35 biennium. This package transfers two FTE payroll positions to DAS Shared Financial Services as part of the agency transfer of payroll responsibilities to DAS Shared Services beginning July 1, 2024. DAS will have a corresponding package to establish two FTE in the 2025-27 ARB.

Fiscal Impact: (\$500,586) Other Funds, (2.00) FTE, (2) Position Counts

Agency Requested Budget Highlights – Policy Option Packages

Fire Protection: Severity Positions Request – Package 107

This package requests additional position authority to address the staffing of the Fire Protection Severity Program. The Severity Special Purpose Appropriation Policy Option (Agency #1 Priority) consists of funds for the solicitation of Fire Season aircraft, contracting, and agency staffing. The package does not provide appropriate seasonal full time position authority to staff the fire hand crews, heli-tack crews, and the required aircraft administrators to implement the supported actions. This package seeks Other Funds position authority and related Service and Supplies to implement the Fire Protection Severity program.

Fiscal Impact: \$6,000,000 Other Funds, 18.50 FTE, 37 Position Counts

Capital Construction: Toledo Phase 3 – Package 108

This is the final phase of the Toledo office relocation. Prior phases included purchasing the property, site due diligence review, and completing the design & construction documents. Construction is planned to begin in FY24. Additional funding is needed to support inflationary cost escalation.

Fiscal Impact: \$5,000,000 Other Funds

Capital Construction: Santiam Building Replacement – Package 109

The North Cascade District's Santiam Unit office building was destroyed in the 2020 Labor Day fire. Phase two of replacing the building and adding additional facilities, utilities, site systems, and traffic circulation improvements are being made to meet operational needs.

Fiscal Impact: \$5,000,000 Other Funds

Capital Construction: Klamath Fire Cache Replacement – Package 110

The ODF Klamath/Lake District HQ suffered a catastrophic loss of its Fire Cache facility due to fire in 2021. This replaces the building and provides other facility and site system improvements to meet operational needs.

Fiscal Impact: \$5,000,000 Other Funds

Capital Construction: State Foresters Building Remodel – Package 111

The goal is to maintain and improve the Department's longest held and occupied facility while preserving a historic resource. Designed and built in 1935 and enrolled in both State and National registries of historic buildings. Significant deferred maintenance is needed to limit future significant acute response-driven expenditures.

Fiscal Impact: \$20,000,000 Other Funds

Capital Construction: Veneta Campus Remodel – Package 112

The Western Lane District is requesting multiple structures that have exceeded their useful life service and functionality to meet operational needs, including utilities, site systems and traffic circulation improvements.

Fiscal Impact: \$15,000,000 Other Funds

Agency Requested Budget Highlights – Policy Option Packages

Capital Improvement: Deferred Maintenance Projects – Package 113

The Facilities program had developed a state-wide strategy to reduce its backlog of deferred maintenance and capital improvement projects. These projects are funded through bond issuances.

Fiscal Impact: \$6,000,000 Other Funds

STAFF REPORT

Agenda Item No.	C
Work Plan:	Legislative
Topic:	Annual Topic: Legislative Session Review
Presentation Title:	2024 Short Session Overview
Date of Presentation:	June 6, 2024
Contact Information:	Derrick Wheeler, Legislative Coordinator (971) 375-1258 Derrick.wheeler@odf.oregon.gov

SUMMARY

The purpose of this agenda item is to provide a brief overview of the 2024 Legislative session. The following summary is not all-inclusive of legislative matters affecting Oregonians or state agencies but is intended to be a succinct view of bills the agency tracked through the session and are most impactful to Oregon Department of Forestry processes.

BACKGROUND AND ANALYSIS

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

The agency reviewed and prioritized the 289 bills throughout the Session and closely tracked 100 bills. Engaging in weekly meetings with natural resource agencies and all executive branch agencies for information gathering and coordination on bills that affected multiple agencies were essential for staying connected during the fast pace of the session.

Following last year's session that was nearly derailed by an extended walkout, this year's 2024 Short Session was marked by cooperation and bipartisanship. Two themes dominated the Session; Housing and Measure 110 reform. Governor Kotek's housing proposals were a part of a trio of bills that allocated \$376 Million for water infrastructure projects, loans for moderate-income housing and other housing resources. The other major theme of this Session was the contemplated changes to Measure 110, which decriminalized drug possession. Legislators voted to make minor drug possession a misdemeanor crime, ending the state's experiment with drug decriminalization.

From the Department's perspective, there were three major policy concepts introduced to reshape Wildfire Funding in Oregon. Of these three, only HB 4133, which was the result of Senator Steiner's workgroup, moved through the Session but was ultimately dropped in the final days of the Session.

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

The key themes from the 2024 legislative session were tracked by the agency and included with this report.

Wildfire Funding:

House Bill 4133 was Senator Steiner's funding proposal began shortly after the 2023 Legislative Session where the Landowner Offset from SB 762 was not renewed. Seeing the complex wildfire funding system that has produced inequities for landowners, Senator Steiner convened a diverse group with the goal of reducing Landowner Rates and "decomplexifying" the Wildfire funding structure. This bill saw continual adjustments that resulted in the lowering of landowner rates through shifting Salem's operating costs away from local rate payers.

One of the changes proposed through this bill was taking \$3.5 million from the Oregon Forest Land Protection Fund and moving it to ODF administration. Unfortunately, the OFLPF is a trust, and Legislative Counsel attorneys flagged that moving that money from a trust to administration is impermissible. Too late in the process to completely reshuffle the intricate funding mechanism that was largely based on that \$3.5 million transfer, the bill died with one day left in the 2024 Session.

Though ODF continually pushed to fund at least \$7.5 million for the remaining Landowner Offset should HB 4133 not succeed, the fact that there wasn't even \$3.5 million available to save HB 4133 meant that there wasn't \$7.5 million available for the Offset.

However, there is a "Budget Note" in HB 5701 stating a call for group work surrounding a broader wildfire funding fix to occur. This Budget Note promises a work group will be established to look at the broader Wildfire funding system; including local fire funding, suppression and resilient forests. This workgroup is tasked with workgroup identifying options for sustainably funding wildfire mitigation, suppression and mobilizations, land classification, and managing the intersection between forest land protection districts and structural fire protection districts. At minimum, the workgroup shall include a wide range of stakeholders representing landowners, local fire agencies, Oregon Tribes, conservation groups, agency partners, and impacted industries. Additionally, the workgroup shall regularly engage with the Wildfire Programs Advisory Council.

The workgroup has been tasked with identifying strategies that will be ready for the 2025 Legislative Session though work will continue throughout 2025 to have additional legislative concepts ready for the 2026 Legislative Session. The workgroup will begin its work in June of 2024.

Senate Bill 1593 was Senator Golden's bill to replace the Harvest Tax with a Severance Tax. The bill was paired down to a simple study on the potential revenues generated by a Severance Tax. The bill received one public hearing but did not move forward.

House Bill 4075 and House Joint Resolution 201 were Representative Evans bills that combined would send a referral to the voters of Oregon to pass a property tax that generates money to be used primarily to pay for wildfire and set up the terms of the Task Force that would spend the money generated should the voters approve of the original property tax. These bills received a public hearing but did not move forward.

Prescribed Fire:

House Bill 4016 is an omnibus bill that makes changes to programs initially started by SB 762 in 2021. These changes include extending the deadline for the Fire Hardening Grant Program and a section that fixes the problems related to Prescribed Fire Liability Fund that were generated in haste in

SB 80 (2023). These changes include adding new criteria that the claimant was not willful, malicious, or negligent in the origin or spread of the fire; and that the claim is for economic and property damage or, if the claimant is the State Forester or a forest protective association or agency, for actual costs incurred to control or extinguish the fire if the costs would be recoverable under existing fire abatement laws. The bill also limits the amount paid from the Prescribed Fire Claims Fund to a maximum of \$1 million per claim for losses arising from a prescribed fire or cultural burn.

Retirement Age:

House Bill 4045 Lowers the normal retirement age from 60 to 55 years for Police and Fire Oregon Public Service Retirement Plan (OPSRP) members who retire from service and whose last 60 months of retirement credit preceding is classified as retirement credit for service as a police officer or firefighter.

Recreational Immunity:

Senate Bill 1576 is an omnibus bill that has several provisions, one of which were important statutory changes that revolve around recreational immunity. SB 1576 has provisions to specify that “recreation” includes also walking, biking and running and also expands immunity to improved rights of way like trails and bridges. This is a first step in shoring up potential cracks in “recreational immunity” that were exposed by a recent court case and could lead to future litigation in State Forests. A workgroup will form after the Session to look at more comprehensive legislation.

ATTACHMENT

- (1) 2024 Legislative Session – ODF End of Session Priority Bill Status Report (SEE CORRESPONDING PDF ATTACHMENT)



Custom Report

Report Date: May 1, 2024

Bill Number	Last Action	Status
HB 4016	03/28/24 - Chapter 26, (2024 Laws): Effective date June 6, 2024. Relating to natural resources; prescribing an effective date. Makes certain changes to the Prescribed Fire Liability Pilot Program.	Passed
HB 4045	04/18/24 - Chapter 101, (2024 Laws): Effective date January 1, 2025. Relating to adjustments in classifications under the Public Employees Retirement System. Provides that district attorneys, and forensic scientists and evidence technicians employed by the Department of State Police, qualify as police officers under the Public Employees Retirement System.	Passed
HB 4122	04/10/24 - Chapter 85, (2024 Laws): Effective date June 6, 2024. Relating to fingerprint retention; prescribing an effective date. Directs the Department of State Police to establish a fingerprint retention system for participation in the Federal Bureau of Investigation's Rap Back system.	Passed
SB 1526	03/28/24 - Effective date, June 6, 2024. Relating to changes to certain Oregon tax laws; prescribing an effective date. Makes technical, policy and administrative changes to certain Oregon tax laws.	Passed
SB 1576	03/28/24 - Effective date, March 27, 2024. Relating to civil matters; declaring an emergency. Modifies provisions regarding disclosure of certain materials relating to consumer data investigations by the Attorney General.	Passed
SB 5701	04/18/24 - Effective date, April 17, 2024. Relating to state financial administration; declaring an emergency. Appropriates moneys from the General Fund to specified state agencies for biennial expenses.	Passed

STAFF REPORT

Agenda Item No.:	D
Work Plan:	Fire Protection
Topic:	Annual Topic: Approval of Rangeland Fire Protection Association Budgets
Date of Presentation:	June 6, 2024
Contact Information:	Levi Hopkins, Wildfire Prevention & Policy Manager Fire Protection Division 503-949-3572; levi.a.hopkins@odf.oregon.gov

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 2025 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 Rangeland Fire Protection Associations.

ATTACHMENTS

- 1) Rangeland Fire Protection Associations Fact Sheet
- 2) Fiscal Year 2025 Rangeland Fire Protection Associations Budgets

- 3) 2023 Annual Report Statistics
- 4) Total Acres Protected by Year List



Oregon's Rangeland Fire Protection Associations

April 1, 2024

Protecting 17.5 million acres of range, crop and critical Sage Grouse habitat in Oregon

RFPAs operate as independent associations of landowners that provide their own local wildfire protection. RFPAs fire prevention and suppression helps in conserving sage grouse habitat as well as safeguarding livestock forage and crop lands, which are crucial to local economies.

Changes to ODF Rangeland Fire Staffing

After 40 years of putting out fires all around the state, Marvin Vetter made the reluctant decision to trade his fire tool for a fishing pole.

This left the Rangeland Fire Coordinator position open. Allison Rayburn was chosen for the position. She brings 24 years of experience running engines, managing fires and fire crews, and most recently serving as the John Day ODF Unit Forester.

Rick Fletcher was with the program for a year and a half as a Rangeland Fire Specialist. We appreciate his work with landowners, and his help updating training classes, maps and the RFPAs Google site. Rick moved on to the Central Oregon Assistant District Forester. Congratulations Rick!

Steve Meyer was chosen to fill the Rangeland Fire Specialist position. Steve comes with over 25 years of experience working with fire equipment, fire crews, fire suppression and management. He was most recently the Baker ODF Wildland Fire Supervisor.

Allison and Steve have both had long careers serving Oregon's landowners with the Oregon Department of Forestry and are proud to continue that path with the Rangeland Fire Program.



ODF Rangeland Fire Staff, left to right: Central Rangeland Fire Specialist Don Tschida, Admin Specialist Cassie Adamson, East Rangeland Fire Specialist Steve Meyer, South Rangeland Fire Specialist Jason Rayburn, Program Coordinator Allison Rayburn and Radio Technician Brandon Daniels.

Marvin's Final Summit



2023 Outstanding Neighbor Award

The ODF Rangeland program recognized Ron Whiting for his long term dedication as chairman of the Lone Pine RFPAs. Ron's thoroughness and experience makes him an invaluable asset to Lone Pine as well as neighboring RFPAs and cooperators. Ron also se-

ODF Staff Support Additions, Expansions and Training

ODF supports the associations through administrative guidance, insurance reimbursement, fire suppression training and facilitating access to federal grants and surplus firefighting equipment.

The addition and experience of new staff has added to the amount and variety of training provided. In addition to basic and refresher firefighting training, staff presented equipment winterization tips and safety messages based on real life lessons learned.

Administrative work has kept ODF staff busy over the last year with two new associations formed in 2023 (Grizzly and Petersburg) and an interest meeting was held in Umatilla County for another possible addition in 2024. High Desert, Brother-Hampton, North Harney, Lone Pine, Crane, and Frenchglen all made adjustments to their boundaries. Fields-Andrews expanded their boundary to include an additional 4,500 of private, state and federal land at the north end of their RFPAs.

Rangeland Fire Readiness and Response



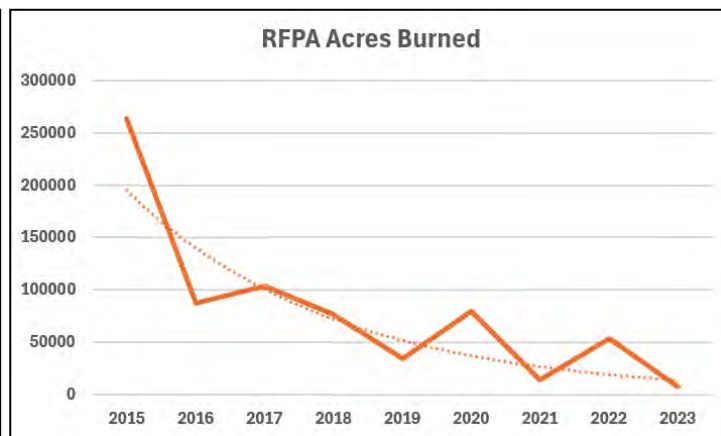
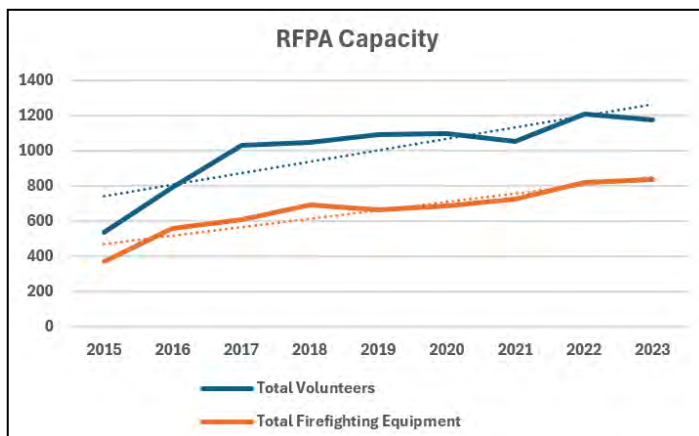
April 1, 2024

Increased Protection and Less Acres Burned

In the past nine years, the Rangeland Program has significantly expanded its protection from 13.8 million acres in 2015 to 17.5 million acres in 2024. In those nine years the program has added eight Rangeland Fire Protective Associations, making a total of 28 RFPAs in the state of Oregon.

Even with the increase in protected acres, acres burned have been decreasing. The RFPAs' added capacity allows them to quickly respond and begin work on a fire while more resources are on their way. In 2023, 7,080 acres burned on RFPA-protected land, far below the 9-year average of 80,057 acres burned.

In 2023, the largest fire on within a RFPA was the 1,628 acre Alder Creek Fire burning on WC Ranches and Prineville BLM. With the RFPAs quick response to initial attack and the continued partnerships with the Bureau of Land Management, Oregon Department of Forestry, local municipalities, landowners and other organizations, we're able to keep Oregon a little bit safer from wildfire.



Firefighting Equipment

Helping distribute excess fire equipment and repurpose excess military equipment into viable wildland engines continues to be a large focus of the Rangeland program. RFPAs receive equipment from the FEPP/FFP program, BLM offices, ODF offices, ODF Fire Cache, Redmond Fire Cache, and private landowners.

In the last year, they have distributed more than 20 pieces of equipment such as military trucks, fire engines, water trailers, slip-in tank/pump modules, and even a helicopter dip tank. As well as truckloads of radios, hose, hand tools and Nomex clothing.

We appreciate everyone's generosity in supporting the program.

The best quality equipment we have received has been through the Bureau of Land Management's Rural Readiness Program. In the last four years the program has received four fire engines and one water tender. This equipment is distributed from BLM to the Rangeland Associations in full-service condition before it's reached the end of its life, and comes fully stocked with equipment and ready to respond to fires. This is a big help to associations as well as increasing fire response on state and federal land.



Burns BLM transfers type 6 engine to North Harney RFPA



For more information:
Oregon Department of Forestry
503-945-7200
www.oregon.gov/odf



Rangeland Forest Protection Association Budget Summary July 1, 2019 - June 30, 2020

Fiscal Year 2025 Rangeland Fire Protection Association Budget Summary

	Income							Expenses										
RFPA	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 (Supplies, Postage, etc.)	Other	Total Expenses	Reserve Account
Ashwood-Antelope	7,000	0	0	10,000	8,000	0	25,000	7,500	1,000	2,000	7,000	2,500	1,000	3,000	500	1,000	25,500	23,436
Bakeoven-Shaniko	10,000	300,000	0	0	0	15,000	325,000	3,400	500	60,000	1,000	2,000	5,000	0	100	23,000	95,000	67,755
Blue Mountain	1,400	3,500	0	0	4,200	0	9,100	3,700	500	4,000	750	0	0	0	0	0	8,950	10,000
Brothers-Hampton	2,500	300	0	7,700	5,900	2,500	18,900	5,850	50	2,500	2,000	2,000	1,000	200	500	775	14,875	6,164
Burnt River	5,000	0	0	10,000	5,820	0	20,820	4,800	200	7,500	3,500	1,500	2,500	0	200	820	21,020	55,163
Crane	30,000	2,000	2,000	10,000	14,000	1,500	59,500	13,000	1,500	46,000	15,000	6,000	3,500	4,500	3,000	24,000	116,500	20,000
Fields Andrews	4,600	1,700	0	0	5,100	0	11,400	5,100	0	0	930	550	100	0	100	0	6,780	27,299
Frenchglen	6,000	0	0	10,000	3,700	500	20,200	3,000	500	1,000	1,500	3,000	850	0	100	10,250	20,200	9,265
Gateway	1,000	1,000	0	0	4,700	0	6,700	4,700	0	1,000	1,000	0	500	250	100		7,550	
Greater Pine Valley	600	0	0	0	1,037	4,740	6,377	2,103	70	0	353	275	0	0	82	218	3,101	
Grizzly	3,000	0	0	10,000	3,000	0	16,000	3,000	1,000	4,000	500	1,000	2,500	250	500	0	12,750	39,140
High Desert	16,000	10,000	0	2,500	8,500	0	37,000	8,500	90	5,000	3,000	5,000	4,000	2,500	550	0	28,640	3,500
Ironside	3,700	0	0	0	3,575	0	7,275	3,500	375	0	1,000	1,000	900	300	200	0	7,275	10,781
Jordan Valley	10,000	0	0	0	6,400	10,670	27,070	5,800	600	2,500	20,000	0	0	3,500	200	50	32,650	25,670
Juntura	5,500	300	0	3,200	2,200	0	11,200	5,500	200	1,000	2,000	0	300	200	500	1,500	11,200	45,000
Lookout-Glasgow	2,000	1,000	0	10,000	3,400	2,500	18,900	3,300	100	10,000	3,000	1,000	500	500	250	0	18,650	16,511
Lone Pine	5,200	0	0	10,000	2,950	0	18,150	2,650	300	0	9,820	500	180	0	260	0	13,710	10,000
Lower Bridge	10,000	0	0	7,500	5,000	5,000	27,500	4,500	750	2,000	3,500	2,500	2,500	1,200	500	2,500	19,950	7,550
North Harney	7,500	500		5,000	4,000	0	17,000	3,400	600	2,000	4,000	1,000	1,500	500	500	500	14,000	3,000
Petersburg	3,000	0	0	10,000	0	10,000	23,000	3,840	1,100	0	0	0	0	0	100	4,500	9,540	
Post Paulina	1,050	4,500	0	0	6,050	0	11,600	5,996	150	1,000	5,000	1,000	300	250	350	600	14,646	31,790
Silver Creek	12,000	500	0	0	8,000	1,200	21,700	5,800	2,200	2,600	3,600	3,000	1,000	750	1,000	1,950	21,900	38,966
Twickenham	2,600	300	0	5,000	3,349	0	11,249	3,279	70	3,000	2,000	0	2,000	0	300	0	10,649	11,363
Vale	3,000	1,000	0	10,000	2,500	0	16,500	2,500	100	5,000	2,000	0	1,000	5,000	900	0	16,500	8,236
Wagontire	3,000	7,000	0	3,500	3,500	0	17,000	3,500	500	2,000	4,000	3,000	1,500	500	250	0	15,250	7,224
Warner Valley	13,000	3,000	0	0	9,500	2,000	27,500	9,500	250	500	4,000	1,200	500	1,500	250	1,200	18,900	1,600
WC Ranches	2,400	0	0	10,000	7,500	0	19,900	5,700	2,000	5,500	1,000	0	0	3,000	300	2,400	19,900	4,248
Wheeler County	0	5,000	4,000	9,000	2,000	0	20,000	4,500	0	10,000	5,000	4,000	3,000	18,000	0	0	44,500	28,000
	171,050	341,600	6,000	143,400	133,881	55,610	851,541										650,086	511,661

2023 Annual Report Statistics																																
Rangeland Fire Protection Association	Total Acres 4/	Private Acres 3/	State, County, Acres 2/	Federal Acres 1/	Tribal Acres	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	357,003	314,547	356	41,917	183	2009	2	2	2	689	689	3)	174	1,197	3,402	800	43	45	15	3	5	9	0	8	1	1	11	3		0		
Bakeoven-Shaniko	183,145	176,247	81	5,947	870	2019	3	5	6	100	100		272	285	1,727	10	18	3	25	4	10	28	3	15	1	4	3	0	4			
Blue Mountain	1,157,141	75,020	2,828	1,059,899	19,394	2013	1	0	4	0	0		20	100	2,000	0	7	10	29	9	1	4			6						5 Tender Trailers	
Brothers / Hampton	716,557	225,797	35,288	455,472	-	2006	2	1	2	1	1		22	656	4,049	155	49	14	42	3	5	2	4	3	0	2	0	4				
Burnt River	273,581	169,336	3,702	100,543	-	2000	9	1	1	7	7		280	326	932	0	58	16	41	3	1	12	0	2	1	1	7	1	0			
Crane	1,344,523	574,596	102,682	658,557	8,688	1998	13	1	3	350	350		156	2,650	2,500	0	300	20	40	23	9	7	3	0	3	0	2	1	0			
Fields / Andrews	1,009,243	161,806	1,077	846,360	-	1998	1	2	2	667	667	2)	520	175	2,495	0	42	3	12	1	6	2	0	0	4	3	4	4	0			
Frenchglen	1,467,117	414,529	2,109	1,050,479	-	2013	1	0	1	0	1		64	636	7,776	0	30	5	39	2	3	4	1	0	1	0	1	1	0			
Gateway	9,310	8,703	0	605	2	2010	0	0	0	0	0		211	395	712	305	10	15	10	2	2			3		2	1	3				
Greater Pine Valley	74,955	29,662	437	44,856	-	2016	2	0	2	35	35		122	947		0	7	2	24	2	2	2	2									
Grizzly	70,923	42,619	1	28,303	-	2023	1	1	1	1	1		180	500			17	10	3		2		2	5	2		1	1	2	3 skid steers with mulch heads, 3 backhoes		
High Desert	2,014,038	393,047	63,343	1,557,490	158	2018	15	1	5	125	145		200	100	2,700	50	160	5	30		14	4	3	1	5	0	5	4	1	2 Trailer Pumps, 2 Dump trucks		
Ironside	356,097	330,501	1,649	23,947	-	1964	1	0	2	10	10		15	1,000	1,500	0	36	6	20	1	3	11	6	2	3	2	3	2	4			
Jordan Valley	2,496,084	292,992	178,676	2,024,416	-	2008	3	0	0	10	415		750	250	250	0	25	20	100	7	2	26	0	25	8	3	3	1	0			
Juntura	952,374	178,141	82,154	688,808	3,271	2007	4	1	0	1,281	1,416	4)	65	800	1,601	0	11	12	19	1	5	1	1	2	1	2	2	1				
Lone Pine	55,146	17,301	2,675	35,170	-	2013	0	0	1	0	0		150	600	2,500	100	20	6	14	2	2	3	1		3	3	3	3	1			
Lookout Glasgow	267,235	168,166	561	98,508	-	2014	2	4	26	3	8		209	198	865	80		0	30	4	0	5	0	0	6	1	5	1				
Lower Bridge	32,258	15,212	40	17,006	-	2022	1	1	4	0	0		52	892	1,470	0	48	12	42	1	2	2	0	2	2	0	0	0	2	3 Support Vehicles		
North Harney	106,269	82,663	1,209	20,607	1,790	2022	0	0	3	0	0		20	750	1,000	0	40	3	12	1	1	0	0	0	0	0	0	0	0	0		
Petersburg	75,763	72,311	866	2,108	478	2023	3	2	4	140	140		423	1,280	10,590	0	34	0	103	1	0	38	0	0	10	0	0	0	13			
Post / Paulina	640,268	351,909	22,898	265,461	-	2006	2	1	8	2	2		100	800	1,200	0	41	65	25	1	7	12	5	10	1	3	8	6	0			
Silver Creek	675,069	227,772	10,820	436,477	-	2001	3	1	4	2	18		55	435	4,020	0	65	52	38	9	10	2	4	0	2	0	6	3	3			
Twickenham	126,292	77,338	40	46,317	2,597	2001	0	2	1	0	0		20	700	1,371	210	52	3	9	2	1	1	1	1	0	0	0	0	0	2 Chainsaws		
Vale	1,025,383	204,660	24,195	796,528	-	2008	9	0	4	267	1,039	5)	154	359	1,082	0	29	20	17	3	1	11	1	34	0	2	7	0	7	Airplane		
Wagontire	301,322	37,852	68,621	194,849	-	2015	0	0	0	0	0		0	305	630	0	3	10	6	0	3	0	0	0	2	1	2	2	2			
Warner Valley	1,311,703	162,789	77,098	1,071,776	40	2011	4	0	0	40	40		76	440	3,744	0	129	13	22	0	8	5	2	4	8	1	3	2	0			
WC Ranches	49,243	41,506	1,948	5,789	-	2015	2	0	0	1,555	1,675	1)	132	2,163	4,536	0	12	2	17	2	5	1	0	5		2	5	2	1	2 excavators 2 backhoes		
Wheeler Co. F & Res	391,920	283,710	548	75,917	31,745	2016	9	4	5	321	321		301	1,326	3,210	0		3	14	2	5	0	0	1	3	0	1	1	0			
17,539,962 5,130,732 685,902 11,654,112 69,216 93 30 91 5,606 7,080 5 4,743 20,264 67,862 1,710 1,286 375 798 89 115 192 39 123 73 33 83 46 40																																

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

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

4/ Total acres updated in 2023 due to better mapping/GIS calculations and boundary changes. Only includes Oregon acres.

- 1) Alder Creek 1,628 ac Wheeler County 7/6/23
- 2) Mann Lake 667 ac Harney County 7/18/23
- 3) Antelope Creek 688 ac Wasco County 7/19/23
- 4) Corbie Fire 1,141 ac Malheur County 8/1/23
- 5) Birch Creek 682 ac Malheur County 7/17/23
- 6)

- 7)
- 8)
- 9)
- 10)
- 11)
- 12)

- 13)
- 14)
- 15)
- 16)
- 17)

Annual Totals

Row One

Year	No. of RFPAs	Total Acres Protected	Private Acres ³	State Acres ²	Federal Acres ¹	No. of Fires	Mutual Assist Fires	Smoke Chases	State & Private Acres Burned	Total Acres Burned	Fires over 500 Acres	Fire Suppression Hours	Admin Hours	POV Mileage
2015	20	13,897,124	4,007,960	616,063	9,322,329	164			113,160	263,971	11	15,591	9,954	
2016	22	14,228,169	4,169,230	601,743	9,457,196	116	31		2,732	87,422	7	5,956	20,148	
2017	23	15,967,400	4,553,896	639,901	10,773,603	146	35	147	29,580	103,388	17	9,556	21,148	76,589
2018	23	16,556,081	4,855,598	639,982	11,060,501	168	52	57	25,579	76,380	17	8,692	21,075	82,000
2019	24	16,556,081	4,855,598	639,982	11,060,501	114	32	76	3,308	34,475	5	5,624	17,802	84,770
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	26	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
2023	28	17,539,962	5,130,732	685,902	11,654,112	93	30	91	5,606	7,080	5	4,743	20,264	67,862
9-Year Average						132			26,118	80,057				

Row Two

Year	Member Properties (estimate)	Support Personnel	Trained Firefighters	TOTAL VOLUNTEERS	Fire Eng Type 4	Fire Eng Type 5 & 6	Slip-on Pickup	Slip-on Trailer	ATV UTV Tank	Tenders	Graders	Dozers	Tractor w/ Transport	Tractor w/ Disk
2015	641	252	283	535	95		112	6	57	45	11	43		
2016	558	449	340	789	61	71	116	24	70	50	26	98	41	
2017	671	516	512	1028	80	76	127	18	72	54	26	86	51	17
2018	1,007	400	648	1048	92	97	146	31	89	62	30	87	45	15
2019	988	406	684	1090	97	108	140	19	82	55	24	76	48	13
2020	996	443	655	1098	98	103	139	23	84	50	25	101	47	16
2021	1,185	412	639	1051	93	111	140	38	103	55	31	95	44	16
2022	1,129	403	802	1205	99	113	171	41	123	68	28	89	47	41
2023	1,286	375	798	1173	89	115	192	39	123	73	33	83	46	40

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

2. RFPAs protect DSL lands as a membership of the RFA; 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

STAFF REPORT

Agenda Item No.:	E
Work Plan:	Administrative
Topic:	Board Governance Performance Self-Evaluation
Presentation Title:	2024 Board Governance Performance Self-Evaluation
Date of Presentation:	June 6, 2024
Contact Information:	Sabrina Perez, Senior Strategy Manager (503) 945-7311 sabrina.perez@odf.oregon.gov

SUMMARY

The Board of Forestry has completed its annual self-evaluation for 2024 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 spring, board members annually complete their individual self-evaluations utilizing the Board Governance Performance Measure Best Management Practices Self-Evaluation Criteria. A summary of the 2024 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 has traditionally occurred during the board’s planning retreat.

ANALYSIS

The evaluation survey was open to board members for one month during April and May with regular updates of completion status shared. Three of the seven board members serving in the 2023 calendar period completed the evaluation. This is a significant shift from the prior five years where one or two board members did not participate annually in the evaluation, and the last year where all seven board members completed theirs. Two board members serving in 2023 have recently resigned from their seats.

Results of the evaluation suggest that the three participating board members see the board functioning in a less than satisfactory manner, further amplified by the minimal participation and recent resignations. The Board was unable to meet their performance measure target of 100% for the 2023 evaluation period. Participating respondents on the Board found common agreement in reaching 84% of their best practices as compared to the prior year’s evaluation of 92%.

The participating board members found common agreement in meeting best practices of governance consistent with past evaluations related to:

- defined performance expectations for the State Forester and recent evaluation,
- review of the agency’s annual key performance measures, biennial budget, 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, attending appropriate training and technical information sessions, and utilizing outreach and engagement of stakeholders and special interest committees.

However, further improvement in board governance best practices is desired by participating board members related to:

- completion of the Board's strategic plan with current agency mission, high-level goals, and defined strategic initiatives and priorities,
- appropriate involvement in review of the agency's key policy communications,
- increasing involvement in the Private Forests Accord policy-making activities,
- aligning the agency's policy option packages with their mission and goals through the biennial budgeting process,
- accounting and briefing on Human Resources trends and issues, with considerable improvement desired relevant to Diversity, Equity, and Inclusion (DEI),
- engaging in collaborative coordination and efficient work where responsibilities and interests overlap with other state and federal agencies and tribal nations, and
- implementing adaptive management effectively to ensure best practices are utilized beyond the planning and evaluation cycles.

Reflections from the participating board members indicate polarization and challenges associated with controversial forest policy issues, interference within the Executive Branch, and operating without a completed strategic plan with shared vision to guide decision-making is affecting the Board's results.

ALTERNATIVES

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

- 1) Approve the self-evaluation summary report as-is, agreeing to a performance rating of 84% in meeting best practices criteria, with further discussions to be held in a future retreat setting.
- 2) Remove this item from the consent agenda and discuss the areas of concern prior to approving a performance rating. Results of this discussion could lead to the same approval and agreeing to the 84% rating as-is or could lead to changes in their agreed-upon collective rating. Further discussion on the criteria will be held in a future retreat setting.
- 3) Remove this item from the consent agenda and provide the non-participating board members additional time to complete their performance evaluation with results presented through the consent agenda at the September board meeting prior to submitting the comprehensive agency Key Performance Measures report to the Legislature on October 1. Alternatives 1 and 2 would also be presented for consideration during the September board meeting.

RECOMMENDATION

The Department recommends the Board proceed with the first alternative and approve the summary evaluation report as the conclusion of the 2024 self-evaluation process.

NEXT STEPS

The Board will further discuss this year's collective self-evaluation in a future retreat setting. Results of the collective self-evaluation will be included in the Department's *2024 Annual Performance Progress Report* submitted to the Department of Administrative Services and Legislative Fiscal Office.

ATTACHMENT

- 1) 2024 Summary of Best Practices Performance Evaluation (*Oregon Board of Forestry*)

**Oregon Board of Forestry
Governance Performance Measure
2024 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 9, 2024

Key: Within Each Criteria:





#’s
 = Board member tally count
= range of ratings

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
1. Executive Director’s performance expectations are current. <i>The Board understands this to mean that the State Forester’s Position Description is current.</i> <u>Comments:</u> none	1 	2	0	0
2. Executive Director’s performance has been evaluated in the last year. <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> <u>Comments:</u> <ul style="list-style-type: none"> We are required to do a full review every two years. We did a “light” review in 2023 and will do a full review in fall 2024. 	1 	2	0	0
3. The agency’s mission and high-level goals are current and applicable. <i>The Board understands this to mean that the Board’s <u>Forestry Program for Oregon</u> and Oregon Forest Practices Act/Rules are current.</i> <u>Comments:</u> <ul style="list-style-type: none"> Vision is almost complete While the Board’s Forestry Plan for Oregon has been long overdue for an update, the work to create the new plan is almost complete and should be adopted in June 2024. The Vision document being developed should address this. 	0	2 	1	0




Oregon Board of Forestry
Governance Performance Measure
2024 Summary of Best Practices Performance Evaluations

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
4. The Board reviews the <i>Annual Performance Progress Report</i>. <i>The Board understands this to mean that the Board reviews the report annually as a meeting agenda item.</i> <u>Comments:</u> none	0	3 ↔	0	0
5. The Board is appropriately involved in review of agency's key communications. <i>The Board understands this to mean agency and Board communications at a policy level, versus a day-to-day operating level.</i> <u>Comments:</u> <ul style="list-style-type: none"> • Agree, but could be improved. 	0	3 ↔	0	0
6. The Board is appropriately involved in policy-making activities. <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> <u>Comments:</u> <ul style="list-style-type: none"> • It would be good for the board to have more of a role in the Private Forests Accord rulemaking going forward. • No meaningful involvement in any of the Private Forests Accord efforts. 	0	2 ↔	1	0
7. The agency's policy option packages are aligned with their mission and goals. <i>The Board understands this to mean the packages included in the biennial budget process as part of the Agency Request Budget.</i> <u>Comments:</u> <ul style="list-style-type: none"> • We are in an off year with the new vision/strategic plan almost finished, so this question is hard to answer. • They need to align with the vision document that is being developed. 	0	1 ↔	2	0
8. The Board reviews all proposed budgets. <i>The Board understands this to mean the Department of Forestry's biennial budget at the Agency Request Budget level.</i> <u>Comments:</u> none	1 ↔	2	0	0

**Oregon Board of Forestry
Governance Performance Measure
2024 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
9. The Board periodically reviews key financial information and audit findings. <i>The Board understands this to mean significant financial issues and as audits are released.</i> <u>Comments:</u> none	1 	2	0	0
10. The Board is appropriately accounting for resources. <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> <u>Comments:</u> <ul style="list-style-type: none"> Financial accounting is good. Human Resources accounting, especially relevant to DEI needs considerable improvement. 	0	2 	1	0
11. The agency adheres to accounting rules and other relevant financial controls. <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> <u>Comments:</u> none	1 	2	0	0
12. Board members act in accordance with their roles as public representatives. <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> <u>Comments:</u> none	0	3 	0	0

**Oregon Board of Forestry
Governance Performance Measure
2024 Summary of Best Practices Performance Evaluations**

Oregon Board of Forestry Best Practices Criteria	Strongly Agree	Agree	Disagree	Strongly Disagree
<p>13. The Board coordinates with others where responsibilities and interests overlap. <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"> • There is definitely room for more engagement with other agencies in order to work collaboratively. • Cross agency coordination and efficiency needs improvement with other state and federal agencies and with Tribal Nations. 	0	2 	1	0
<p>14. The Board members identify and attend appropriate training sessions. <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> none</p>	1 	2	0	0
<p>15. The Board reviews its management practices to ensure best practices are utilized. <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"> • Adaptive management is incorporated in planning but rarely implemented effectively. 	1 	1	1	0

**Oregon Board of Forestry
Governance Performance Measure
2024 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>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.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> • Also a continuous process, with the initiation of surveys. • Appreciate that this topic will be explored during retreat including whether any revised or new advisory committees could be helpful. 	0	3 ↔	0	0
Total Number (Criteria 1-15)	7	31	7	0
Percentage of Total in Each Evaluation Category (Criteria 1-15)	15.56%	68.89%	15.56%	0%
Percentage of Total in “Agree” and “Disagree” (Criteria 1-15)	84%		16%	

Oregon Board of Forestry
Governance Performance Measure
2024 Summary of Best Practices Performance Evaluations

Summary Questions for Consideration:

1. How is the Board doing?

- Pretty good.
- Rough year with the HCP controversy. Looking forward to working on other policy issues.
- It is a board where majority voted is often an outcome and unanimity is less likely. The board polarization reflects societal polarization.

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

- The HCP took up so much time, not enough time for other issues.
- Societal polarization and interference from the Governor's Natural Resources Policy Director.

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

- No suggestions at this time.
- Completion of the Vision document and agreement to follow it as a guide to decision making based on peer reviewed science rather than letting political expediency influence the decisions.

STAFF REPORT

Agenda Item No.:	H
Work Plan:	State Forests Work Plan
Topic:	Status of Portions of Sun Pass as Common School Forest Land
Presentation Title:	Decertification Actions by ODF on Klamath-Lake area CSFL
Date of Presentation:	June 6, 2024
Contact Information:	Mike Wilson, State Forests Division Chief Michael.Wilson@odf.oregon.gov

SUMMARY

The Board of Forestry is requested to make findings to complete the decertification and redesignation of the remaining 1,920 acres of Common School Forestlands within the Klamath-Lake District, effective July 1, 2024, to complete the statutory requirements to return these lands to their original status and ensure all applicable procedures are addressed pursuant to Oregon Revised Statute (ORS) 530.470(2). The State Land Board voted to remove the designation of these lands as Common School Forest Lands (CSFL) pursuant to the statute at its April 9, 2024 meeting.

CONTEXT

Lands owned by the State of Oregon and under the jurisdiction of the Department of State Lands (DSL) that are “primarily suited for the growing of timber and other forest products” are required to be designated and set apart as Common School Forest Lands by the Department of State Lands and the State Board of Forestry, and such lands are withdrawn from sale (ORS 530.460).

The process by which such lands are designated is through the adoption of separate board resolutions of the State Land Board and the Board of Forestry, describing the lands to be set aside as CSFL (ORS 530.480). A copy of each board resolution, certified by the Director of DSL and the State Forester, respectively, together with a description of the lands involved, were to be filed with the Secretary of State.

Periodically as necessary, DSL and the Board of Forestry were and are to designate and set aside CSFL “as rapidly as forestry data and information are obtained ... of the lands eligible for dedication under ORS 530.450 to ORS 530.520” (ORS 530.470(1)).

After such designations, the State Forester, under supervision of the Board, was and is authorized to manage the CSFL lands (ORS 530.490).

These designated lands “may, at any time, be returned to their original status *by similar actions of said agencies*, if said lands are to be used for higher and better use for the general public, including the sale of said lands where lawful” (ORS 530.470(2); emphasis added). This has consistently been done by separate complementary resolutions of the State Land Board and the Board of Forestry (ORS 530.480).

Under the Interagency Agreement between the Department of State Lands and the Oregon Forestry Department, Section 7, Common School Forest Lands so designated by

each board and committed to the management of ODF are defined as “certified” lands and when removed from ODF management, are defined as “decertified” lands.

BACKGROUND AND ANALYSIS

Previously, approximately 21 percent of DSL’s certified forestlands were in ODF’s Klamath-Lake District. There were, as of the beginning of 2023 two large blocks of certified forestland in Klamath-Lake District, one in Sun Pass (3,663 acres) and another in the Yainax Butte area (3,164 acres), totaling 6,827 acres (See maps and table in Attachment 1, DSL Staff Report to the State Land Board, Appendices A through C).

DSL projected that the State Common School Fund would realize a cost savings of up to \$200,000 annually by removing these lands as certified Common School Forest Lands.

DSL proposed, and the State Land Board approved on August 9, 2022, initially redesignating and decertifying 4,907 of these acres effective July 1, 2023. The Board of Forestry adopted its companion order on November 16, 2022, effective July 1, 2023.

The remaining 1,920 acres of the Sun Pass tract were approved for removal from Common School Forest Land designation under ORS Chapter 530, and decertification and removal from ODF management, effective July 1, 2024, by the State Land Board, Governor Kotek and Treasurer Reed voting in favor and the Secretary of State absent, at the State Land Board meeting held April 9, 2024.

ODF Staff concurs with the DSL Staff Report to the State Land Board (Attachment 1) and the maps contained therein, and recommends the Board of Forestry adopt the proposed decertification Resolution and Order (Attachment 2).

RECOMMENDATION

The Department recommends that the Board approve the removal of the Common School Forest Land designation and the decertification of the remaining 1,920 acres currently designated as Common School Forest Lands in Klamath-Lake District as identified on the DSL Staff Report to the State Land Board (Attachment 1, Appendix E), pursuant to the proposed Resolution and Order (Attachment 2).

NEXT STEPS

Upon change of designation and decertification, no further action is required of the Board. The State Forester, as Secretary of the Board, is required to send a certified copy of the Resolution and Order to the Director of the Department of State Lands and the Secretary of State pursuant to ORS 530.480, and the Interagency Agreement Exhibit of Certified lands will be amended to reflect the removal of these acres.

ATTACHMENTS

1. DSL Staff Report to the State Land Board (April 9, 2024)
2. Resolution and Order of Board Reclassifying Common School Forest Lands



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

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www.oregon.gov/dsl

State Land Board

Tina Kotek

Governor

State Land Board

Regular Meeting

April 9, 2024

Agenda Item 5

LaVonne Griffin-Valade

Secretary of State

Tobias Read

State Treasurer

SUBJECT

Common School forestlands within the Klamath District.

ISSUE

Whether the State Land Board should approve decertification of the remaining 1,920 acres of forestlands, known as Sun Pass, within the Klamath District to reduce costs to the Common School Fund.

AUTHORITY

- Oregon Constitution, Article VIII, Sections 2 and 5; pertaining to the Common School Fund and land management responsibilities of the State Land Board.
- ORS 273.141; relating to the nature of services provided by other agencies
- ORS 273.171; relating to the duties and authority of the Director
- ORS 273.523; relating to the sale of forest products
- ORS 530.460; relating to the designation of Common School Forest Lands
- ORS 530.470; relating to the determination of the designation of Common School Forest Lands
- ORS 530.480; relating to the filing of resolutions made by the boards
- Real Estate Asset Management Plan adopted by the Land Board; February 2012.

BACKGROUND

For several decades, the Oregon Department of Forestry (ODF) has managed and sustainably harvested Department of State Lands certified forestlands on behalf of DSL. Approximately 28,100 acres of DSL lands are currently classified as certified forestlands, meaning they are primarily suited for growing timber and other forest products and are managed by ODF. Timber harvests and other sales of forest products generate revenue for the Common School Fund.

Annual revenue generated by certified forestlands is dependent on the costs of management as well as the quantity and value of harvested forest products. Certified forestlands cost approximately \$40 per acre annually to manage. The financial performance of certified forestlands is impacted by parcels that are not capable of producing reliable long-term timber revenue, but still contribute to annual management costs.

Decertification of ODF-managed forestland parcels is one option DSL considers when costs of management exceed long-term revenues. If forestlands are decertified, DSL takes over land management, reducing overall costs of the forests, as overhead expense associated with ODF's management of certified forestlands is no longer necessary.

Klamath District Forestlands

Historically 21 percent of DSL's certified forestlands were in ODF's Klamath District. There were two large blocks of certified forestland in the Klamath district, known as Sun Pass (3,663 acres) and Yainax Butte (3,164 acres) (See Appendix A). In August of 2022, the State Land Board approved the decertification of all of Yainax Butte and 1,743 acres of Sun Pass. There are 1,920 acres in Sun Pass remaining to be decertified.

Although the Klamath District historically produced an average of 903,000 board feet of timber volume annually between 2010 and 2020, it had the lowest return compared to other districts.

ODF has been managing these forestlands effectively; however, between fiscal years 2017 and 2021 the Klamath District produced less than \$60,000 in annual revenue, while costing nearly \$200,000 annually to manage. These costs include direct¹ (variable) expenses for on-the-ground management and indirect² (fixed) expenses such as service and supply, personnel services, and administrative prorate, as identified by ODF.

Revenues for these forestlands have been low due to poor timber markets, low-value species mix, and low volume per acre harvests. In addition to low productivity, these forestlands also have few near-term harvest opportunities. Upon completion of this decertifying process, the Department expects to save the Common School Fund up to \$200,000 in costs annually, while having little effect on revenue.

¹ Direct expenses are variable costs including personnel services, and service and supply for on-the-ground management work.

² Indirect expenses are fixed costs including personnel services, service and supply for district management and office/administrative staff, Salem staff and Administration Prorate.

Future Management of Klamath District Forestlands

If decertified, DSL would take over management of these parcels. Since hiring a forester in 2019, DSL has established internal capacity to manage the Klamath District forestlands. These lands would fit into a larger portfolio of noncertified forestlands east of the Cascade Range managed by the Department. Much of the future maintenance needs will be for forest health improvement and fuels reduction thinning to mitigate wildfire risk. These management needs are expected to occur once a decade, and costs associated with these treatments will be minimal.

The single fixed expense that would remain for the Department upon transfer of management of the Klamath forestland parcels is annual fire protection for wildfire response provided by the Klamath-Lake ODF Fire Protection District, as required by law. This rate is subject to change based on ODF fire protection district costs. If fires occur on DSL lands, under the agreement with ODF there will be no further costs billed to the Department after these annual fees have been paid.

Revenue generated from most future forestry projects would cover harvesting and DSL personnel costs. Anticipated management costs would be absorbed into the forester's personnel costs, with harvest income projected to cover all non-fixed expenditures. Long-term capital investment needs for the Klamath forestlands are projected to be minimal.

Decertification

The proposed transfer of management of the Klamath parcels is in two separate decertification processes. The first decertification took place July 1, 2023, totaling 4,907 acres and included all of Yainax Butte and some sections of the Sun Pass tract. All of ODF's management obligations are complete for the remaining 1,920 acres of the Sun Pass tract, and it is now ready to be decertified.

The process for decertification of Common School Forest Lands requires approval of the State Land Board and Oregon Board of Forestry. Following Land Board approval, this decertification request will go before the Board of Forestry.

RECOMMENDATION

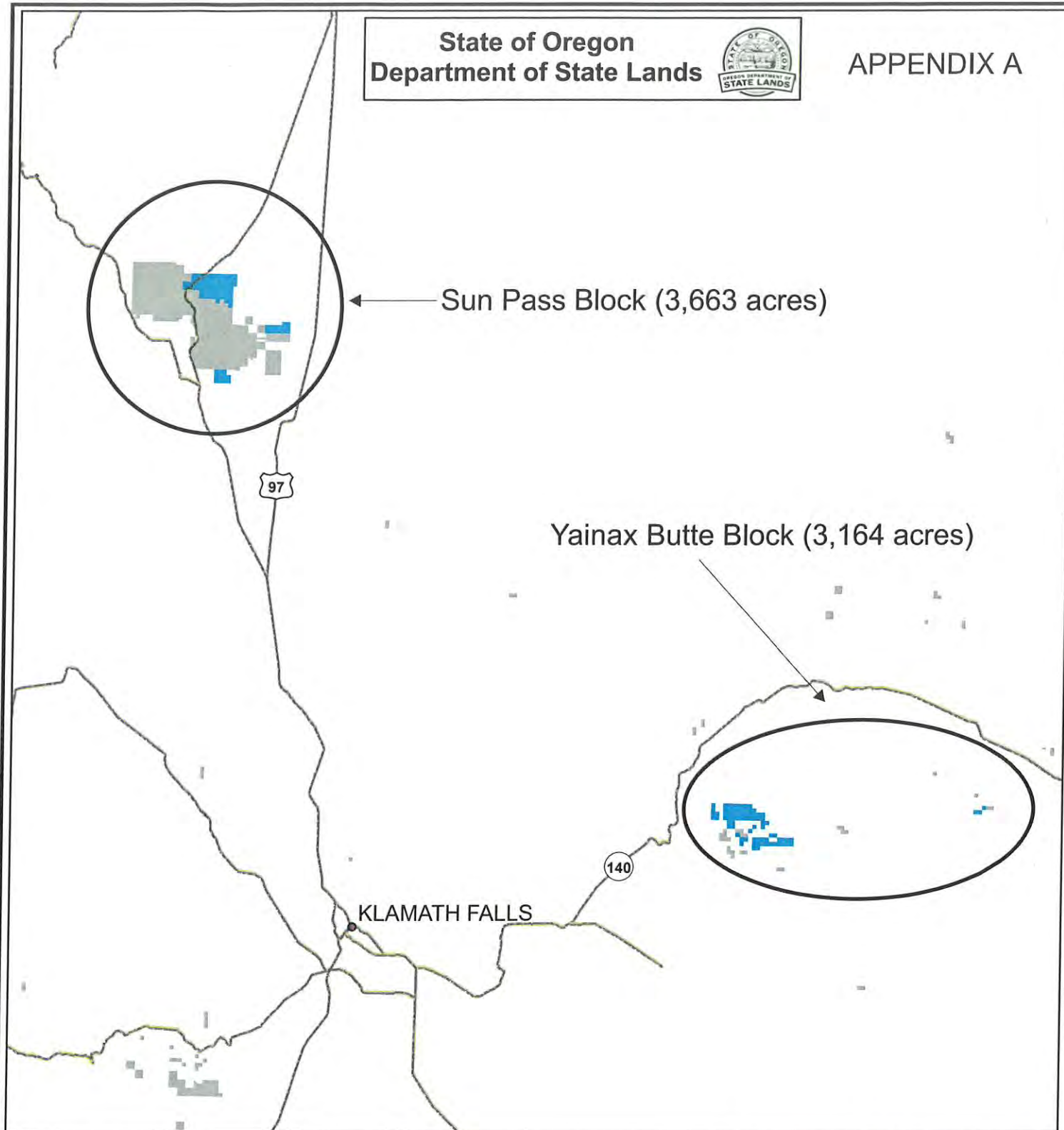
The Department recommends that the State Land Board approve decertifying the remaining 1,920 acres of the Sun Pass tract within the Oregon Department of Forestry's Klamath District, to be effective July 1, 2024.

APPENDICES

Appendix A – Map of Klamath District parcels

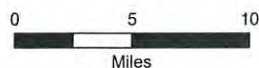
Appendix B – Map of Sun Pass parcels

Appendix C – Table of Klamath District parcels for second decertification



Appendix A - Klamath District Map

- DSL Ownership
- ODF Ownership
- Highways



State of Oregon
Department of State Lands
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Salem, OR 97301
503-986-5200
www.oregon.gov/DSL

Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet

Date: 3/11/2024

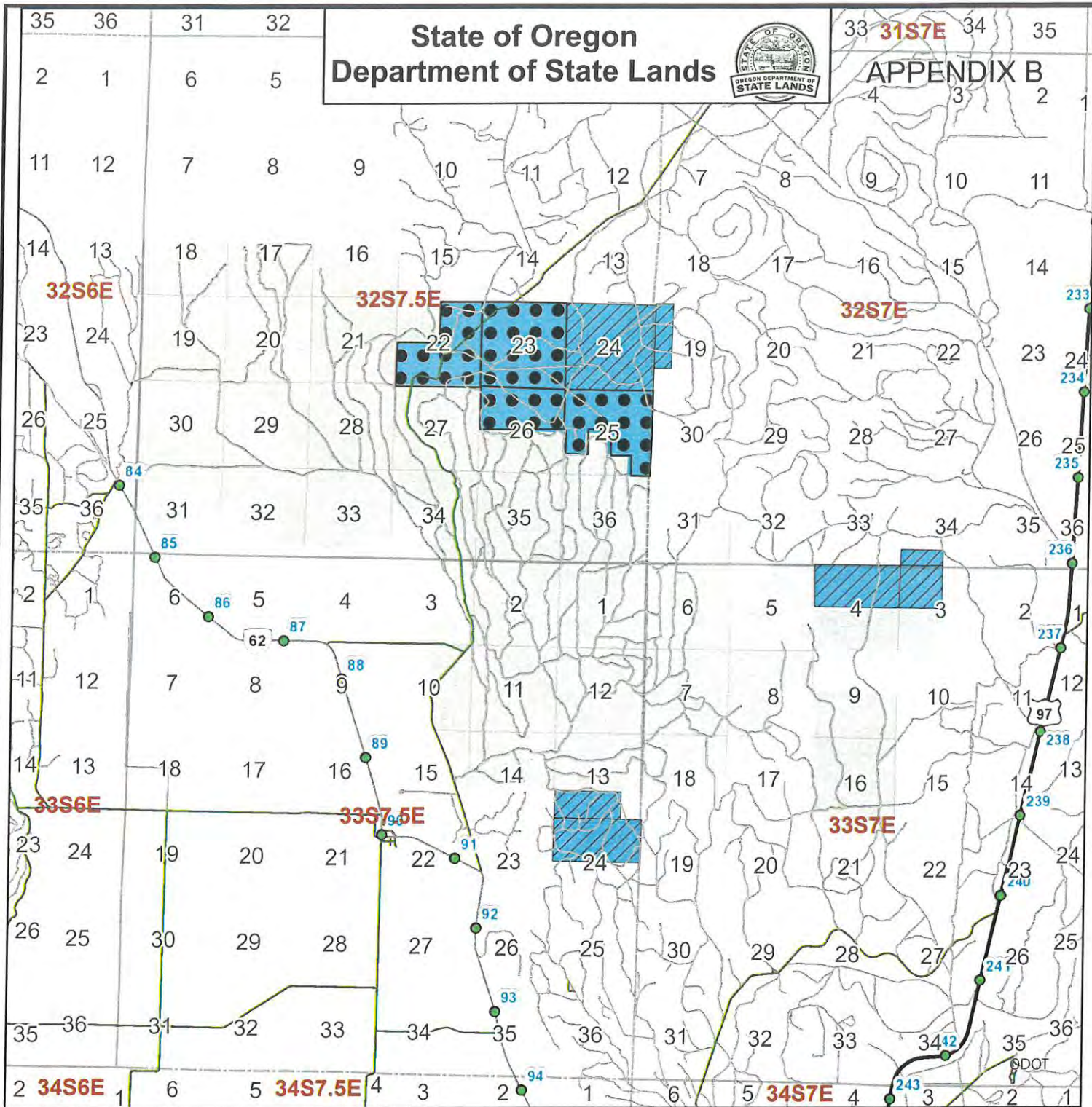


This map depicts the approximate location and extent of a Department of State Lands Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

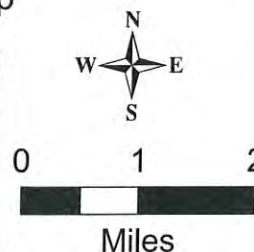
State of Oregon Department of State Lands



APPENDIX B



Appendix B - Sun Pass Map



State of Oregon
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775 Summer St NE, Suite 100
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www.oregon.gov/DSL
Map Projection:
Oregon Statewide Lambert
Datum NAD83
International Feet
Date: 3/11/2024

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Appendix C: Klamath District Parcels for Second Decertification

Department of State Lands forestland parcels in the Sun Pass tract proposed for decertification.

DSL Parcel #	Taxlot	TS	Range	Section	Legal	Acres*	Tract
1887	00501	32S	07.5E	23	ALL	640.00	Sun Pass
2025	00501	32S	07.5E	22	NE4, S2	480.00	Sun Pass
2342	00501	32S	07.5E	26	N2	320.00	Sun Pass
2368	00501	32S	07.5E	25	NW, NW4SW4, N2SE4, SE4SE4	480.00	Sun Pass
TOTAL						1920.00	

*Acres are compiled from the Oregon Department of Forestry's 2023 Common School Fund Forestlands report presented at the February 13, 2024 State Land Board meeting: <https://www.oregon.gov/dsl/Pages/state-land-board.aspx>

**BEFORE THE OREGON
BOARD OF FORESTRY**

In the Matter of the Redesignations and)	ORDER
Decertification of 1,920 acres in Klamath-Lake)	REDESIGNATION OF
District as Common School Forest Lands)	COMMON SCHOOL FOREST LANDS

WHEREAS, ORS 530.460, 530.470 and 530.480 provide a process for identifying, certifying and decertifying Common School Forest Lands (“CSFL”), which are primarily suited for growing timber and other forest products; and

WHEREAS, by separate resolution each board is required to so designate and set aside such lands;

WHEREAS, ORS 530.470(2) states that any lands so designated and set aside may, at any time, be returned to their original status by similar actions of said agencies, if said lands are to be used for higher and better use for the general public, including the sale of said lands where lawful;

WHEREAS, on April 9, 2024, the State Land Board voted to remove 1,920 acres, more or less, from designation as CSFL located in in the Oregon Department of Forestry’s (“ODF”) Klamath-Lake District, and decertify the same pursuant to the Interagency Agreement between the Department of State Lands (“DSL”) and ODF concerning management of those lands by ODF, effective July 1, 2024;

WHEREAS, in order to ensure all necessary statutory actions have been completed by both Boards, the Board of Forestry finds it proper to adopt a concurring resolution and order removing these same lands from designation as CSFL, and decertifying these same 1,920 acres from those held as CSFL under ODF’s management, effective July 1, 2024.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the 1,920 acres of forestland parcels identified in the DSL Staff Report to the State Land Board of April 9, 2024, Appendices A through C, previously ordered to be redesignated and decertified by the State Land Board on April 9, 2024 (effective July 1, 2024), are also ordered by this Board to be removed from designation as CSFL and also decertified by this Board pursuant to ORS 530.470(2) and returned to their original status effective July 1, 2024. The DSL Staff Report, Appendices A through C are attached hereto and incorporated by reference.

The State Forester, as Secretary of this board, is directed to send a copy of this Resolution and Order to the Director of DSL and the Oregon Secretary of State and ensure that the Interagency Agreement between DSL and ODF is amended to reflect the removal of these acres from ODF’s management responsibility.

Adopted by the Board of Forestry at its meeting on _____.

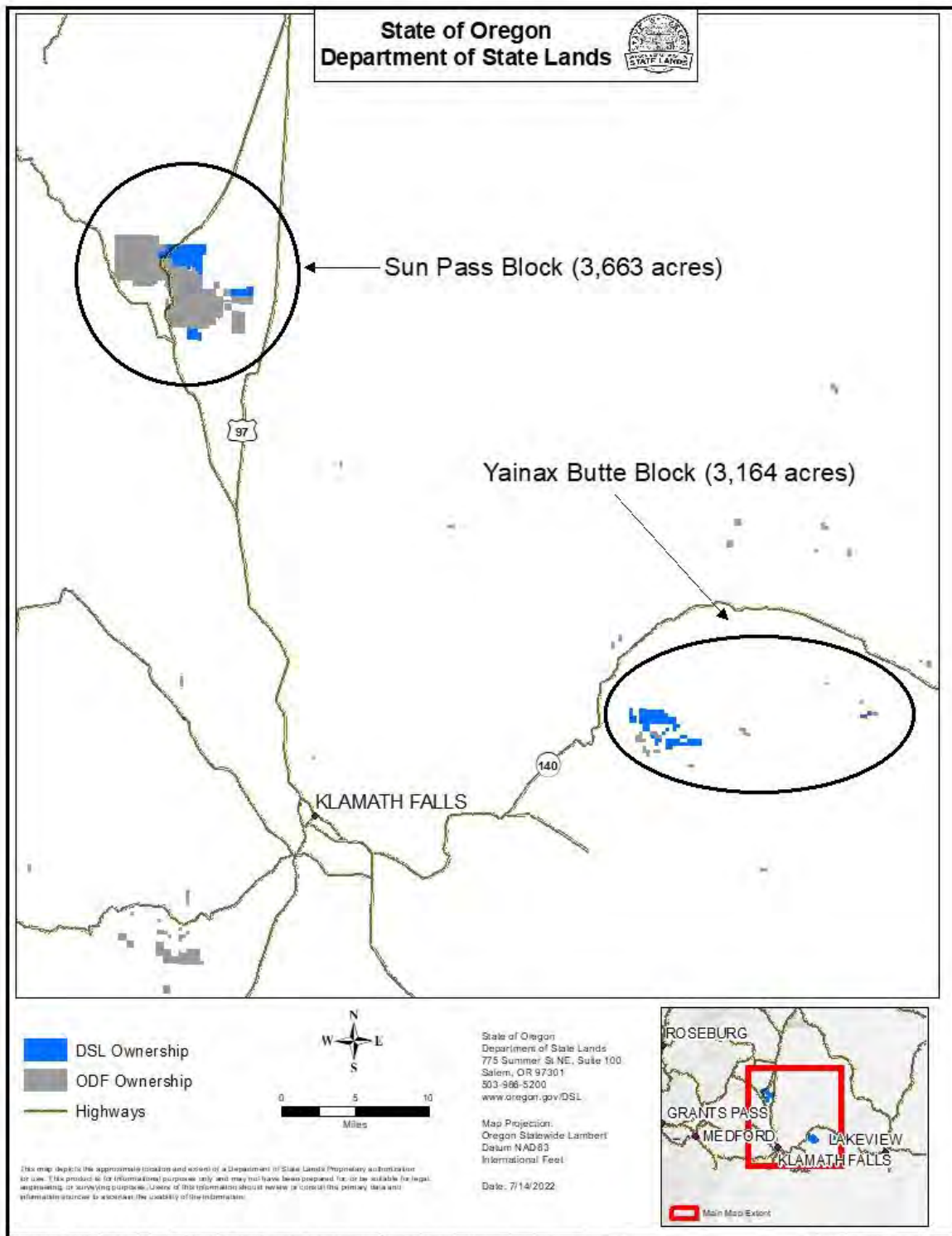
State Board of Forestry:

Cal Mukumoto, Secretary

Date

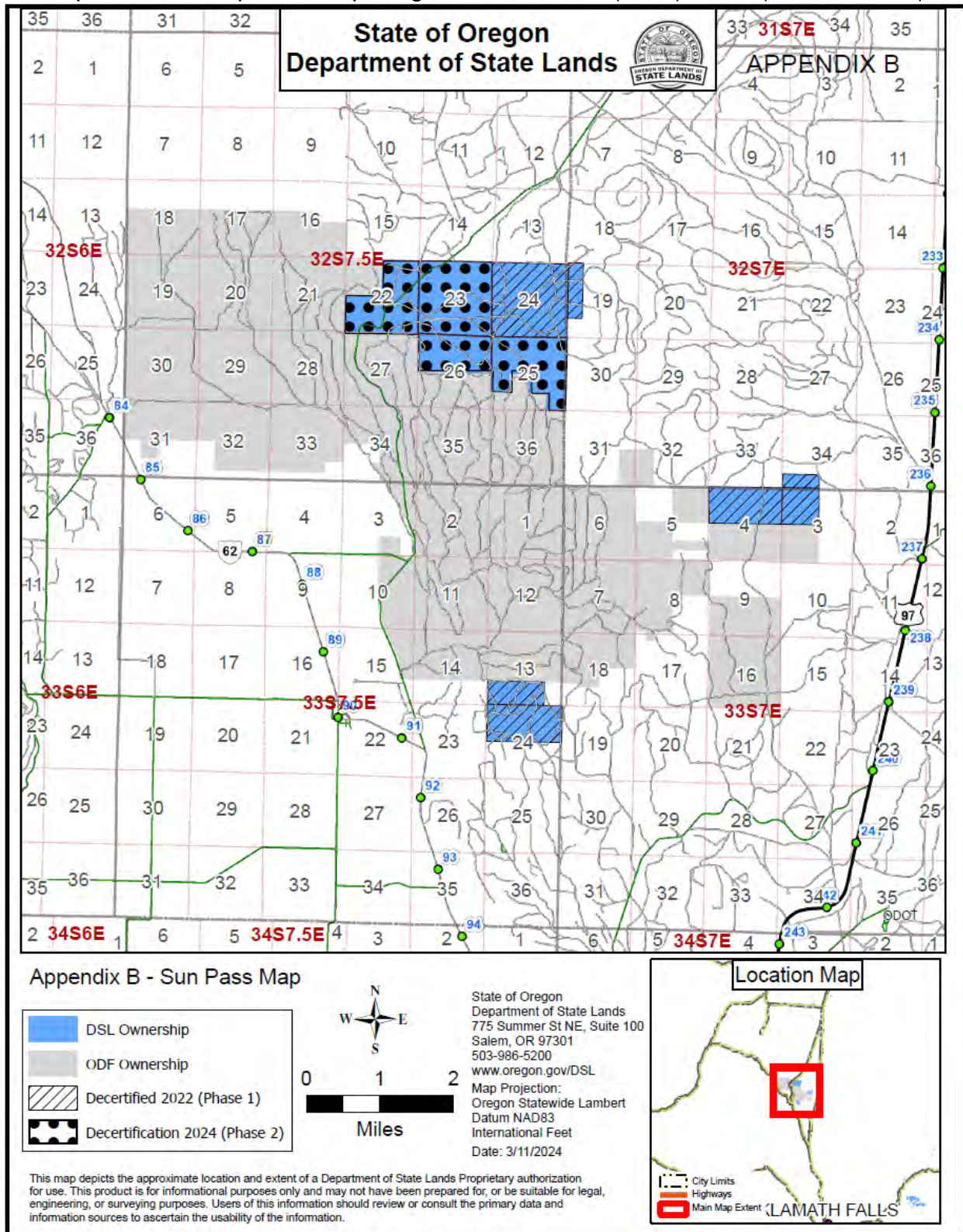
APPENDIX A

Map of Klamath District parcels showing total 2023 and 2024 decertifications in blue.



APPENDIX B

Map of Sun Pass parcels depicting decertification 1 (2023) and 2 (current action).



Appendix C: Klamath District Parcels for Second Decertification

Department of State Lands forestland parcels in the Sun Pass tract proposed for decertification.

DSL Parcel #	Taxlot	TS	Range	Section	Legal	Acres*	Tract
1887	00501	32S	07.5E	23	ALL	640.00	Sun Pass
2025	00501	32S	07.5E	22	NE4, S2	480.00	Sun Pass
2342	00501	32S	07.5E	26	N2	320.00	Sun Pass
2368	00501	32S	07.5E	25	NW, NW4SW4, N2SE4, SE4SE4	480.00	Sun Pass
TOTAL						1920.00	

*Acres are compiled from the Oregon Department of Forestry's 2023 Common School Fund Forestlands report presented at the February 13, 2024 State Land Board meeting: <https://www.oregon.gov/dsl/Pages/state-land-board.aspx>

STAFF REPORT

Agenda Item No.:	I
Work Plan:	Fire Protection
Topic:	Certified Burn Manager and Prescribed Fire Liability Fund
Presentation Title:	Proposed Rulemaking
Date of Presentation:	June 6, 2024
Contact Information:	Chris Cline, (Interim) Chief – Fire Protection 541-505-4521, Christopher.L.Cline@odf.oregon.gov Tim Holschbach, Deputy Chief – Policy & Planning 503-945-7434, Tim.J.Holschbach@odf.Oregon.gov

SUMMARY

The purpose of this agenda item is to seek approval from the Board of Forestry (Board) to hold public hearings regarding amending the administrative rules of the Certified Burn Manager Program and promulgate of administrative rules for the Prescribed Fire Liability Pilot Program in Oregon Administrative Rule 629-042.

BACKGROUND

The Governor’s Council on Wildfire Response offered 37 recommendations to improve Oregon’s wildfire protection system. Many of the recommendations required legislative action to be carried out.

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

Furthermore, Senate Bill 80 in the 2023 Legislative session modified the Certified Burn Manager program, and also directed the Oregon Department of Forestry to establish, in coordination with the Department of Consumer and Business Services (DCBS), a Prescribed Fire Liability Pilot Program. House Bill 4016 in the 2024 Legislative session provided additional clarification as to the Prescribed Fire Liability program details.

CONTEXT

Senate Bill 80 expanded the applicable lands that Certified Burn Managers could be utilized, from originally lands designated as forestland under ORS 526.005(6) to all lands within a forest protection district. This expansion of program scope, as well as technical adjustments identified with practitioners, training providers, and the Certified Burn Manager Advisory committee are included.

Draft rules for the Prescribe Fire Liability Pilot Program were collaboratively developed, as directed by the legislation, utilizing a rules advisory committee, an internal workgroup, DCBS and various other resources.

ANALYSIS

Certified Burn Manager Program

This section is intended to provide a basis for the amended and proposed, and were based on the use of objective, scientific, quantifiable data as the cornerstone of the recommendation and decision-making.

629-042-1005 - Definitions

This rule change is intended to align with the change of geographic scope change, and also clarify the purpose of the certification book, and alignment of the definition of prescribed burning with OAR 629-042-2005.

629-042-1030 – Tests

This rule change is intended to streamline the appeals process for a failed exam to align with the Administrative Procedures Act requirements.

629-042-1050 – Limitation on the use of Certified Burn Managers

This rule change is intended to account for the increased geographic scope of the Certified Burn Manager program.

629-042-1065 – Training Providers

This rule change is intended to clarify the duality of requirements, of teaching adults and practical experience in the subject matter.

Prescribed Fire Liability Pilot Program

629-042-2000 -- Purpose

The purpose of OAR 629-042-2005 to 629-042-2040 is to set forth the standards, requirements, and procedures by which the Prescribed Fire Liability Program pilot program will be operated, pursuant to Chapter 611, Oregon Laws, Sections 14 through 17.

629-042-2005 - Definitions

The definitions proposed for this rule division are to provide clarification and context that was not clear in the law. Many of the proposed definitions provide clarification for terminology for implementation of the Prescribed Fire Liability Pilot Program.

629-042-2010 - Enrollment

This rule is intended to clarify the Prescribed Fire Liability Pilot Program enrollment requirements and parameters.

629-042-2015 - Damages

This rule is intended to clarify what damages may be considered eligible or ineligible with the program.

629-042-2020 – Claim Eligibility Requirements

The intent of this rule is to establish and clarify the claim eligibility requirements.

629-042-2030 – Claim Considerations

This rule is intended to clarify what claims may be considered for reimbursement purposes.

629-042-2040 – Incident Report Requirements

This rule is intended to establish what is required within the Incident Report.

RECOMMENDATION

The Board directs the Department to proceed with the public hearing process and return in September 2024 with draft rule language for Chapter 629, Division 42.

NEXT STEPS

- Pending the Board of Forestry's direction, the Department will schedule and hold public hearings.
- Following public input, the Department will return to the Board requesting promulgation of the rules.

RULE REVIEW TIMELINE

June 06, 2024 – Department presents proposed rules to the Board to seek permission to conduct public hearings.

June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State. Notify legislators and interested parties.

July 2024 – Conduct public hearings.

Sept 05, 2024 – Department submits final rule draft with public comments to Board for consideration and approval.

Sept 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing. Effective date October 1, 2024.

ATTACHMENTS

- (1) Certified Burn Manager administrative rule modifications – track changes
- (2) Certified Burn Manager administrative rule modifications
- (3) Proposed Prescribed Fire Liability Pilot Program administrative rules.

CERTIFIED BURN MANAGER ADMINISTRATIVE RULES

629-042-1005

Definitions

(1) The definitions set forth in ORS 526.005, ORS 477.001, and OAR 629-041-0005 shall apply to OAR Chapter 629, Division 042.

(2) The following words and phrases, when used in OAR Chapter 629, Division 042, shall mean the following:

(a) "Accreditation" means approval from the Forester to conduct and document training required by OAR 629-042-1065.

(b) "Certificate" means a Certified Burn Manager certificate issued by the Oregon Department of Forestry pursuant to ORS 526.360(3) and OAR 629-042-1015.

~~(c) "Certification book" means a publication provided by the Forester in which successful training required by OAR 629-042-1025(2) is documented.~~

~~(d)~~ "Certification period" means a period of five years, beginning on the date a certificate is issued.

~~(e)~~ "Certified Burn Manager" means an individual who has a current and valid certificate.

~~(f)~~ "Committee" means the Certified Burn Manager Advisory Committee.

~~(g)~~ "Dangerous or adverse situation" means conditions that are a significant deviation from a prescribed burn plan and resulting or has the potential to result in negative consequences, as determined by the professional judgement of the Forester or a Certified Burn Manager.

~~(h) "Forestland" is defined by ORS 526.005(6).~~

~~(i) "Field certification book" means a publication provided by the Forester in which successful operational field training required by OAR 629-042-1025(2) is documented.~~

~~(j)~~ "Forester" means the State Forester or authorized representative.

~~(k) "Prescribed burn", and "prescribed burning" and "prescribed fire" means the planned application and confinement of fire to wildland, rangeland or other vegetative fuels on lands selected in advance of that application. controlled application of fire, in accordance with the plan required by OAR 629-042-1040(1) and the conditions of a permit issued pursuant to ORS 477.625, to vegetative fuels, under specified environmental conditions, and following appropriate precautionary measures, which is intended to cause the burning to be confined to a predetermined area and accomplish specific land management objectives.~~

~~(l)~~ "Prescribed burn plan" is a plan prepared to conduct a prescribed burn, in accordance with OAR 629-042-1040(1).

(k) "Successfully completed" and "successful performance" means completion of a training requirement of OAR 629-042-1025, or a test required by OAR 629-042-1030, and which has been properly documented.

(m) "Training provider" means a certified instructor who is accredited to conduct and/or document training required by OAR 629-042-1065.

629-042-1020

Certified Burn Manager certification requirements. Application procedures.

Individuals applying for a Certified Burn Manager certificate shall provide to the State Forester's Representative:

- (1) A properly completed [field](#) certification book showing that the applicant has satisfactorily completed all training required by OAR 629-042-1025 and all tests required by OAR 629-042-1030; and
- (2) All fees required by OAR 629-042-1070.

629-042-1025

Certified Burn Manager certification requirements. Training.

(1) The Forester shall provide a [field](#) certification book. An applicant for a certificate must complete a [field](#) certification book prior to applying for an initial certificate, or applying for a new certificate if the applicant was issued a certificate which was not renewed pursuant to OAR 629-042-1015(7):

(a) Prior to receiving a [field](#) certification book, an individual shall submit documentation to the Forester of successful completion of:

- (A) Educational training that is provided by an approved training provider or the Forester; and
- (B) A test in accordance with OAR 629-042-1030 with a passing score.

(b) An applicant will not receive credit for educational training that was completed more than three years prior to the applicant's request for a [field](#) certification book. The Forester may waive this three-year limitation if the individual is applying for historical recognition.

(2) After verification of documentation required under 629-042-1025(1), the Forester shall issue the applicant a [field](#) certification book.

(a) The [field](#) certification book shall consist of field training that the applicant must complete, including:

- (A) General proficiencies;
- (B) Pile burning proficiencies; and
- (C) Broadcast burning proficiencies.

(b) To apply for a certificate to conduct pile burns, field training described in Sections 2(a)(A) and 2(a)(B) of this rule must be completed.

(c) To apply for a certificate to conduct pile burns and broadcast burns, all the field training described in the [field](#) certification book must be verified of completion with a signature by a Certified Burn Manager, by the Forester, or by a training provider in a [field](#) certification book.

(d) The [field](#) certification book will be valid for three years after the date of issuance by the Forester.

(e) The Forester will not accept documentation of field training which was completed more than three years prior to the date of application for a certificate. The Forester may waive this three-year limitation if the individual is applying for historical recognition.

(3) The Forester may consider educational and field training requirements completed prior to January 1, 2023 through historical recognition. In lieu of the initial training requirements of (1) and (2) above, an individual may submit to the Forester:

(a) A copy of a Prescribed Fire Burn Boss Type 2 Task Book which is complete. The Task Book shall indicate successful performance in the planning and implementation of prescribed fire; or

(b) Documentation that the individual holds a valid Certified Burn Manager certification in a state with comparable requirements to the State of Oregon; or

(c) Such evidence of experience as the Forester determines is equivalent to the initial training requirements of (1) and (2) above. The testing requirements of OAR 629-042-1030 shall still be required.

(4) An individual shall complete the following actions, prior to applying for a renewal of their certificate:

(a) An individual shall successfully complete sixteen hours of continuing education within the certification period. The continuing education must be related to prescribed burning and approved in advance by the Forester.

(A) The Forester may approve training presented in a classroom format, a conference format, a correspondence course format, or in another format the Forester determines is acceptable.

(B) The Forester will not accept educational training which was completed more than five years prior to the applicant's date of application for renewal of a certificate.

(b) An individual shall supervise one prescribed burn and participate in two additional prescribed burns during their certification period and prior to applying for a renewal.

629-042-1030

Certified Burn Manager certification requirements. Tests.

(1) The Forester:

(a) Shall provide for the development and administration of all tests required by this rule;

- (b) Shall establish a passing score for all tests required by this rule;
- (c) May not administer the same test to an individual more frequently than once every 30 calendar days; and
- (d) May not prohibit the use of written reference material by individuals taking tests.
- (2) Individuals taking tests required by this rule:
 - (a) Shall display an approved government issued picture identification to the Forester or authorized Training Provider, prior to taking a test; and
 - (b) Shall comply with all test taking requirements established by the Forester or authorized Training Provider.
- (3) Individuals shall successfully pass a test prior to requesting a field certification book from the Forester.
- (4) An individual who was unsuccessful in passing the test may ~~request that the Certified Burn Manager Advisory Committee review the decision, by submitting a request within 30 calendar days notification of the test result~~ appeal in accordance with ORS 183.484.
- ~~(a) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.~~

629-042-1035

Certified Burn Manager certificate investigation and revocation procedures

- (1) The Forester may investigate any reported or observed dangerous or adverse situations for which a Certified Burn Manager has been alleged to be responsible.
 - (a) Upon the receipt of an allegation under this rule, the Forester may:
 - (A) Investigate and prepare a written report; or
 - (B) Direct that a certified wildfire investigator to investigate, prepare a written report and forward it to the Forester for review and approval.
 - (b) Upon receipt of the written report required in (1)(a) above, the Forester shall determine as to whether the Certified Burn Manager was responsible for the reported dangerous or adverse situation.
 - (c) If the Forester determines that the Certified Burn Manager was responsible for a dangerous or adverse situation, the Forester shall determine as to whether the actions of the Certified Burn Manager constitute grounds to revoke the certification of the Certified Burn Manager.
- (2) The Forester may revoke a certificate if:
 - (a) A Certified Burn Manager has submitted false information pertaining to any aspect of the Burn

Manager program, such as, but not limited to, the entry of false information into a [field](#) certification book submitted to the Forester pursuant to OAR 629-042-1020;

(b) A Certified Burn Manager has been found to have violated ORS 477.515, 477.625, 477.720, 477.740, or OAR 629-043-0026(4);

(c) A Certified Burn Manager fails to comply with the required actions and activities set forth in OAR 629-042-1040; or

(d) A Certified Burn Manager terminated their responsibility for supervision of a prescribed burn in violation of OAR 629-042-1045(2).

(3) The Forester shall provide written notice to the Certified Burn Manager of the intent to revoke a certificate. The Forester may not revoke the certificate until after 30 calendar days from the date of notice.

(4) Certificate revocation review and appeals procedures.

(a) A Certified Burn Manager may request that the Certified Burn Manager Advisory Committee review a decision to revoke a certificate, by submitting a request within 30 calendar days after service of the written notice required by subsection (3) of this rule. Service is completed at the earlier of actual notice or depositing a properly addressed written notice in first class mail or sending an email to an address established by the Certified Burn Manager.

(b) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.

(c) Following completion of the review requested, the Certified Burn Manager Advisory Committee shall either affirm or withdraw the revocation by majority vote.

(d) The Forester or the Certified Burn Manager whose certificate has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).

(e) Any final resolution by the Board of the matter raised under section (4)(d) of this rule shall be prepared as a final order, and any further appeal of the Board's final action shall be as prescribed by ORS 183.484.

(5) An individual who has had their certification revoked is ineligible to apply for another certification for a period of 3 years from the date of revocation unless waived by the committee.

629-042-1050

Limitations on the use of Certified Burn Managers

A Certified Burn Manager shall only supervise:

(1) Prescribed burning activities as identified within an approved prescribed burn plan;

- (2) Prescribed burning for which they are certified to conduct; and
- (3) Prescribed burning ~~on forestland which is classified in accordance with ORS 526.328 or ORS 526.340~~conducted within a forest protection district, as identified in OAR 629-041-0500 to 629-041-0575.

629-042-1065

Training Provider Accreditation, Suspension, and Revocation

- (1) A training provider shall obtain accreditation from the Forester prior to conducting or documenting training required by OAR 629-042-1025.
- (2) To request accreditation, prospective training providers shall make application to the Forester and sign an accreditation agreement.
- (3) Training providers will not be considered accredited until the Forester reviews and approves their application.
- (4) Applications shall include, but will not be limited to:
 - (a) A list of the specific training, either initial, renewal, or both to be provided or documented; and
 - (b) Evidence the person has had at least two years ~~of total~~ experience ~~in either~~ teaching adults ~~or and also~~ two years of experience as a practitioner of working in the area of expertise covered by the specific training to be provided or documented.
- (5) Accreditation agreements shall include, but will not be limited to:
 - (a) A requirement to provide training using only curricula or course manuals approved by the Forester;
 - (b) A requirement to send all training completion records to the Forester within the period of time required by the Forester;
 - (c) A requirement to maintain training completion records for a minimum of six years;
 - (d) A requirement to document successful completion of a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 only for which they are accredited and for which they have personal knowledge that the person has properly completed the task being documented; and

(e) A requirement that no entry of false information be made into a [field](#) certification book to be submitted to the Forester.

(6) Temporary Suspension of documentation authority.

(a) The Forester may immediately suspend the documentation authority of a training provider at any time the Forester determines that the training provider has failed to comply with all requirements of the accreditation agreement. A training provider may appeal the temporary suspension of documentation authority in the same manner as section 7(c) of this rule.

(b) Within 30 calendar days of suspending the documentation authority of a training provider, the Forester must either initiate action to revoke the accreditation of the training provider or restore the documentation authority of the training provider.

(7) Revocation of accreditation

(a) The Forester may revoke the accreditation of a training provider at any time the Forester determines that the training provider has failed to comply with all requirements of the accreditation agreement.

(b) The Forester shall provide written notice to the training provider of the intent to revoke an accreditation. The Forester may not revoke an accreditation until after 30 calendar days from the date of notice.

(c) Accreditation revocation review and appeals procedures:

(A) A training provider may request that the Certified Burn Manager Advisory Committee review a decision to revoke an accreditation, by submitting a request within 30 calendar days after service of the written notice required by subsection (b) above. Service is completed at the earlier of actual notice, or depositing a properly addressed written notice in first class mail, or sending an email to an address established by the training provider,

(B) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.

(C) Following completion of the review requested, the Certified Burn Manager Advisory Committee shall either affirm or withdraw the revocation by majority vote.

(D) The Forester or the training provider whose accreditation has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).

(E) Any final resolution by the Board of the matter raised under section (7)(c) of this rule shall be prepared as a final order, and any further appeal of the Board's final action shall be as prescribed by ORS 183.484.

(8) Nothing in these rules creates a right for review of revocation of training provider accreditation for employees of the Oregon Department of Forestry.

CERTIFIED BURN MANAGER ADMINISTRATIVE RULES

629-042-1005

Definitions

- (1) The definitions set forth in ORS 526.005, ORS 477.001, and OAR 629-041-0005 shall apply to OAR Chapter 629, Division 042.
- (2) The following words and phrases, when used in OAR Chapter 629, Division 042, shall mean the following:
- (a) "Accreditation" means approval from the Forester to conduct and document training required by OAR 629-042-1065.
 - (b) "Certificate" means a Certified Burn Manager certificate issued by the Oregon Department of Forestry pursuant to ORS 526.360(3) and OAR 629-042-1015.
 - (c) "Certification period" means a period of five years, beginning on the date a certificate is issued.
 - (d) "Certified Burn Manager" means an individual who has a current and valid certificate.
 - (e) "Committee" means the Certified Burn Manager Advisory Committee.
 - (f) "Dangerous or adverse situation" means conditions that are a significant deviation from a prescribed burn plan and resulting or has the potential to result in negative consequences, as determined by the professional judgement of the Forester or a Certified Burn Manager.
 - (g) "Field certification book" means a publication provided by the Forester in which successful operational field training required by OAR 629-042-1025(2) is documented.
 - (h) "Forester" means the State Forester or authorized representative.
 - (i) "Prescribed burn" , "prescribed burning" and "prescribed fire" mean the planned application and confinement of fire to wildland, rangeland or other vegetative fuels on lands selected in advance of that application.
 - (j) "Prescribed burn plan" is a plan prepared to conduct a prescribed burn, in accordance with OAR 629-042-1040(1).
 - (k) "Successfully completed" and "successful performance" means completion of a training requirement of OAR 629-042-1025, or a test required by OAR 629-042-1030, and which has been properly documented.
 - (l) "Training provider" means a certified instructor who is accredited to conduct and/or document training required by OAR 629-042-1065.

629-042-1020

Certified Burn Manager certification requirements. Application procedures.

Individuals applying for a Certified Burn Manager certificate shall provide to the State Forester's Representative:

- (1) A properly completed field certification book showing that the applicant has satisfactorily completed all training required by OAR 629-042-1025 and all tests required by OAR 629-042-1030; and
- (2) All fees required by OAR 629-042-1070.

629-042-1025

Certified Burn Manager certification requirements. Training.

- (1) The Forester shall provide a field certification book. An applicant for a certificate must complete a field certification book prior to applying for an initial certificate, or applying for a new certificate if the applicant was issued a certificate which was not renewed pursuant to OAR 629-042-1015(7):
 - (a) Prior to receiving a field certification book, an individual shall submit documentation to the Forester of successful completion of:
 - (A) Educational training that is provided by an approved training provider or the Forester; and
 - (B) A test in accordance with OAR 629-042-1030 with a passing score.
 - (b) An applicant will not receive credit for educational training that was completed more than three years prior to the applicant's request for a field certification book. The Forester may waive this three-year limitation if the individual is applying for historical recognition.
- (2) After verification of documentation required under 629-042-1025(1), the Forester shall issue the applicant a field certification book.
 - (a) The field certification book shall consist of field training that the applicant must complete, including:
 - (A) General proficiencies;
 - (B) Pile burning proficiencies; and
 - (C) Broadcast burning proficiencies.
 - (b) To apply for a certificate to conduct pile burns, field training described in Sections 2(a)(A) and 2(a)(B) of this rule must be completed.
 - (c) To apply for a certificate to conduct pile burns and broadcast burns, all the field training described in the field certification book must be verified of completion with a signature by a Certified Burn Manager, by the Forester, or by a training provider in a field certification book.
 - (d) The field certification book will be valid for three years after the date of issuance by the Forester.
 - (e) The Forester will not accept documentation of field training which was completed more than three years prior to the date of application for a certificate. The Forester may waive this three-year limitation if the individual is applying for historical recognition.

(3) The Forester may consider educational and field training requirements completed prior to January 1, 2023 through historical recognition. In lieu of the initial training requirements of (1) and (2) above, an individual may submit to the Forester:

(a) A copy of a Prescribed Fire Burn Boss Type 2 Task Book which is complete. The Task Book shall indicate successful performance in the planning and implementation of prescribed fire; or

(b) Documentation that the individual holds a valid Certified Burn Manager certification in a state with comparable requirements to the State of Oregon; or

(c) Such evidence of experience as the Forester determines is equivalent to the initial training requirements of (1) and (2) above. The testing requirements of OAR 629-042-1030 shall still be required.

(4) An individual shall complete the following actions, prior to applying for a renewal of their certificate:

(a) An individual shall successfully complete sixteen hours of continuing education within the certification period. The continuing education must be related to prescribed burning and approved in advance by the Forester.

(A) The Forester may approve training presented in a classroom format, a conference format, a correspondence course format, or in another format the Forester determines is acceptable.

(B) The Forester will not accept educational training which was completed more than five years prior to the applicant's date of application for renewal of a certificate.

(b) An individual shall supervise one prescribed burn and participate in two additional prescribed burns during their certification period and prior to applying for a renewal.

629-042-1030

Certified Burn Manager certification requirements. Tests.

(1) The Forester:

(a) Shall provide for the development and administration of all tests required by this rule;

(b) Shall establish a passing score for all tests required by this rule;

(c) May not administer the same test to an individual more frequently than once every 30 calendar days; and

(d) May not prohibit the use of written reference material by individuals taking tests.

(2) Individuals taking tests required by this rule:

(a) Shall display an approved government issued picture identification to the Forester or authorized Training Provider, prior to taking a test; and

(b) Shall comply with all test taking requirements established by the Forester or authorized Training Provider.

(3) Individuals shall successfully pass a test prior to requesting a field certification book from the Forester.

(4) An individual who was unsuccessful in passing the test may appeal in accordance with ORS 183.484.

629-042-1035

Certified Burn Manager certificate investigation and revocation procedures

(1) The Forester may investigate any reported or observed dangerous or adverse situations for which a Certified Burn Manager has been alleged to be responsible.

(a) Upon the receipt of an allegation under this rule, the Forester may:

(A) Investigate and prepare a written report; or

(B) Direct that a certified wildfire investigator to investigate, prepare a written report and forward it to the Forester for review and approval.

(b) Upon receipt of the written report required in (1)(a) above, the Forester shall determine as to whether the Certified Burn Manager was responsible for the reported dangerous or adverse situation.

(c) If the Forester determines that the Certified Burn Manager was responsible for a dangerous or adverse situation, the Forester shall determine as to whether the actions of the Certified Burn Manager constitute grounds to revoke the certification of the Certified Burn Manager.

(2) The Forester may revoke a certificate if:

(a) A Certified Burn Manager has submitted false information pertaining to any aspect of the Burn Manager program, such as, but not limited to, the entry of false information into a field certification book submitted to the Forester pursuant to OAR 629-042-1020;

(b) A Certified Burn Manager has been found to have violated ORS 477.515, 477.625, 477.720, 477.740, or OAR 629-043-0026(4);

(c) A Certified Burn Manager fails to comply with the required actions and activities set forth in OAR 629-042-1040; or

(d) A Certified Burn Manager terminated their responsibility for supervision of a prescribed burn in violation of OAR 629-042-1045(2).

(3) The Forester shall provide written notice to the Certified Burn Manager of the intent to revoke a certificate. The Forester may not revoke the certificate until after 30 calendar days from the date of notice.

(4) Certificate revocation review and appeals procedures.

(a) A Certified Burn Manager may request that the Certified Burn Manager Advisory Committee review a decision to revoke a certificate, by submitting a request within 30 calendar days after service of the written notice required by subsection (3) of this rule. Service is completed at the earlier of actual notice or

depositing a properly addressed written notice in first class mail or sending an email to an address established by the Certified Burn Manager.

(b) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.

(c) Following completion of the review requested, the Certified Burn Manager Advisory Committee shall either affirm or withdraw the revocation by majority vote.

(d) The Forester or the Certified Burn Manager whose certificate has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).

(e) Any final resolution by the Board of the matter raised under section (4)(d) of this rule shall be prepared as a final order, and any further appeal of the Board's final action shall be as prescribed by ORS 183.484.

(5) An individual who has had their certification revoked is ineligible to apply for another certification for a period of 3 years from the date of revocation unless waived by the committee.

629-042-1050

Limitations on the use of Certified Burn Managers

A Certified Burn Manager shall only supervise:

- (1) Prescribed burning activities as identified within an approved prescribed burn plan;
- (2) Prescribed burning for which they are certified to conduct; and
- (3) Prescribed burning conducted within a forest protection district, as identified in OAR 629-041-0500 to 629-041-0575.

629-042-1065

Training Provider Accreditation, Suspension, and Revocation

(1) A training provider shall obtain accreditation from the Forester prior to conducting or documenting training required by OAR 629-042-1025.

(2) To request accreditation, prospective training providers shall make application to the Forester and sign an accreditation agreement.

(3) Training providers will not be considered accredited until the Forester reviews and approves their application.

(4) Applications shall include, but will not be limited to:

- (a) A list of the specific training, either initial, renewal, or both to be provided or documented; and

(b) Evidence the person has had at least two years of experience in teaching adults and also two years of experience as a practitioner of the specific training to be provided or documented.

(5) Accreditation agreements shall include, but will not be limited to:

(a) A requirement to provide training using only curricula or course manuals approved by the Forester;

(b) A requirement to send all training completion records to the Forester within the period of time required by the Forester;

(c) A requirement to maintain training completion records for a minimum of six years;

(d) A requirement to document successful completion of a training requirement of OAR 629-042-1025 or a test required by OAR 629-042-1030 only for which they are accredited and for which they have personal knowledge that the person has properly completed the task being documented; and

(e) A requirement that no entry of false information be made into a field certification book to be submitted to the Forester.

(6) Temporary Suspension of documentation authority.

(a) The Forester may immediately suspend the documentation authority of a training provider at any time the Forester determines that the training provider has failed to comply with all requirements of the accreditation agreement. A training provider may appeal the temporary suspension of documentation authority in the same manner as section 7(c) of this rule.

(b) Within 30 calendar days of suspending the documentation authority of a training provider, the Forester must either initiate action to revoke the accreditation of the training provider or restore the documentation authority of the training provider.

(7) Revocation of accreditation

(a) The Forester may revoke the accreditation of a training provider at any time the Forester determines that the training provider has failed to comply with all requirements of the accreditation agreement.

(b) The Forester shall provide written notice to the training provider of the intent to revoke an accreditation. The Forester may not revoke an accreditation until after 30 calendar days from the date of notice.

(c) Accreditation revocation review and appeals procedures:

(A) A training provider may request that the Certified Burn Manager Advisory Committee review a decision to revoke an accreditation, by submitting a request within 30 calendar days after service of the written notice required by subsection (b) above. Service is completed at the earlier of actual notice, or depositing a properly addressed written notice in first class mail, or sending an email to an address established by the training provider,

- (B) The Certified Burn Manager Advisory Committee shall conduct the requested review at its next scheduled meeting after the receipt of a request for review.
- (C) Following completion of the review requested, the Certified Burn Manager Advisory Committee shall either affirm or withdraw the revocation by majority vote.
- (D) The Forester or the training provider whose accreditation has been revoked may appeal the decision of the Certified Burn Manager Advisory Committee to the Board of Forestry, in the same manner as appeals under ORS 477.260(2).
- (E) Any final resolution by the Board of the matter raised under section (7)(c) of this rule shall be prepared as a final order, and any further appeal of the Board's final action shall be as prescribed by ORS 183.484.
- (8) Nothing in these rules creates a right for review of revocation of training provider accreditation for employees of the Oregon Department of Forestry.

629-042-2000

Purpose

The purpose of OAR 629-042-2005 to 629-042-2040 is to set forth the standards, requirements, and procedures by which the Prescribed Fire Liability Program pilot program will be operated, pursuant to Chapter 611, Oregon Laws, Sections 14 through 17.

629-042-2005

Definitions

- (1) Claimant means a party that:
 - (a) has incurred economic or property damages in accordance with ORS 477.069; or
 - (b) is the State Forester or forest protective association that has borne recoverable suppression expenses in accordance with ORS 477.068 or ORS 477.120.
- (2) “Fund” means the Prescribed Fire Liability Fund established by Chapter 611, Section 15, Oregon Laws 2023.
- (3) “Prescribed burn”, “prescribed burning” and “prescribed fire” mean the planned application and confinement of fire to wildland, rangeland or other vegetative fuels on lands selected in advance of that application.

629-042-2010

Enrollment

Prior to burning, Prescribed Fire or Cultural Burn liability coverage requests must be enrolled on the Oregon Prescribed Fire Liability website.

- (1) Enrollment does not guarantee fund availability.
- (2) Enrollment may be limited based on fund availability.
- (3) The enrollment period begins on July 1 of each year and ends on June 30 of the following year.
Projects not completed during the enrollment period must be re-enrolled as a new project on or after July 1 to be considered active.
- (4) Prescribed Fire Liability website must be updated as “completed” no later than 7 calendar days after completion.

629-042-2015

Damages

- (1) Damages eligible for a claim include:
 - (a) Economic and property damage that occurs outside of a planned burn unit;
 - (b) Property (real and personal) damage, personal injury and death, and some forms of smoke damages;
 - (c) Smoke damage to real property, other than to agricultural or natural resources, are eligible for coverage, as are damages, losses, physical injury, or death resulting from vehicle accidents solely caused by smoke; or
 - (d) recoverable suppression expenses incurred by the State Forester or forest protective association that in accordance with ORS 477.068 or ORS 477.120.
- (2) Damages ineligible for a claim include:
 - (a) Smoke damage to agricultural crops or natural resources;

- (b) Claims within the planned boundary for trees, carbon stocks or other assets that are within the burn unit boundary; or
- (c) Damages resulting from a Prescribed fire or Cultural Burn activities not enrolled prior to burning.

629-042-2020

Claim Eligibility Requirements

- (1) Prescribed Fire or Cultural Burn liability was reserved on the Oregon Prescribed Fire Liability website.
- (2) Claims must be submitted within 14 days of discovery of damage.
- (3) Discovery of damage must occur within the burn period for which the Prescribed Fire or Cultural Burn was enrolled, or within 45 days of burning; whichever is greater.
- (4) The claim was submitted by an eligible claimant.

629-042-2030

Claim Considerations

- (1) Claims must be submitted in the manner indicated on the Oregon Prescribed Fire Liability website.
- (2) Claims may be denied based on criteria established pursuant to Chapter 611, 2023 Oregon Laws.
- (3) Claims that have been denied may be resubmitted with corrected information provided it is still within the original 14-day submission deadline.
- (4) Claims submitted after the 14-day deadline may not be considered for reimbursement.

629-042-2040

Incident Report Requirements

Incident Report conducted by or on behalf of the Department must indicate that:

- (1) Incident was not a result of willful, malicious, or negligent in the origin or subsequent spread.
- (2) All necessary and appropriate burn plans, permits, and provisions were in place.
Prescribed fire or Cultural burn criteria met pursuant to Chapter 611, 2023 Oregon Laws Sections 14 (5)(a), including confirmation of Certified Burn Manager status if that criterion is utilized to establish eligibility.

STAFF REPORT

Agenda Item No.:	J
Work Plan:	Fire Protection
Topic:	Ongoing Topic; Fire Season Readiness and Forecast
Presentation Title:	2024 Fire Season Outlook and Readiness Report
Date of Presentation:	June 6, 2024
Contact Information:	Chris Cline, (Interim) Fire Protection Division Chief 541-505-4521, Christopher.L.Cline@odf.oregon.gov Ron Graham, Deputy Chief of Operations – Fire Protection 971-718-6862, Ron.Graham@odf.oregon.gov

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. This staff report includes the current weather forecast and fire season outlook, ongoing coordination and state of readiness, an up-to-date fire season status report, and the prevention plan for 2024.

CONTEXT

Traditionally this content is provided as a presentation, but it has been broken down in this staff report. The presentation is attached for further reference. In 2024 so far, ODF and Association resources assisted the State of Texas with initial attack engines and fire line leadership. The Department assisted the City of Eugene with an Incident Management Team Command and General Staff, and fuels mitigation crew for ice storm damage.

Weather Forecast and Fire Season Outlook:

- Snowpack and drought recovery encouraging
- Indicators point to normal start to fire season, not trending to early increased significant fire potential
- El Niño waning, but effects may linger
- Potential for instability, thunderstorms, and lightning
- Reduced potential for very strong heat waves
- Forecasted warmer and drier than normal fire season
- Significant fire potential forecast accounts for fire history from similar ENSO transition years
- Continue to monitor fuel moistures and weather forecasts

Fire Season Readiness:

- Coordination with federal, state, local and international agencies are up to date
- Renewing state to state agreements with New Mexico and Minnesota
- Finalizing a new state to state agreement with California and working to add Florida
- Northwest Forest Fire Compact will be adding State of Hawaii
- Incident Resource Agreements are in place for crews, engines heavy equipment and other resources
- 3 Incident Management Teams staffed and on rotation
- Multi Mission Aircraft repaired and in service in June
- 50+ aviation companies on Call When Needed agreements

- Severity Program contracts renewed for the 2024 Fire Season with some changes listed below:
 - 2 seats in Roseburg did not renew
 - 1 seat in EOA did not renew
 - No Large Airtanker Contract
 - Adding 2 Type 1 Helicopters to replace and stay within budget
- Landowners provide annually (approximately) 640 trained personnel and 445 pieces of equipment.
- Resources from 12 ODF Districts across the state consist of 200 engines, 400 firefighters, 15 large bulldozers, multiple look-outs and dispatchers.

ODF Fire Statistics:

As of May 02, 2024:

- 38 statistical Fires for 104 protected acres burned
- 0 Lightning caused fires
- Key Performance Measure of keeping fires 10 acres or less- 95%
- 42% less fires, 78% less acres burned

Prevention Plan:

Debris burning, equipment use, and campfires remain to be the top human causes for Wildfire in Oregon. The Department is continuing to provide year-round wildfire prevention messaging through social media, attending public events, and collaborating with partners on multiple prevention related material. This year the Department has partnered with Keep Oregon Green on several public service announcements on debris burning, campfire safety, vehicle maintenance, dragging tow chains, checking the conditions and not the calendar, “know before you go” and a debris burning animation.

The Department collaborated with Keep Oregon Green, Oregon State Fire Marshal, Oregon Department of Emergency Management, and Oregon State University to provide a robust Wildfire Awareness Month campaign focusing on the top three human causes of wildfire in Oregon. Collaboration efforts are also ongoing with Keep Oregon Green and the Oregon State Fire Marshall for an update to the Oregon Wildfire Preparedness Flip Guide. The Oregon Department of Transportation will continue to be a partner to provide public service announcements on reader boards during time of extreme fire danger throughout the state.

The beginning phase of creating a statewide debris burning website and app for educating the public about debris burning and to streamline the burning permit process for any location in the state started last year. Deschutes, Jackson, Josephine, Klamath, and Yamhill counties will be the pilot counties with an expected launch this fall. This pilot project was funded by a federal grant.

Two separate prevention campaigns will be airing through KATU and KOIN media outlets. These will be 3-month campaigns running from mid-June to late September. These will cover the footprint of the entire state through social media, local news outlets, streaming services, and the weather channel. Both campaigns will direct viewers to the Departments restrictions webpage.

ATTACHMENTS

- 1) 2024 Fire Season Outlook Power point

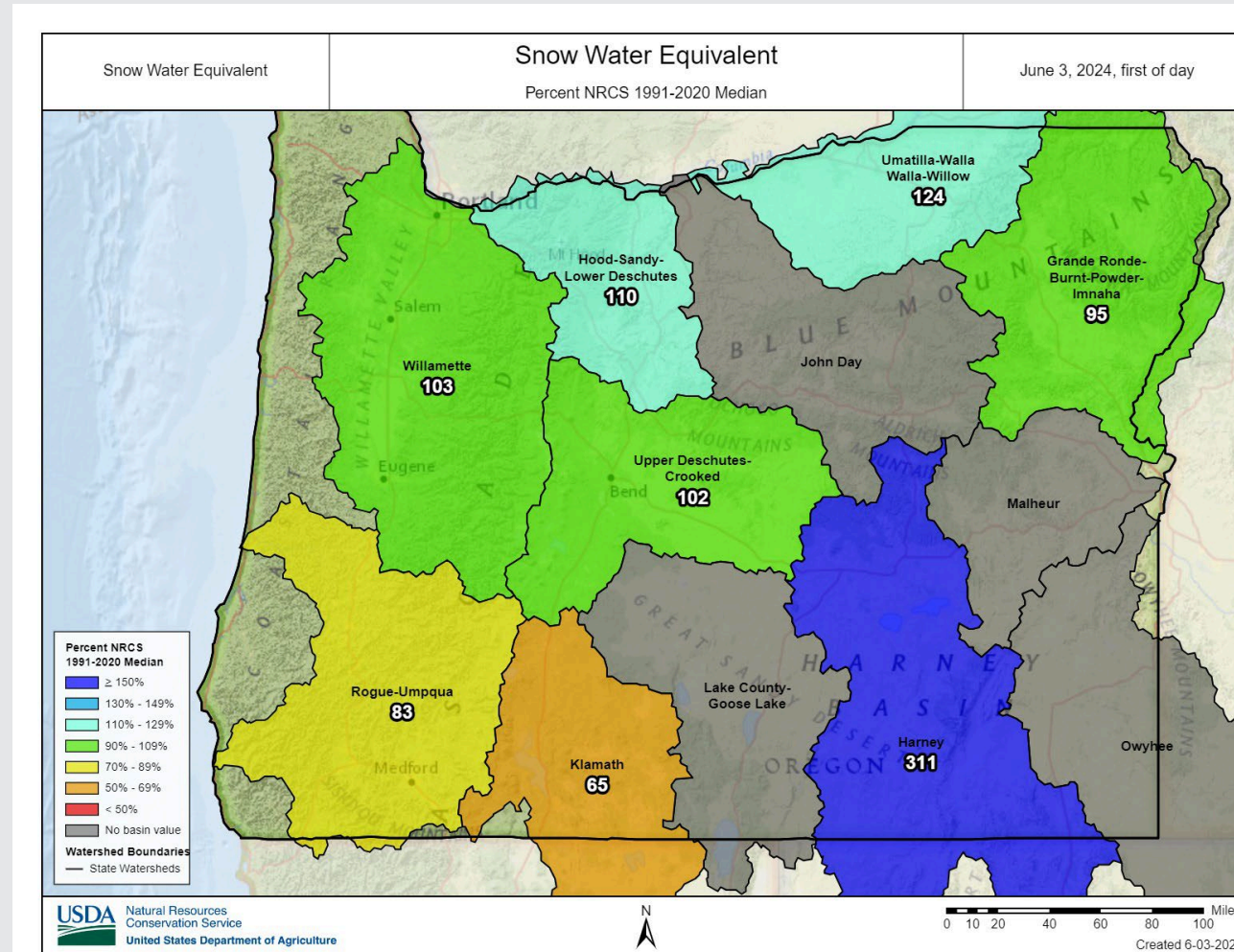
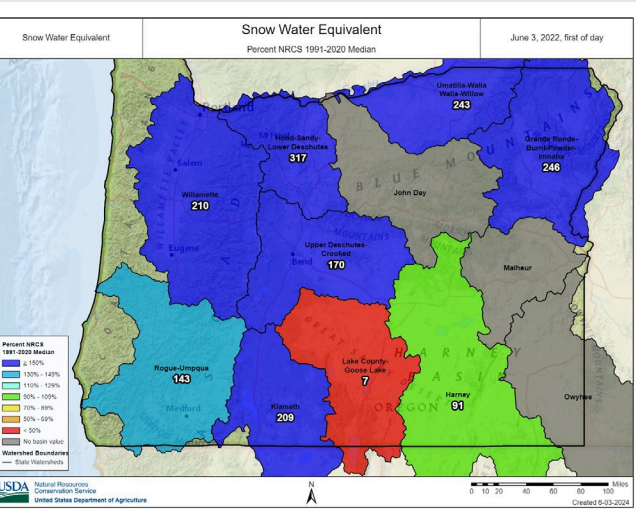
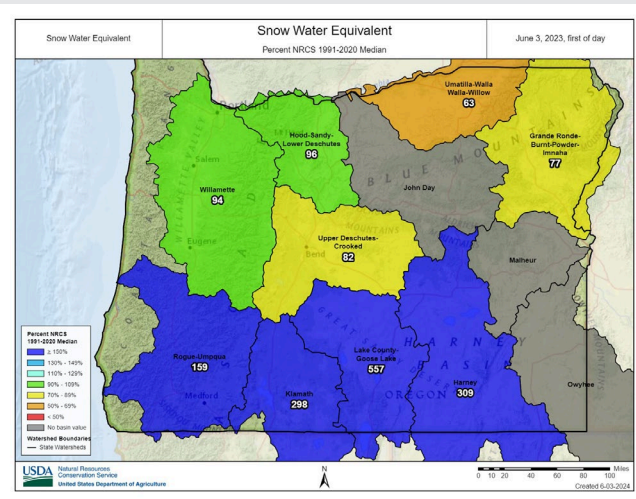
2024 Fire Season Readiness

Board of Forestry

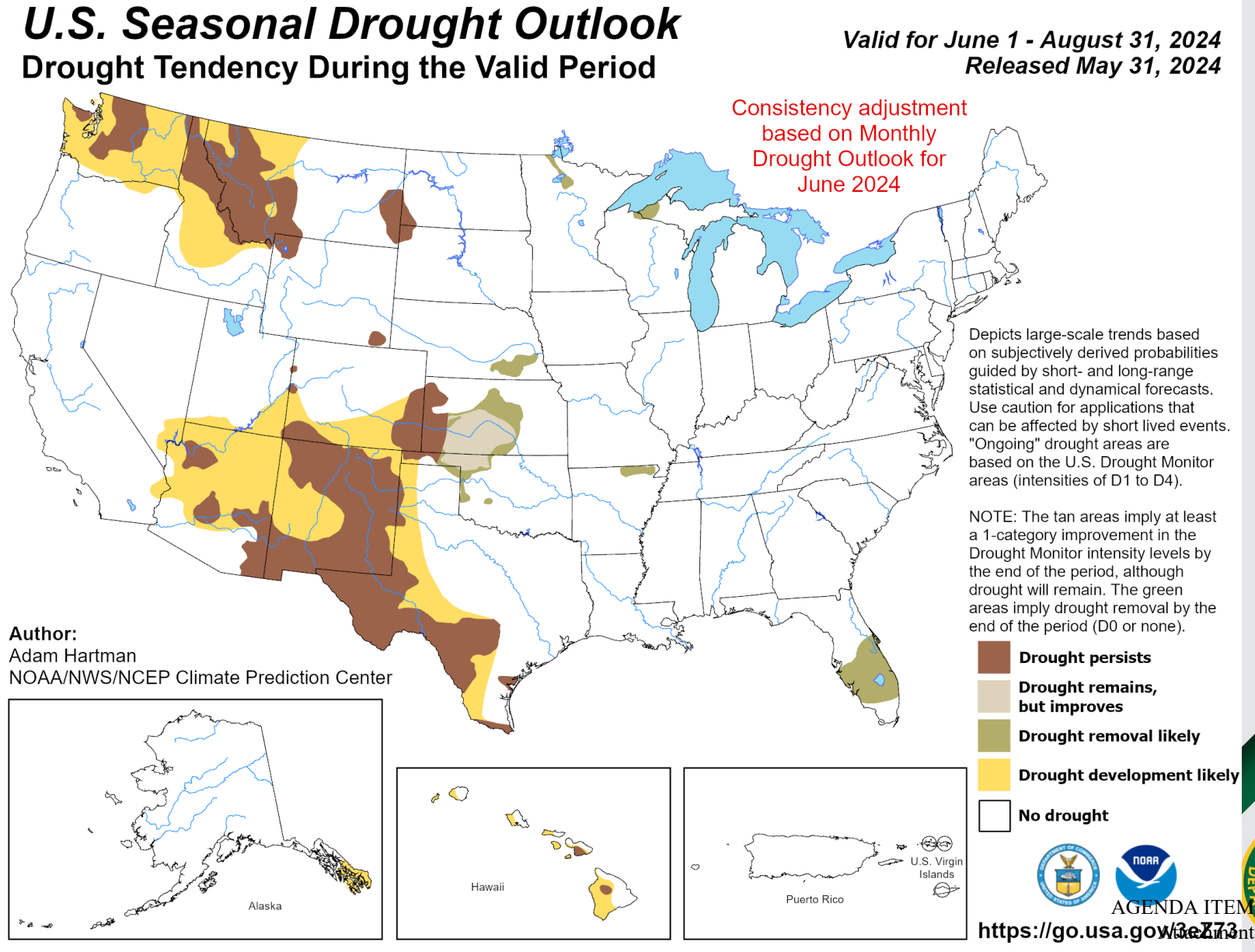
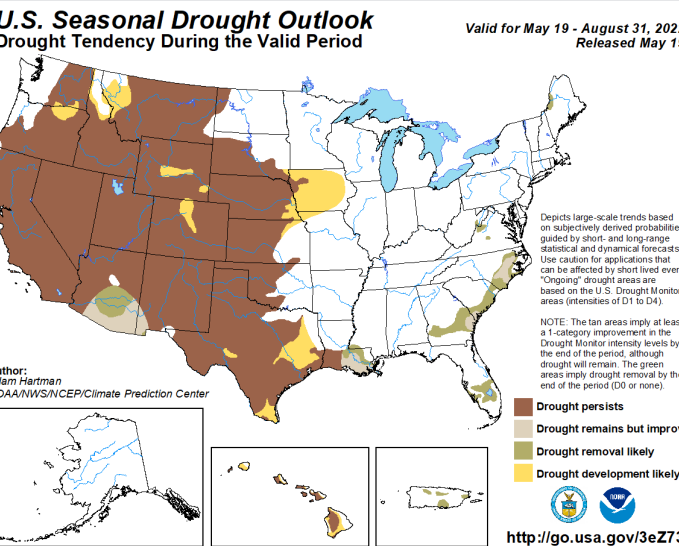
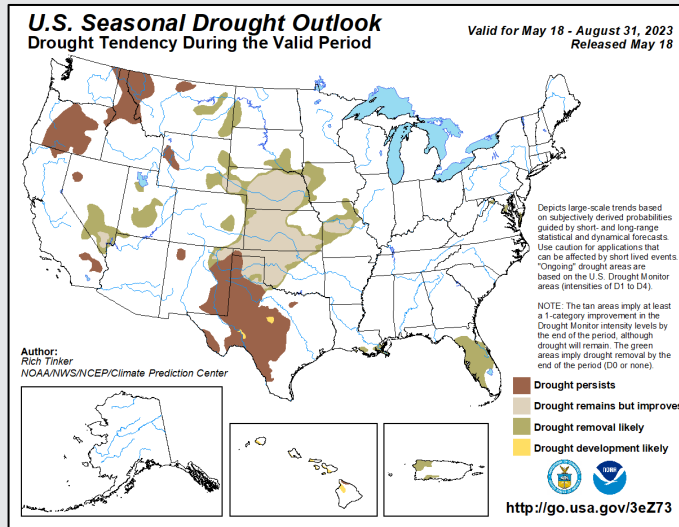
June 6, 2024



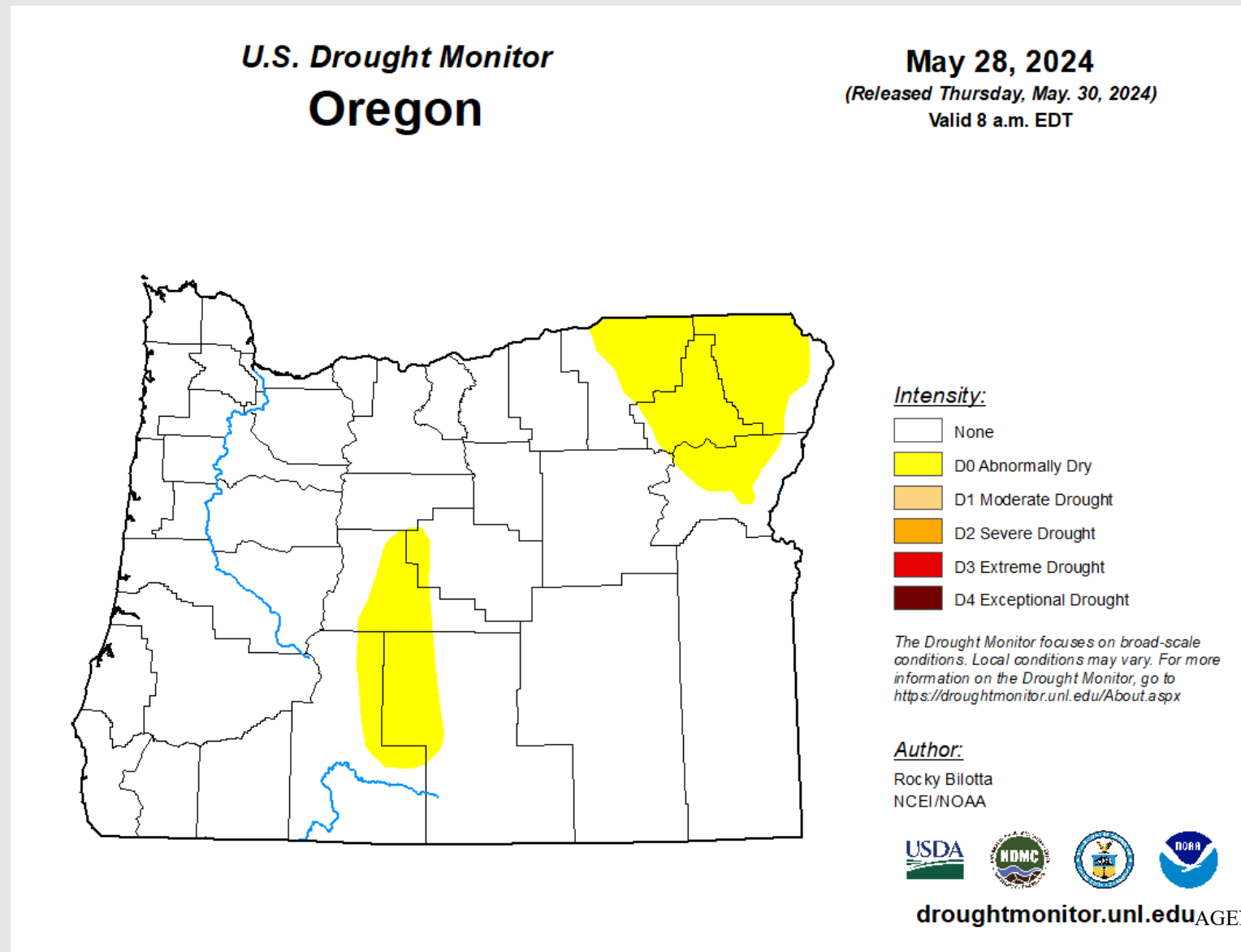
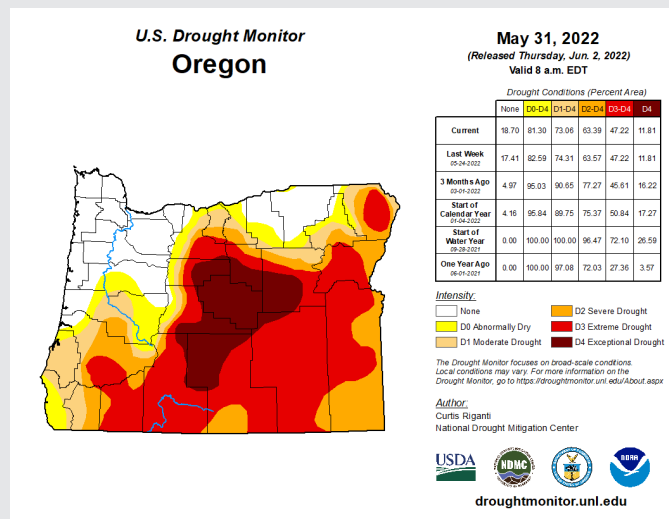
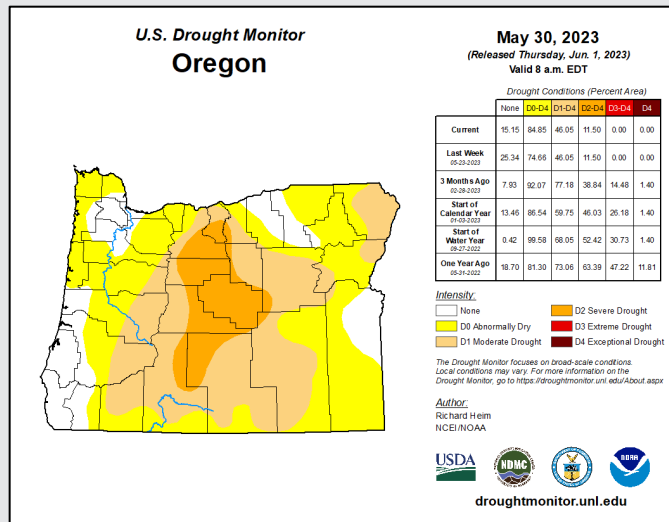
Snow Water Equivalent



Western Drought

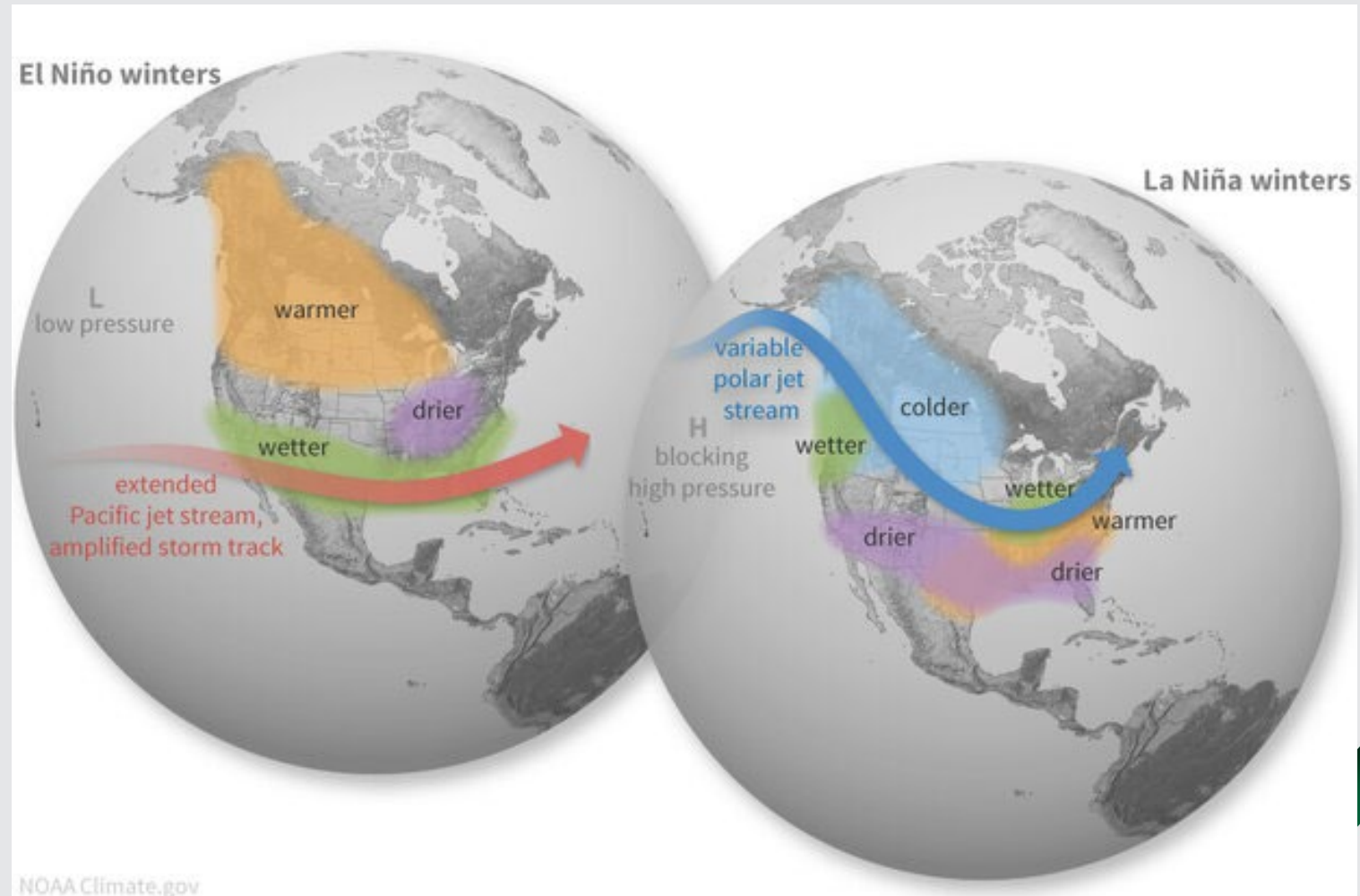
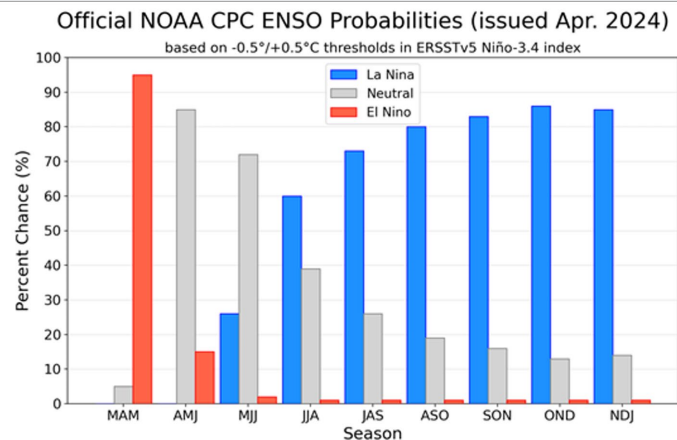


Drought in Oregon



Influence of El Nino, La Nina

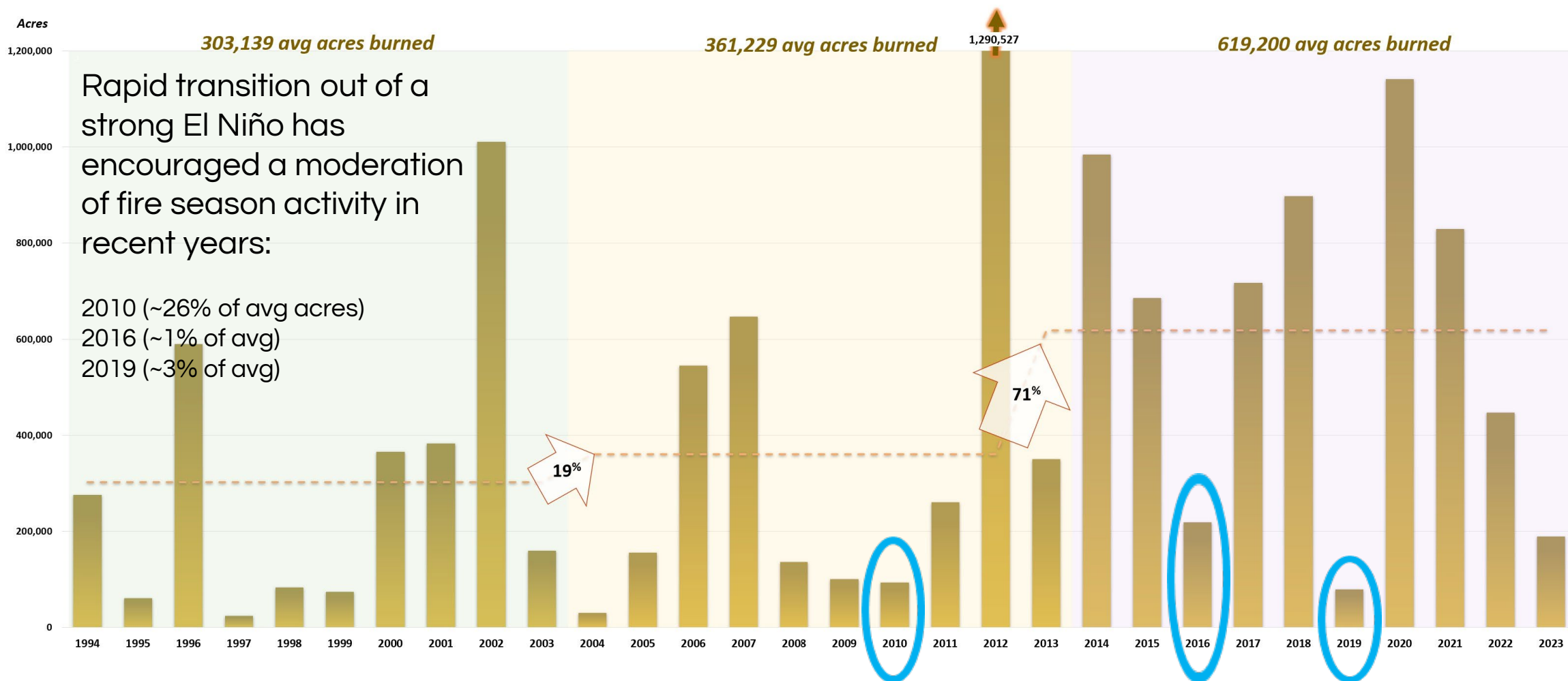
Rapid transition from El Niño through ENSO neutral to La Niña, but El Niño effects may linger through summer



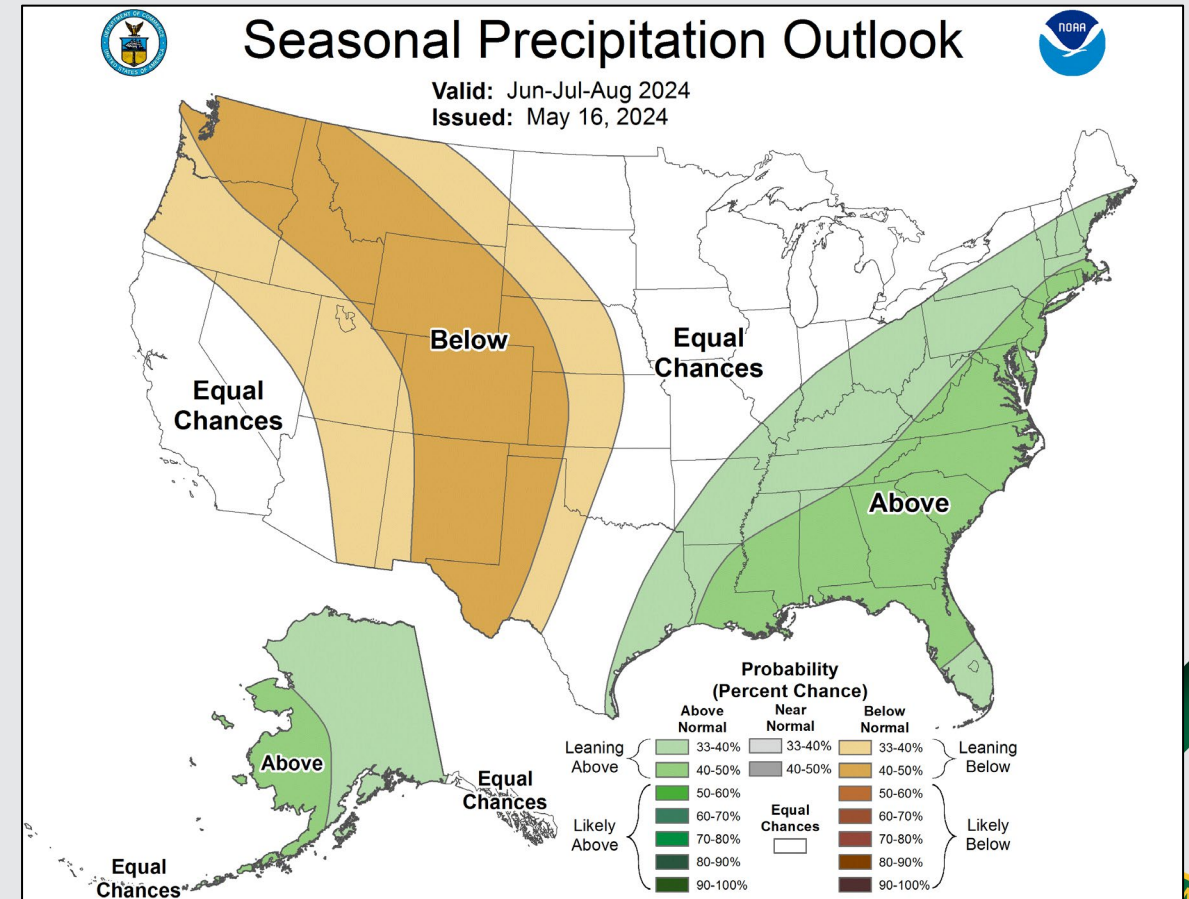
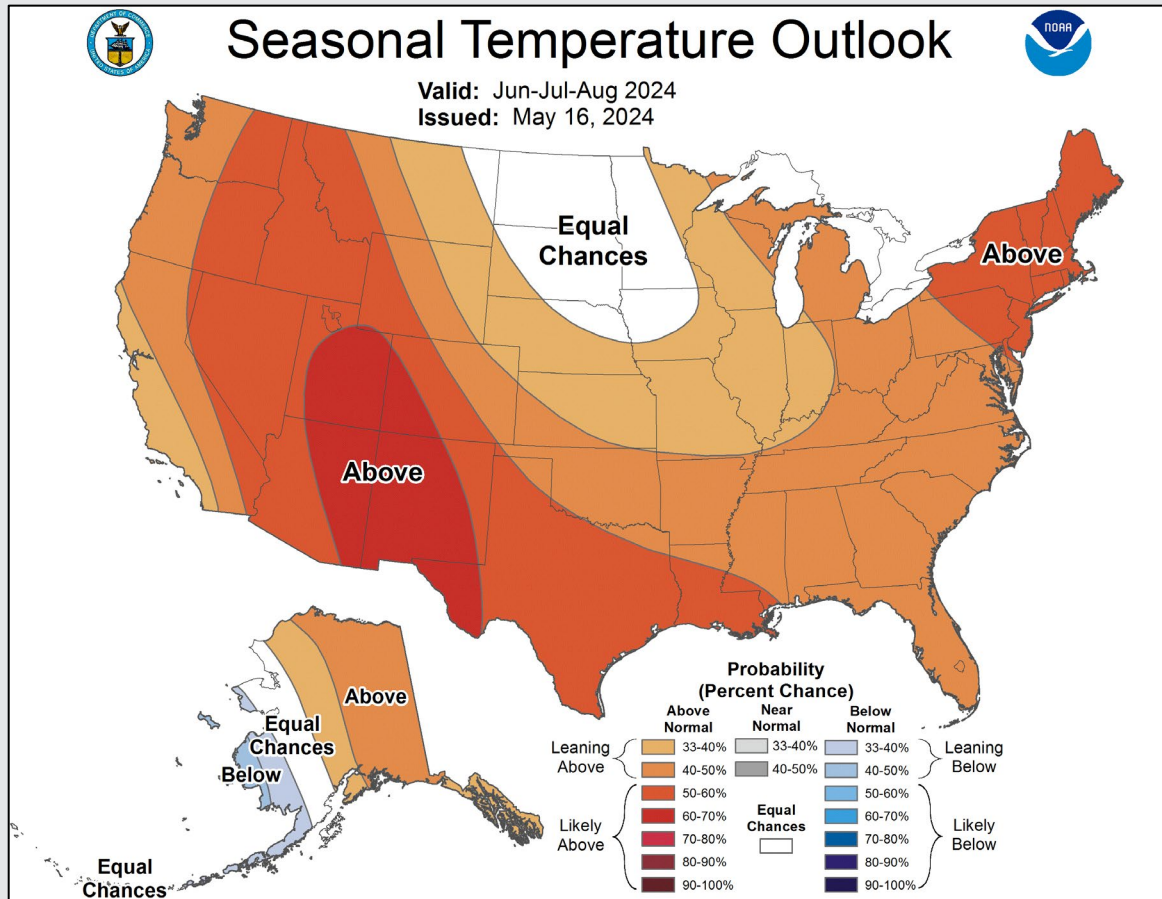


Oregon All Agencies - Wildfire Acres Burned by Decade

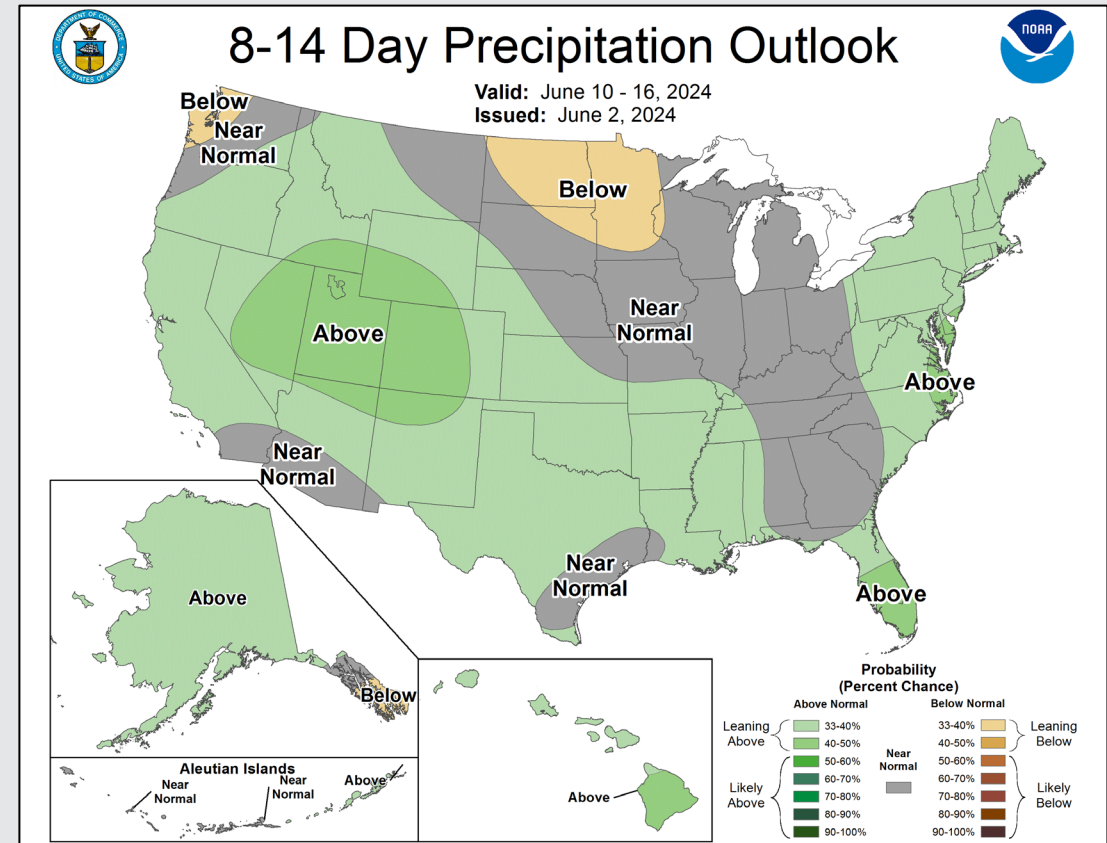
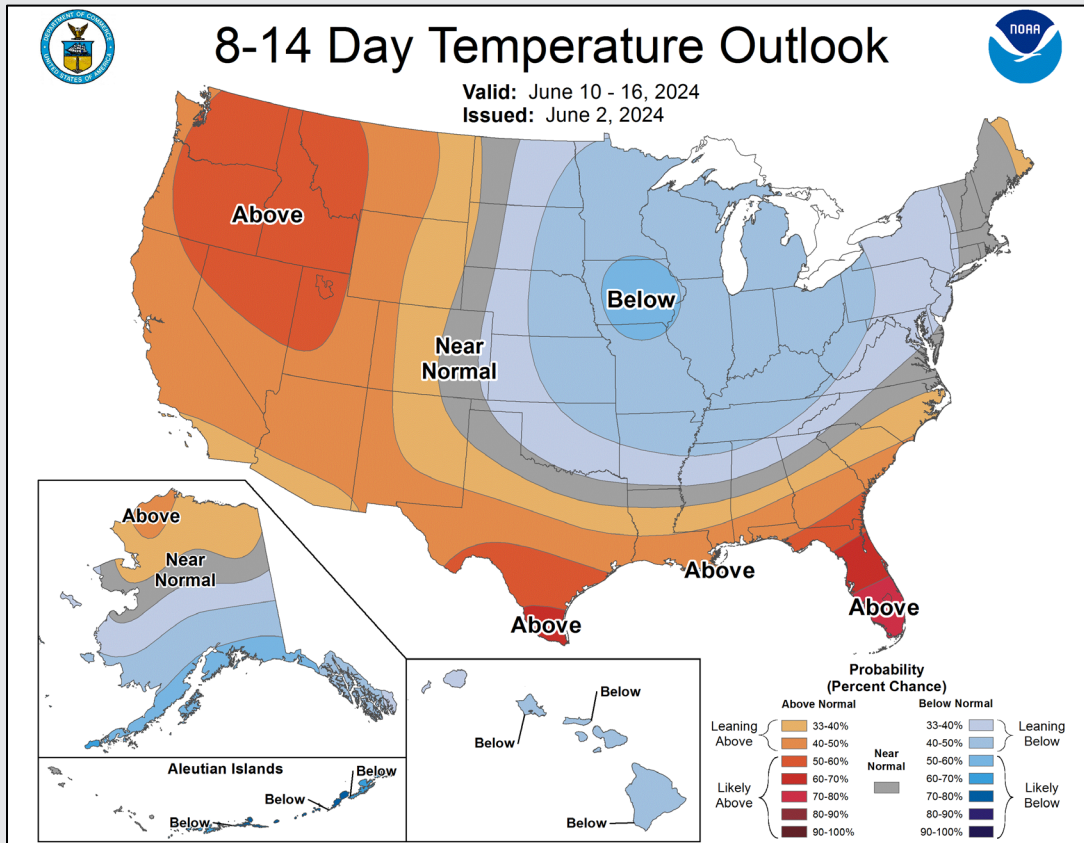
11/02/2023. NIFC, NWCC, ODF.



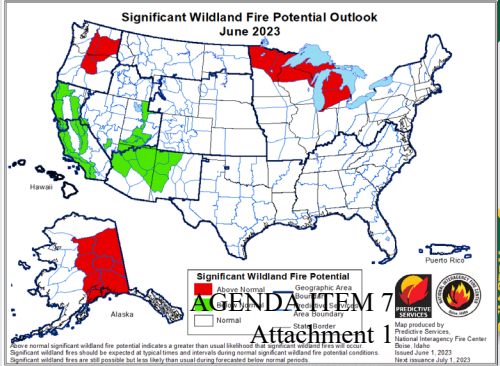
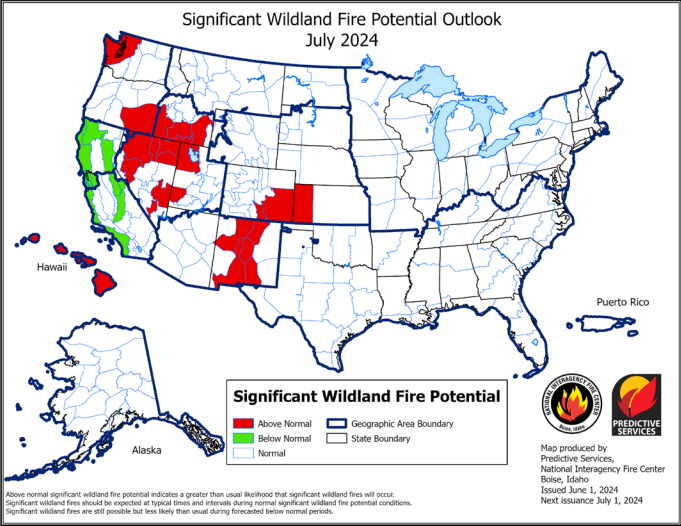
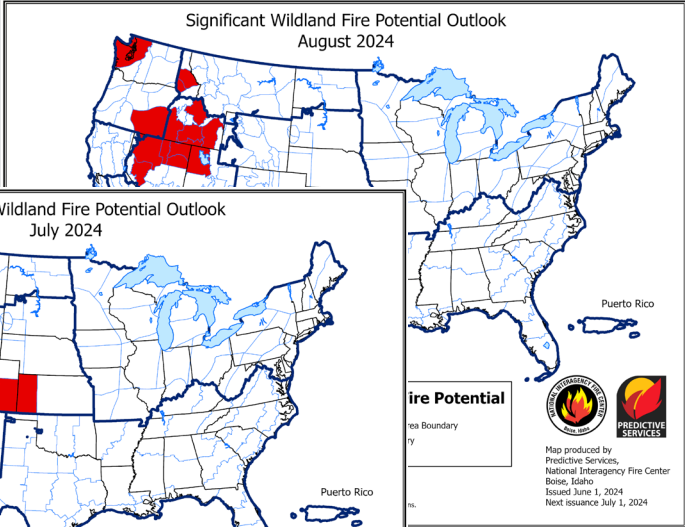
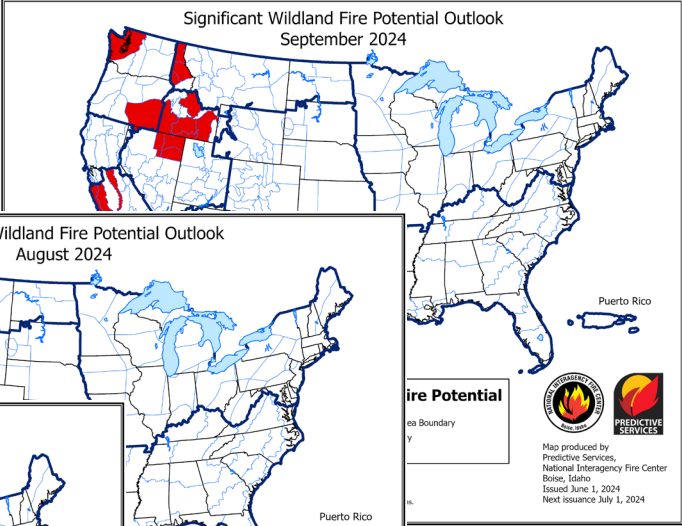
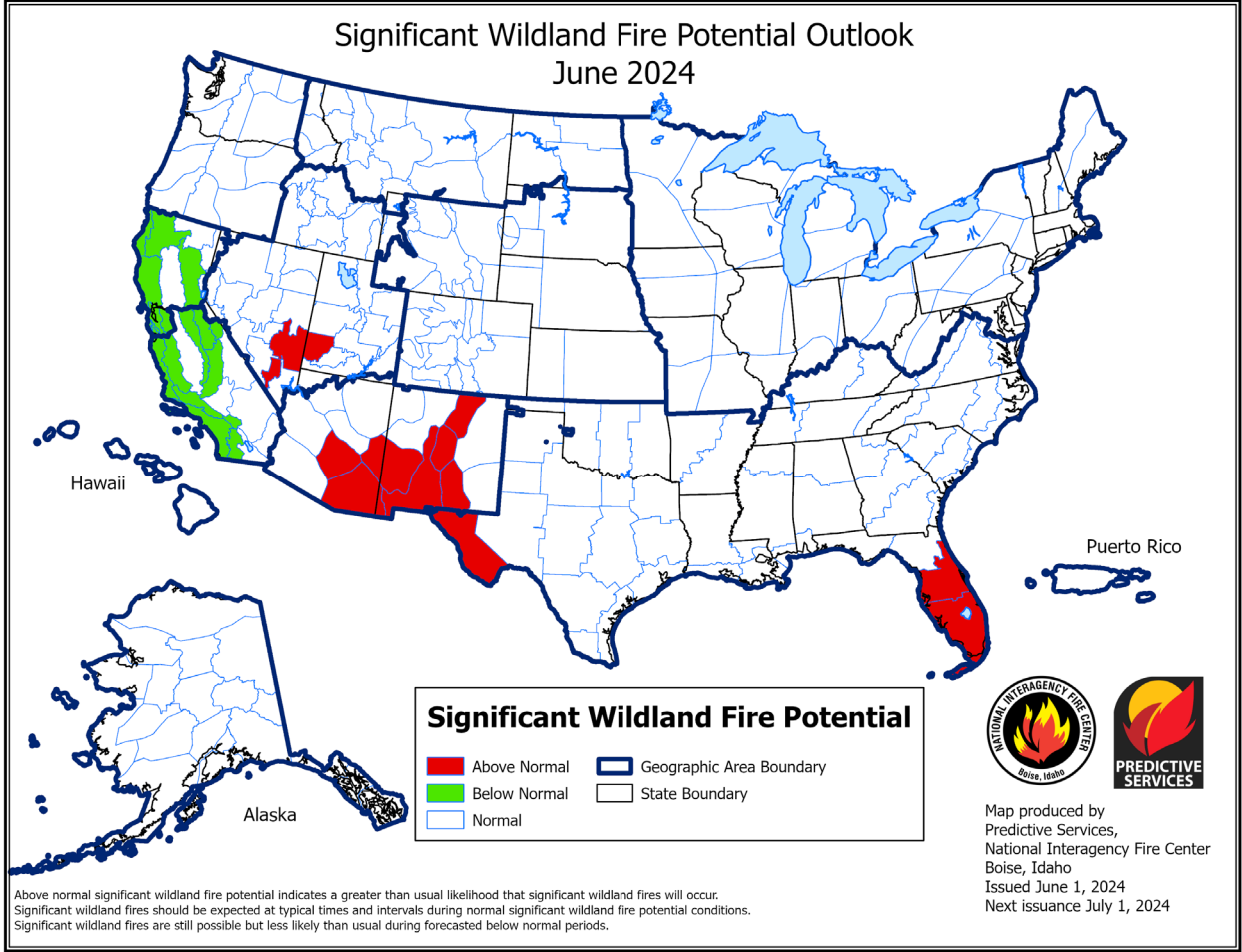
NOAA 3-Month Seasonal Outlook: June-Aug



NOAA Outlook: 8-14 day



National Significant Wildland Fire Potential Outlook



Statewide Coordination

Incident Resource Agreements -- Resources

413 Type 2 Crews	72 Faller Single, Faller Mods	66 Medical (staff, ambulances, BCMU, REMS)	5 Mobile Showers
240 Dozers 205 Excavators 186 Water Tenders 136 Engines 143 Log Truck/Loader/Shovel/Processors 92 Skidders/Skidgines 62 Feller Bunchers 60 Runners 41 Mulcher Masticators 40 Dump Trucks 14 Chippers			
648 additional equipment, transports, overhead positions and services/supplies			

- Crews and Cooperators
- 3 Incident Management Teams & equipment
- Coordination with federal agencies
- 50+ aviation companies
- Landowners provide annually:
 - 640 trained personnel
 - 445 pieces of equipment
- Resources from 12 ODF Districts
 - 200 engines
 - 400 firefighters
 - 15 large bulldozers
 - Look-outs and dispatchers



Ops Agreement Smokey

- ODF and ORNG
- Resources
- Ordering Process
- Payment
- Limitations



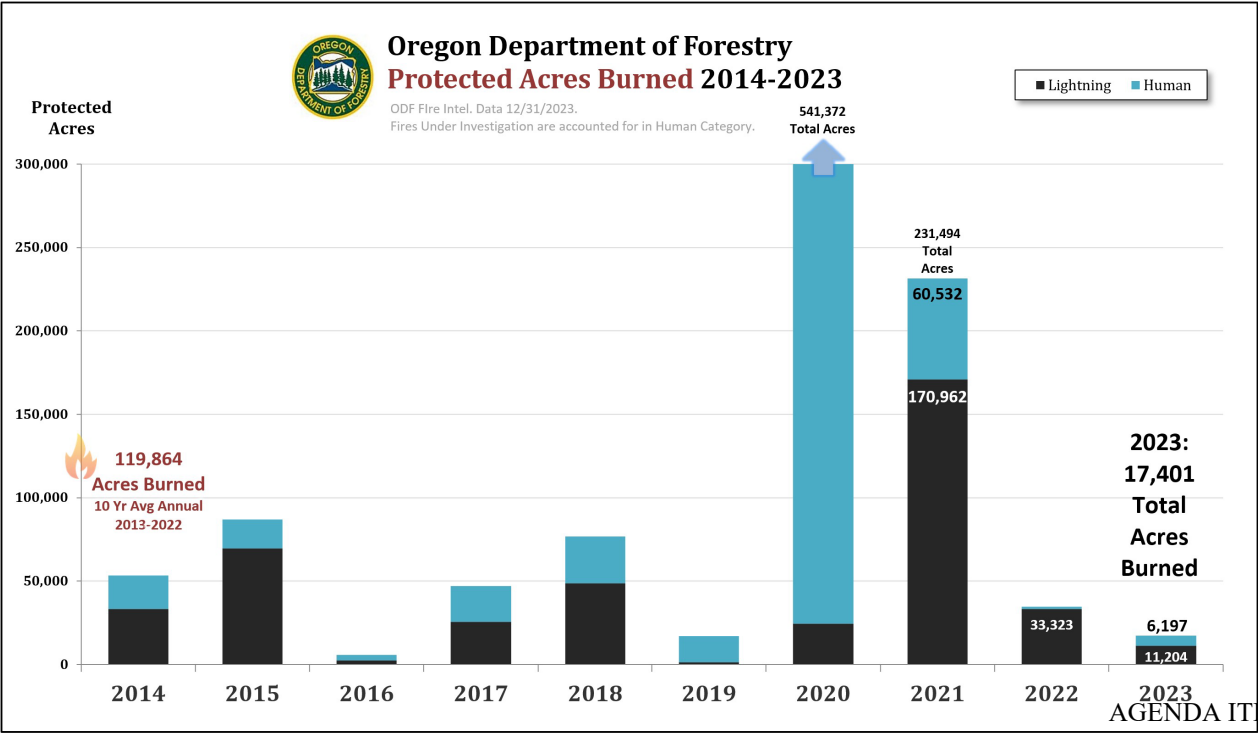
ODF Fire Statistics

2024 Year To Date		
	Fires	Acres
Lightning	0	0
Human (and UI)	74	111
Total	74	111
10-Year Average (2014-2023 YTD)		
Lightning	12	10
Human	139	668
Total	151	678

99% fires kept at 10 acres or less to date in 2024

2024 vs 10-year average YTD

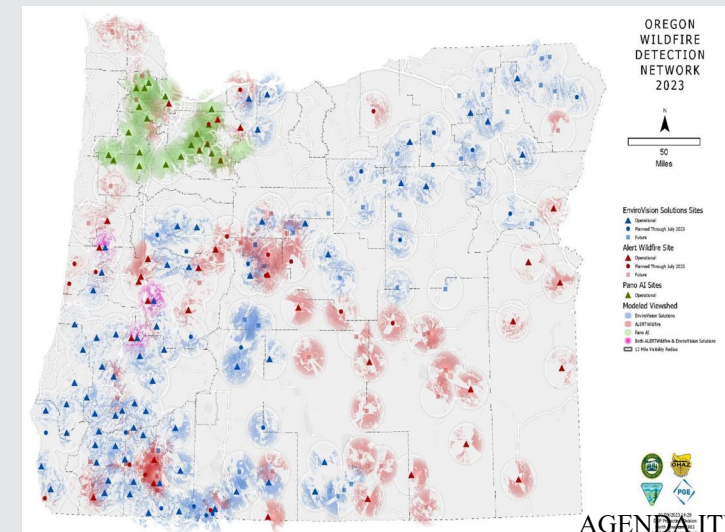
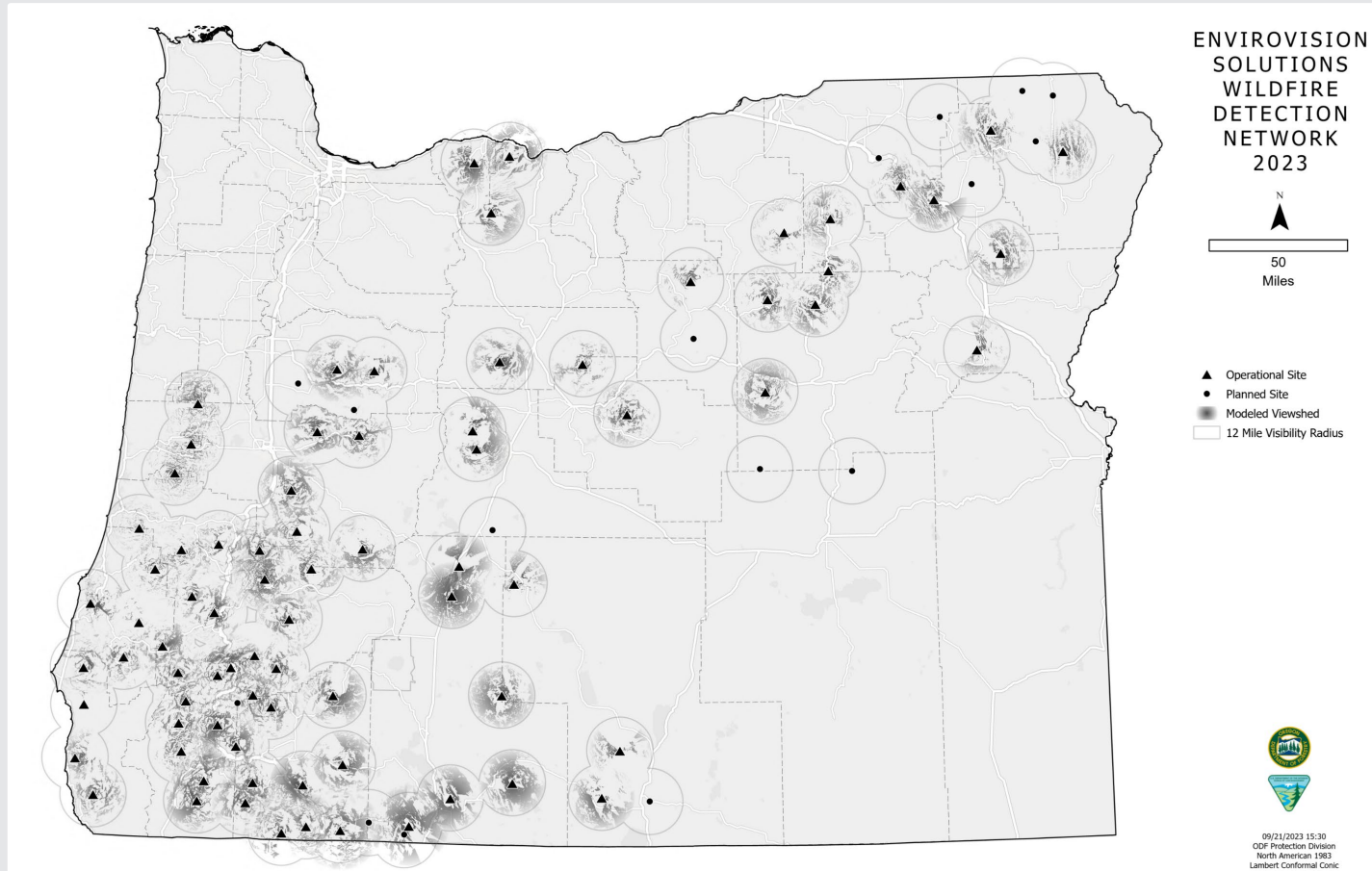
51% less fires 84% less acres burned



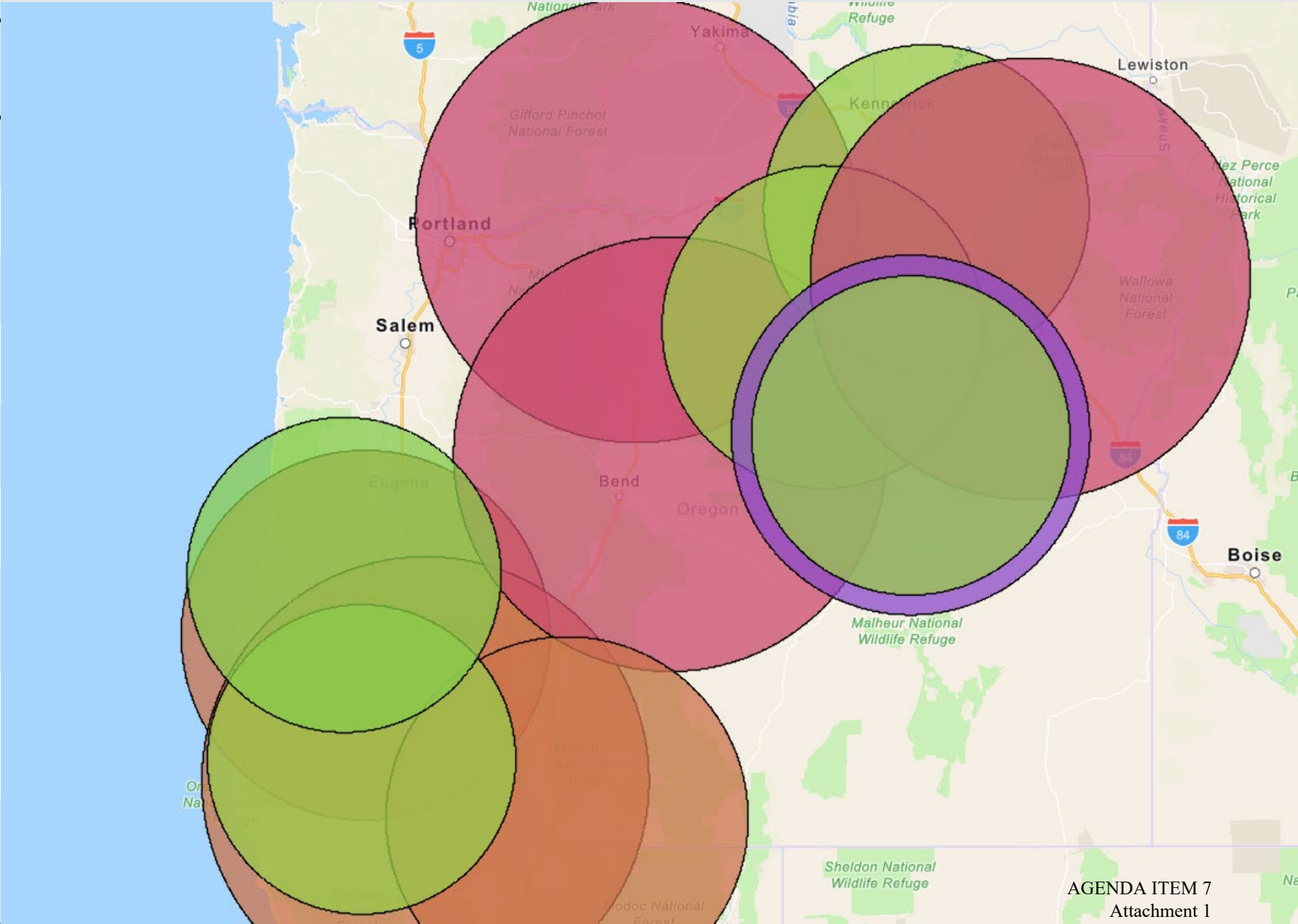
Smoke Detection Cameras



- **86** ODF-EVS cameras
- Part of a statewide detection network



Aircraft Type	# of Aircraft	Operational Characteristics
Type 1 Helicopter	3	Heavy Helicopter with 700 gallons of water capacity.
Type 2 Helicopter	8	Medium Helicopter with 200-300 gallons of water capacity.
Type 3 Helicopter	1	Light Helicopter with 100-150 gallons of water capacity.
Type 3 Helitack Helicopter	3	Aerial delivery of fire fighters with 100-150 gallons of water capacity.
Single Engine Air Tanker (SEAT)	4	Single Engine Air Tanker with 800 gallons of fire chemical capacity.
Single Engine Scoopers	2	Scooping Single Engine Air Tanker with 800 gallons of fire chemical capacity.
Detection Aircraft	5	Light Fixed Wing Aircraft used for Fire Detection and Aerial Supervision of Tactical Aircraft assigned to an incident.
Unmanned Aircraft Systems (UAS)	30	Type 3 UAS (some with infrared capability) support fire line operations such as mapping, situational awareness and detection.
Call When Needed Aircraft (All Types)	100+	Emergency access to Airtankers, Helicopters, Light Fixed Wing Aircraft, and Uncrewed Aircraft Systems



ODF Multi-Mission Aircraft (MMA)

- IR and visible camera capability
- Video and images available in SOFSA





STAFF REPORT

Agenda Item No.:	K
Work Plan:	Forest Resources
Topic:	Committee Appointments
Presentation Title:	Committee for Family Forestlands Appointment
Date of Presentation:	June 6 th , 2024
Contact Information:	Mike Kroon, Forest Resources Deputy Chief 503-400-4815 mike.e.kroon@odf.oregon.gov

SUMMARY

This agenda item relates to the reappointment of three members of the Committee for Forestlands (CFF). Southern Oregon Landowner Representative (Gary Jensen), Landowner-At-Large Representative (Kate McMichael), and Eastern Oregon Landowner Representative (Maurizio Valerio) have served their first term and would like to be reappointed for a second term.

CONTEXT

The CFF, a standing committee to the Board, provides advice to the Board and the State Forester on matters relating to family forestlands, including maintaining a viable family forestland base in Oregon, and maintaining and enhancing the contributions that family forestland owners make to Oregon, including timber availability and the protection and enhancement of watersheds and fish and wildlife habitat. The CFF also evaluates the impact of forest policies 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](#).

Currently, the CFF Southern Oregon Landowner, Landowner-At-Large and Eastern Oregon Landowner position terms will expire in June 2024.

RECOMMENDATION

The Department recommends the re-appointment of Gary Jensen as the Southern Oregon Landowner, Kate McMichael as the Landowner-At-Large, and Maurizio Valerio as the Eastern Oregon Landowner representative of the CFF. Their biographies are noted in Attachment 2.

ATTACHMENTS

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

Proposed Committee for Family Forestlands Voting Members Appointment Schedule

June 6th, 2024

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

Voting Member	Appointed	2024	2025	2026	2027
Citizen at Large Wendy Gerlach (Chair)	2020			June 30 X	
Conservation Community Kaola Swanson (Vice Chair)	2019		June 30 X		
Forest Industry Eric Kranzush	2023			June 30	
Southern Oregon Area Gary Jensen	2021				June 30 X
Landowner at Large Kate McMichael	2021				June 30 X
Eastern Oregon Area Maurizio Valerio	2021				June 30 X
Northwest Oregon Area David Bugni	2023			June 30	

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

Committee for Family Forestlands – Gary Jensen Biography



Education - BS Forest Management - Humboldt State University
BS Accounting- Linfield College

Career – Retired Professional Forester

Upon graduating from Humboldt State University, Gary's professional career in forestry was deferred by service in the Marine Corps. He served 30 plus years between active and reserve duty as an engineering officer. After returning from active duty in 1972, Gary began his industrial forestry career working for various companies in the Northwest eventually ending up with Lane Plywood Inc. where he spent over 25 years working with forest resources in Lane County, Oregon. Following his industrial forestry experiences Gary expanded his life experiences by teaching high school forestry at Pleasant Hill High School. During this time, he also provided forestry consulting services to landowners in the northwest. Today he and his wife oversee the stewardship of their family tree farm in Lane County. Along the way Gary has been dedicated to the community by serving on various resource-oriented committees and boards. Currently he represents Zone 3 of the Upper Willamette Soil and Water Conservation District. He also represents the Southern Willamette Valley Small Forestland Owners on the Committee for Family Forestlands under the Oregon Board of Forestry. In addition, he is an active member of the Lane County Small Woodlands Association and serves on its board. Through these life experiences Gary has built a strong background in the dynamics of our region's natural resources and an understanding of the impact of public, government, and industrial activities on forest lands.

Committee for Family Forestlands – Maurizio Valerio Biography



Maurizio and his wife live on their forest land in Union County on the western slopes of the Wallowa Mountains. They are both Graduate of the Master Woodland Management Training (OSU). They have been managing their forest for more than 30 years during which they worked to maintain and enhance the general forest ecosystem, optimize the timber stand, water, wildlife, and mitigate the fire risk. Their entire family is involved in the active management of their forest, and they are a member of the Oregon Tree Farm System and NEOSWA (North East Oregon Small Woodlands Association). In 2019 they received the Forest Steward Award from Union County, and the runner up award for Outstanding Tree Farmers of the Year in 2020.

Committee for Family Forestlands – Kate McMichael Biography



Kate is a retired high school world religions and ethics teacher, who became a small woodland owner when she (and wife, Theresa) purchased 39 acres in Vida in 2019. Knowing that decades of loving and backpacking through forests did not automatically translate into understanding forest health or stewardship, they reached out to their ODF Stewardship Forester and local Extension Forester. They took classes, went on forest tours, drafted a management plan, and joined Oregon Small Woodlands Association. When the Holiday Farm Fire tore through their property, their focus shifted to restoration and reforestation. Gratitude for the outpouring of post-fire assistance and ongoing support from the forestry and timber community has been a source of comfort, but also a call to action. When not working on the myriad activities that are part and parcel of “experiments in post-fire reforestation in a changing climate” on their still battered McKenzie woodland, Kate has found her former and current lives coming together in a growing commitment to science-based forest literacy. This has led her to become more widely involved in the forest sector community, both locally and statewide. She is active in the Women Owning Woodlands Network, Oregon Women in Timber, Lane Families for Farms and Forests, the McKenzie Watershed Stewardship Group, the Oregon Tree Farm System and Oregon Small Woodlands Association, both in Lane County and statewide. In her role as Landowner at Large on the CFF, Kate sees her “niche” as speaking from the perspective of new, very small woodland owners who have been impacted by wildfire. When not attending meetings or battling invasive vegetation, she dreams of the day when today’s struggling seedlings become a resilient forest.



Board of Forestry

Field Tour and Public Meeting

State Forester and Board Member Comments

This item serves as an opportunity for the State Forester to brief the Board of Forestry of the Department or related topics of importance. Individual members of the Board can offer comments for the Chair, Secretary, and Board consideration. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.



Board of Forestry

Field Tour and Public Meeting

Public Forum

This item serves as the vehicle for the public to comment on information items or topics, not on the agenda. Comment times may be reduced at the discretion of the Board Chair.

This is an information item.

STAFF REPORT

Agenda Item No.:	3
Work Plan:	Fire Protection
Topic:	Annual Topic: Approval of Forest Protection Association District Budgets and Rates
Presentation Title:	Approval of the Forest Protection Association District 2025 Fiscal Budgets and Rates
Date of Presentation:	June 6, 2024
Contact Information:	Chris Cline, (Interim)Fire Protection Division Chief 541-505-4521; Christopher.L.Cline@odf.oregon.gov Ron Graham, Deputy Chief of Operations-Fire Protection 971-718-6862, Ron.Graham@odf.oregon.gov

SUMMARY

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

CONTEXT

Oregon's wildfire protection system has historically provided an effective and efficient method of addressing the state's fire protection responsibilities – both in initial attack and large fire management needs. The system uses a “complete and coordinated” methodology and is funded through a complex mix of landowner and state general fund dollars. The system provides policy, prevention, and suppression activities at the national, statewide and district levels. The delivery of these services 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 direction¹, each year in January, the state office and districts begin developing a fire protection budget to fund activities for the upcoming fiscal year (July 1st – June 30th). During the development process, district budget committees² 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 meeting³ 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 2025 recommended budgets.

¹ ORS 477.235 Forester to prepare tentative budget estimates for districts.

² ORS 477.240 Advisory and guidance committees

³ ORS 477.255 Holding of budget meeting; revision and submission for final approval.

BACKGROUND / ANALYSIS

Throughout the development of the fiscal year 2025 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 continued increase in district budgets, the costs of fires occurring on adjacent federal land ownership, the attempt to find an alternate funding solution with HB 4133, and the tasking of a workgroup to continue the efforts. The Eastern Oregon Forest Protective Association chose to not support their district fiscal budget.

Per OAR 629-041-0035, one landowner (Attachment 4) is appealing the fiscal budget with a remedy sought of a more general fund assessment based on local markets reflecting timber value, site location, and timber growth potential. The appellant did not request a hearing before the Board.

Upon review of the letter submitted by Ross Ryno 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 2025 district and association protection budgets as presented in Attachment 1.
2. The Department recommends that the Board adopt the proposed final order as written for Ross Ryno.

ATTACHMENT

- (1) FY 2025 Protection Budget Summary, by District, and Area
- (2) Letters to the State Forester from Forest Protective Associations
- (3) Public Budget Hearing Minutes
- (4) Budget Appeal
- (5) Proposed Final Order

Board of Forestry ODF Protection Budget & Assessment Summary

Fiscal Year 2025 General Fund Split 50.00%

	Protected Acres				Budgeted Dollars			Public Rates*					Private Rates**						Revenue*****	
	Class Type	FY2024	FY2025	Y/Y Change	FY2024	FY2025	Y/Y Change	FY2024	FY2025	Y/Y Change	Agency Admin	OFLPF***	FINAL FY2025	FY2024	FY2025	Y/Y Change	(WPA)****	OFLPF***	FINAL FY2025	FY2025 PROJECTION
NORTHWEST OREGON																				
Northwest Oregon	Timber	1,761,784.85	1,762,144.46	0.02%	\$6,348,594	\$6,861,162	8.07%	\$3.2607	\$3.7205	14.10%	\$0.8557	\$0.0500	\$4.6262	\$1.6303	\$1.8602	14.10%	\$0.0000	\$0.0500	\$1.9102	\$4,928,658
West Oregon	Timber	1,070,116.64	1,084,023.13	1.30%	\$3,811,877	\$4,204,476	10.30%	\$3.1636	\$3.5440	12.03%	\$0.8557	\$0.0500	\$4.4497	\$1.5818	\$1.7720	12.03%	\$0.0000	\$0.0500	\$1.8220	\$3,158,009
North Cascade	Timber	658,097.77	659,489.65	0.21%	\$2,972,250	\$3,370,692	13.41%	\$4.1693	\$5.6178	34.74%	\$0.8557	\$0.0500	\$6.5235	\$2.0846	\$2.8089	34.74%	\$0.0000	\$0.0500	\$2.8589	\$2,742,484
NOA TOTALS & AVERAGES	Timber	3,489,999.26	3,505,657.24	0.45%	\$13,132,721	\$14,436,330	9.93%	\$3.4022	\$4.0229	18.24%	\$0.8557	\$0.0500	\$4.9286	\$1.7011	\$2.0114	18.24%	\$0.0000	\$0.0500	\$2.0614	\$10,829,152

SOUTHERN OREGON																				
Southwest Oregon	Timber	1,745,061.03	1,761,584.84	0.95%	\$11,203,825	\$11,958,793	6.74%	\$7.7405	\$7.2183	-6.75%	\$0.8557	\$0.0500	\$8.1240	\$3.8703	\$3.6092	-6.75%	\$0.0000	\$0.0500	\$3.6592	\$9,731,802
	Grazing	126,345.41	131,868.40	4.37%	\$559,740	\$311,337	-44.38%	\$2.6047	\$2.0191	-22.48%	\$0.8557	\$0.0750	\$2.9498	\$1.3024	\$1.0096	-22.48%	\$0.0000	\$0.0750	\$1.0846	
Coos FPA	Timber	1,507,326.42	1,513,219.79	0.39%	\$8,083,926	\$9,169,123	13.42%	\$5.0141	\$5.7238	14.15%	\$0.8557	\$0.0500	\$6.6295	\$2.5071	\$2.8619	14.15%	\$0.0000	\$0.0500	\$2.9119	\$7,887,660
	Grazing	68,737.37	74,736.80	8.73%	\$247,221	\$281,969	14.06%	\$3.7512	\$4.4851	19.57%	\$0.8557	\$0.0750	\$5.4158	\$1.8756	\$2.2426	19.57%	\$0.0000	\$0.0750	\$2.3176	
Douglas FPA	Timber	1,403,921.04	1,404,162.37	0.02%	\$8,391,376	\$9,262,935	10.39%	\$6.0430	\$6.5290	8.04%	\$0.8557	\$0.0500	\$7.4347	\$3.0215	\$3.2645	8.04%	\$0.0000	\$0.0500	\$3.3145	\$8,056,207
	Grazing	272,360.81	261,679.31	-3.92%	\$834,419	\$921,887	10.48%	\$2.8700	\$3.0998	8.01%	\$0.8557	\$0.0750	\$4.0305	\$1.4350	\$1.5499	8.01%	\$0.0000	\$0.0750	\$1.6249	
South Cascade	Timber	1,133,361.11	1,135,791.16	0.21%	\$5,200,029	\$5,639,093	8.44%	\$4.4751	\$5.0093	11.94%	\$0.8557	\$0.0500	\$5.9150	\$2.2376	\$2.5046	11.94%	\$0.0000	\$0.0500	\$2.5546	\$4,409,068
Western Lane	Timber	781,285.28	791,952.16	1.37%	\$3,234,455	\$3,503,783	8.33%	\$3.8138	\$3.7705	-1.14%	\$0.8557	\$0.0500	\$4.6762	\$1.9069	\$1.8852	-1.14%	\$0.0000	\$0.0500	\$1.9352	\$2,357,810
SOA TOTALS & AVERAGES	Timber	6,570,954.88	6,606,710.62	0.54%	\$36,113,611	\$39,533,726	9.47%	\$5.7223	\$5.9364	3.74%	\$0.8557	\$0.0500	\$6.8421	\$2.8612	\$2.9682	3.74%	\$0.0000	\$0.0500	\$3.0182	\$32,442,547
	Grazing	467,443.59	468,284.51	0.18%	\$1,641,380	\$1,515,193	-7.69%	\$2.9279	\$3.0166	3.03%	\$0.8557	\$0.0750	\$3.9473	\$1.4639	\$1.5083	3.03%	\$0.0000	\$0.0750	\$1.5833	

EASTERN OREGON																				
Central Oregon	Timber	1,024,660.20	1,027,174.29	0.25%	\$7,211,339	\$7,915,236	9.76%	\$6.5100	\$6.1505	-5.52%	\$0.8557	\$0.0750	\$7.0812	\$3.2550	\$3.0753	-5.52%	-\$0.2324	\$0.0750	\$2.9179	\$8,845,861
	Grazing	1,047,211.84	1,087,170.33	3.82%	\$3,312,093	\$3,805,333	14.89%	\$3.2128	\$3.2174	0.14%	\$0.8557	\$0.0750	\$4.1481	\$1.6064	\$1.6087	0.14%	-\$0.2324	\$0.0750	\$1.4513	
Northeast Oregon	Timber	846,311.34	846,205.07	-0.01%	\$5,039,154	\$5,279,229	4.76%	\$5.0664	\$5.4665	7.90%	\$0.8557	\$0.0750	\$6.3972	\$2.5332	\$2.7333	7.90%	-\$0.2324	\$0.0750	\$2.5759	\$5,938,862
	Grazing	1,089,878.27	1,089,630.26	-0.02%	\$2,187,454	\$2,331,872	6.60%	\$1.9344	\$2.1570	11.51%	\$0.8557	\$0.0750	\$3.0877	\$0.9672	\$1.0785	11.51%	-\$0.2324	\$0.0750	\$0.9211	
Klamath Lake	Timber	1,011,741.33	1,017,367.10	0.56%	\$5,427,414	\$6,140,919	13.15%	\$5.2163	\$6.0055	15.13%	\$0.8557	\$0.0750	\$6.9362	\$2.6082	\$3.0028	15.13%	-\$0.2324	\$0.0750	\$2.8454	\$6,120,102
	Grazing	480,165.79	487,746.70	1.58%	\$852,123	\$1,011,947	18.76%	\$1.6761	\$1.6408	-2.10%	\$0.8557	\$0.0750	\$2.5715	\$0.8381	\$0.8204	-2.10%	-\$0.2324	\$0.0750	\$0.6630	
Walker Range FPA	Timber	183,422.38	180,511.60	-1.59%	\$1,075,960	\$1,199,692	11.50%	\$4.6486	\$4.9276	6.00%	\$0.8557	\$0.0750	\$5.8583	\$2.3243	\$2.4638	6.00%	-\$0.2324	\$0.0750	\$2.3064	\$545,250
	Grazing	2,569.59	2,502.33	-2.62%	\$2,716	\$3,169	16.66%	\$1.0377	\$0.9247	-10.89%	\$0.8557	\$0.0750	\$1.8554	\$0.5188	\$0.4623	-10.89%	-\$0.2324	\$0.0750	\$0.3049	
EOA TOTALS & AVERAGES	Timber	3,066,135.25	3,071,258.06	0.17%	\$18,753,867	\$20,535,076	9.50%	\$5.5733	\$5.8422	4.82%	\$0.8557	\$0.0750	\$6.7729	\$2.7867	\$2.9211	4.82%	-\$0.2324	\$0.0750	\$2.7637	\$21,450,075
	Grazing	2,619,825.49	2,667,049.62	1.80%	\$6,354,386	\$7,152,321	12.56%	\$2.3972	\$2.4937	4.02%	\$0.8557	\$0.0750	\$3.4244	\$1.1986	\$1.2468	4.02%	-\$0.2324	\$0.0750	\$1.0894	

STATEWIDE TOTALS & AVERAGES																				Includes Area & Salem
By Land Class Type	Timber	13,127,089.39	13,183,625.92	0.43%	\$68,000,199	\$74,505,132	9.57%	\$5.0707	\$5.4056	6.61%	\$0.8557	\$0.0583	\$6.3197	\$2.5353	\$2.7028	6.61%	-\$0.2324	\$0.0583	\$2.5288	\$74,460,379
	Grazing	3,087,269.08	3,135,334.13	1.56%	\$7,995,766	\$8,667,514	8.40%	\$2.4775	\$2.5718	3.80%	\$0.8557	\$0.0750	\$3.5025	\$1.2388	\$1.2859	3.80%	-\$0.2324	\$0.0750	\$1.1285	
Combined Total		16,214,358.47	16,318,960.05	0.65%	\$75,995,965	\$83,172,646	9.44%	\$4.5769	\$4.8612	6.21%	\$0.8557	\$0.0650	\$5.7819	\$2.2885	\$2.4306	6.21%	-\$0.2324	\$0.0650	\$2.2632	

AREA & SALEM BUDGET UNITS*****																				Included in Above Total
Salem Protection Division	Total Acres	16,214,358.47	16,318,960.05	0.65%	\$7,468,155	\$8,002,958	7.16%													\$8,191,987
Northwest Oregon Area	Total Acres	3,489,999.26	3,505,657.24	0.45%	\$297,332	\$337,376	13.47%													\$250,479
Southern Oregon Area	Total Acres	7,038,398.47	7,074,995.13	0.52%	\$473,724	\$595,447	25.70%													\$592,776
Eastern Oregon Area	Total Acres	5,685,960.74	5,738,307.68	0.92%	\$619,127	\$686,078	10.81%													\$703,364

LEGISLATIVE ADOPTED BUDGET (LAB) ALLOCATION COMPARISON				
Other Fund (7100) & General Fund (1120) Combined Totals		FY2024	FY2025	Y/Y Change
	LAB Combined Funds Dollars Allocation	\$71,579,952	\$73,979,085	3.35%
	Fiscal Year Combined Funds Dollars Budgeted	\$75,995,965	\$83,172,646	9.44%
	Budgeted Combined Funds Dollars Over/Under LAB	\$4,416,013	\$9,193,561	108.19%
General Fund (1120) Only Totals	LAB General Fund Dollars Allocated	\$24,375,186	\$26,569,227	9.00%
	Fiscal Year General Fund Dollars Budgeted	\$26,876,515	\$31,435,845	16.96%
	Budgeted General Fund Dollars Over/Under LAB	\$2,501,329	\$4,866,618	94.56%

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.	
***** Wildlife 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. Salem and Area revenue also included as these costs are built into district budgets.	
***** 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 are only for reference, as budget numbers are part of each district's budgeted numbers. Area and Salem revenue projections are kept separate and not part of district totals.	



WESTERN LANE FOREST PROTECTIVE ASS'N.

87950 TERRITORIAL ROAD

VENETA, OREGON 97487-0157

State Forester Cal Mukumoto

May 7, 2024

Oregon Department Board of Forestry

2600 State Street, Salem, OR 97310

Mr. Mukumoto & Members of the Board of Forestry,

Western Lane Forest Protection Association (WLFPA) has just finished approving our 2024/2025 district budget and this letter is to share that while all members voted to approve, it was with great discussion and reservation. Knowing that many associations have already expressed great concern regarding the increase in land rates over the past 4 years, and that a joint letter from the Oregon Forest Protection Association is also addressing concerns, I will not repeat what has already been well articulated, other than stating that all points are agreed upon. Myself and the board greatly hopes that the letters are read and what shared, is heard.

Here at the Western Lane District, we are in a multi-year process of information gathering, and many facility meetings with the ODF staff to explore how we will upgrade our Veneta compound. Most of the wildland fire buildings are so old that they are unusable or functioning minimally. Cost to repair or refurbished has been assessed and the need for total removal of most buildings has been determined. Part of this process is looking at an overall compound footprint and new structure (replacing many building functions into one), with a perspective of planning not only for current needs, but also for our future predecessors. Our goal is to build a working facility that promotes safety and efficiency, and a work and training environment that will recruit and retain the next generation of wildland fire fighters and the future leaders of fire protection in Oregon. As mentioned, current compound conditions are not functional, and as more demand is made upon shared buildings with state lands and forestry resources, space is being squeezed to make room for additional employees and needs of an ever expanding work force. The association applauds the great problem solving and space management alterations done literally over the past 10 years by ODF staff (many staff working in less than optimal noise and heat conditions), but the wiggle room opportunity has run out.

WLFPA board, in close partnership with ODF staff, has decided to move forward with an extensive compound rebuild and a site plan has been developed. Even with the most scaled down of needs, a very expensive project is projected. Again, after much exploration and discussion, a future POP request is seen as our only option, of which we have recently voted to proceed upon. If we are able to get approval to sell bonds to pay for the compound project, the board is looking at a significant land rate increase in the future as we start a bond payback process, and a rate increase for potentially 20 years. As we look to future budget projections, we are truly hoping the increased land rate costs will have a 'fix' so that rates can be more predictable. Future planning with financial feasibility is needed.

As we head into the 2024 fire season, Western Lane District is ready. We look forward to supporting the truly great working relationships we have with ODF as our complete and coordinated systems are probably, once again, put into use.

On behalf of our board and all forested lands in Western Lane,

Lindsay Reaves, WLFPA President

President

Lindsay Reaves
Bauman Tree Farm

Vice President

Nikolai Hall
Forest Investment Assoc.

Secretary

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Giustina Land & Timber

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Coos Forest Protective Association

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May 3, 2024

Chair Kelly and Members of the Oregon State Board of Forestry
2600 State Street
Salem, OR 97310

As the Directors of the Coos Forest Protective Association, we wish to inform you again of our concerns regarding Oregon's wildfire funding model. Oregon's antiquated funding system has been pieced together over the last 100 years and is in dire need of change to ensure that the Oregon Department of Forestry (ODF) and the three operating Forest Protective Associations (FPA) can continue to provide an adequate level of protection and maintain Oregon's complete and coordinated fire protection system.

Oregon's complete and coordinated fire protection system is the premier firefighting system in the United States. This public/private partnership relies on costs being allocated fairly to those who benefit from the complete and coordinated system. This is accomplished by each operating and non-operating FPA analyzing performance, capacity, and determining an adequate level of protection for their respective districts, then approving a fiscal budget that supports that level of fire protection.

The intent behind the laws in ORS Chapter 477 that govern these processes was for landowners to pay for adequate protection at the local level. The intent was never for ratepayers to provide an adequate level of funding for ODF's administrative costs at the Salem or Area level, costs which ballooned last year with the passage of SB762 and were allocated outside the control of the FPAs. There is also no other example in Oregon's system where state agencies pass along their administrative costs to ratepayers. It is these costs that are contributing to the financial burden put on landowners at a pace that far exceeds a landowner's ability to recoup costs from those lands in commodity markets.

Oregon's current funding model was created during a time when the threat and impacts of fire were mainly limited to forest landowners directly, and causes of large costly fires were frequently caused by forest operations. Forest operation-related ignitions over the last several decades have been reduced drastically with newer technology. There were zero fires caused by forest operations during the 2023 fire season. Currently, the leading causes of fire ignitions on the Coos Forest Protective Association (CFPA) protected lands are directly related to the unsheltered population, followed by recreational campfires escaping, and vehicle-related fires caused by motorists.

While fire ignitions from landowner activities have been decreasing, fires resulting from public and natural ignitions have been wreaking devastation on a scale not seen since the formation of organized firefighting systems. Over the last decade, we've seen fires that have turned cities into ashes and threatened major metropolitan areas. Fires have sent unhealthy air to every corner of the state and threatened the watersheds that provide clean water for our cities and communities. These fires have had a significant impact on wildlife, recreation, and tourism, and have threatened what Oregon is known for: our forests. It is truly an all-Oregonian problem, and all Oregonians should be included in the solution.

We are thankful for the efforts of Senator Steiner and her workgroup to gain understanding in the legislature of the issues and complexities of Oregon's wildfire funding system during the 2024 short session, and their work toward tenable solutions. We do believe the proposed changes would have been a step in the right direction and were disappointed it fell short this last legislative session. We are cautiously optimistic that the budget note included in HB4133, which requires the Oregon Department of Forestry to work with the Oregon State Fire Marshall on a fire funding solution, will be productive. As we understand, the workgroup associated with the budget note has already grown to include stakeholders outside of OSFM and ODF. We are offering support from CFPA staff to engage with this workgroup, as we will be directly impacted by changes made to Oregon's funding model.

The Coos Forest Protective Association has been providing fire protection in Oregon since 1910. We have a passion for protecting Oregon's ecosystems and communities and want to be a part of the solution to the wildfire crisis. Thank you for your continued attention to this important issue affecting all Oregonians.

Respectfully,



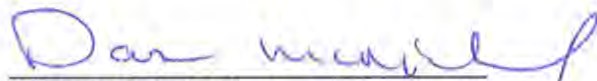
Chris Sexton
President, Board of Directors
Coos Forest Protective Association



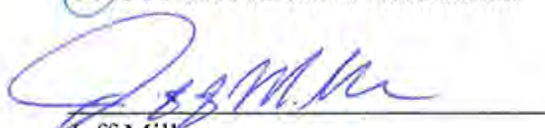
Tim Truax
Vice President, Board of Directors
Coos Forest Protective Association



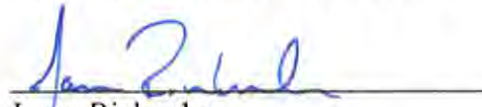
Jim Carr
Board of Directors
Coos Forest Protective Association



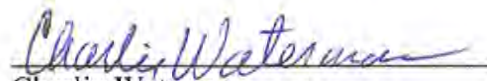
Darin McMichael
Board of Directors
Coos Forest Protective Association



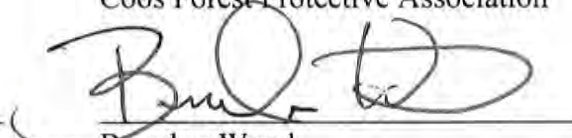
Jeff Miller
Board of Directors
Coos Forest Protective Association



Jason Richardson
Board of Directors
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Charlie Waterman
Board of Directors
Coos Forest Protective Association



Brandon Wood
Board of Directors
Coos Forest Protective Association

CC: Tina Koteck
Doug Grafe
Cal Mukumoto
Jim Kelly
Senator Steiner
Senator Golden
Representative Marsh
Representative Boice
Senator Brock Smith
Senator Anderson
Representative Wright

OREGON FOREST PROTECTION ASSOCIATION

-OFPA-

AN ASSOCIATION OF PRIVATE FOREST LANDOWNERS IN OREGON

1758 NE Airport Road, Roseburg, Oregon 97470

Ph: (541) 672-6507

Organized 4/1/1910

Incorporated 1/16/1911

Milton L. Moran Jr.
President

Melvin L. Thornton
Manager

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May 6, 2024

Chair Kelly and Members of the Oregon State Board of Forestry
State Forester Cal Mukumoto
2600 State Street
Salem, Oregon

The Oregon Forest Protection Association (OFPA), representing Oregon's forest landowners, and the 12 Forest Protective Associations since 1910, provides leadership and representation to maintain and enhance wildland fire prevention, detection and suppression. Forest Protective Association board members across our state work hand in hand with local State Districts and Operating Associations building Adequate Levels of Protection and appropriate budgets to protect timberlands, natural resources and communities from wildland fires.

Our member associations are currently conducting their Spring Business meetings and preparing for the upcoming fire season, as well as annual budgets. We are seeing both passage and failure of Fire Protection Budgets across the state. Many Association Board Members are struggling to make the rate increases palatable. We find no fault of our local District or Operating Association leadership and staff, as they present the budget to our Boards of Directors. The cost shift of SB 762 to private landowners continues to be of great concern as it has created a significant increase in our rates per acre. SB 762 was accepted by private landowners as it was originally rolled out, however was promised to be wholly supported statewide by the General Fund. ORS Chapter 477 governs the process for private landowners to pay for an adequate level of protection at the local level. The intent was not for rate payers to provide an adequate level of funding for the Oregon Dept. of Forestry administrative costs at the Salem and Area level. The cost shifts of SB 762 and the ODF admin costs is not sustainable and may drive some away from forestland management.

As you are aware, Oregon's wildland fire funding is complex and difficult for many to fully comprehend. We applaud the 2024 Short Session efforts of Senator Steiner and the work group in seeking to find solutions to this ever-growing issue of Oregon's Wildfire Funding System. The group recognized that wildfire, smoke, both short and long term, evacuations, impacts to tourism and other issues affect all Oregonians. We truly believe this is an all-Oregonian issue.

Many of our members and our operators provide trained personnel and multitudes of firefighting and communications equipment at our expense to detect and suppress wildfires. We are part of Oregon's Complete and Coordinated Fire Fighting System. Please continue to seek opportunities to involve all Oregonians in finding solutions to protect all lands, properties and communities from wildfires.

Sincerely,
The Board of Directors, Oregon Forest Protection Association


Milton I. Moran Jr.
President, OFPA


Melvin Thornton
Manager, OFPA

Chris Sexton
Coos Forest Protective Assoc.

Chris Johnson
Klamath Forest Protective Assoc.

Lindsay Reaves
Western Lane Forest Protective Assoc.

Ken Canon
Douglas Forest Protective Assoc.

Jim Crawford
Clackamas Marion Forest Prot. Assoc.

Ted Reiss
Eastern Lane Forest Prot. Assoc.

Luke Bergey
Western Oregon Forest Prot. Assoc.

Calob Brown
Linn Forest Protective Assoc.

Keith Little
Walker Range Forest Prot. Assoc.

Mikaela Gosney
Rogue Forest Protective Assoc.

Kathryn VanNatta
Northwest Oregon Forest Prot. Assoc.

Jered Schwabauer
East Oregon Forest Protective Association

All board members approved this letter via e-mail and/or phone calls, including the listing of their names and Protective Associations.

KEN CANON
President

RYAN BRONSON
Vice-President

JILL MILLER
Secretary-Treasurer

PAT SKRIP
District Manager

Douglas Forest Protective Association

BOARD OF DIRECTORS

Rick Barnes – Nickel Mountain LLC
Dan Dawson – Dawson Ranch
Brennan Garrelts – Lone Rock Timber Co.
Dave Archambault – Sierra Pacific Industries
Paul Zolezzi – Rocking C Ranch LLC
Ken Canon – Aurora Resources
Quinton Quisenberry – Quisenberry Ranch
Dana Kjos – Roseburg Forest Products
Ryan Bronson – Silver Butte Timber Co.
Tim Vredenburg – Cow Creek Band of Umpqua Indians
Jason Richardson – Weyerhaeuser Co.



HEADQUARTERS

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Fax: (541) 440-3424
www.dfpa.net

May 6, 2024

Chair Kelly and Members of the Oregon State Board of Forestry
State Forester Cal Mukumoto
2600 State Street
Salem, Oregon

For 112 years the Douglas Forest Protective Association (DFPA) has provided prevention efforts and initial attack on wildland fires occurring on 1.6 million acres of public and private timber and grazing land in Douglas County. DFPA is a non-profit operating Forest Protective Association with a variety of members including farmers, small woodland owners, ranchers, large timberland owners and others.

I am a small woodland owner (282 acres) and am also the President of DFPA's Board of Director's on behalf of whom I am writing this letter. Over the last two months the DFPA Board has been actively reviewing and ultimately approving our 2024/2025 budget.

As a Board we are concerned about the rising costs of wildland firefighting and the impact of those costs on landowners' Forest Patrol Assessments. Small woodland owners have a long-term investment horizon as our trees are harvested at the 50 – 60 year mark. But rapidly rising short-term costs, including the DFPA Forest Patrol Assessments, calls into question the continued financial viability of our long-term investments. While different, ranchers and farms face similar economic challenges with volatile markets and small margins. These increasing costs have a significant impact on all of rural Oregon. These financial risks can also cause landowners to consider converting their timber and grazing lands to other uses perceived to be more fiscally sustainable.

DFPA's FY 2019/2020 base budget was \$5,677,678. The base budget pays for our personnel, buildings, aviation resources, vehicles and everything needed to aggressively prevent and suppress wildland fires. Just five year later, our FY 2024/2025 base budget is \$8,858,070, a 58% increase. In addition, DFPA pays funds to support the administrative costs of the firefighting component of the Department of Forestry, both at the State Fire Management level and at the "Area" level. The state costs have risen from \$353,767 in FY 2019/2020 to \$807,596 in our current budget, a 128% increase. Area costs have risen from \$59,231 to \$156,691 a 164% increase. Collectively, these payments to

the state are over 10% of our budget, and are therefore collected in our Forest Patrol acreage assessment.

As a landowner and DFPA Board member, I have supported the increase in DFPA's base budget as it goes directly to firefighting at the local level. However, the administrative costs associated with ODOF should more appropriately be carried by the General Fund, not land owners protected by DFPA. DFPA has its own staff that does finance, payroll, human resources, safety and management of our motor pool of over 100 vehicles.

Land owners, large and small, pay directly for fire prevention and aggressive initial attack. In addition, these land owners expend additional funds to maintain their roads for access to limit fire spread, provide their heavy equipment and personnel to assist DFPA on active fires and are active in detecting and reporting fire starts. Obviously, we also pay into the General Fund.

Wildfires are an all-Oregonian issue. All Oregonians suffer when population centers are blanketed by smoke for months at a time, negatively affecting citizens' health, commerce, tourism, transportation, and overall quality of life. All of Oregon suffers when our air, water and wildlife habitat ecosystems are directly and indirectly harmed by fire on the landscape. All of Oregon suffers when timber and agriculture resources are consumed or degraded by fires. And, unfortunately, all Oregonians, not just rural residents, contribute to the large number of human-caused fires that we at DFPA work so hard to prevent.

As a Board we are very supportive of Oregon's complete and coordinated firefighting system and are proud of DFPA's role in that system. Recognizing that both the ignition and devastating impacts of wildfire are an all-Oregonian problem, we do believe the funding of this system needs to be updated.

Thank you for your commitment and support of Oregon's nationally recognized complete and coordinated wildland firefighting system.

Sincerely

Ken Canon, DFPA President on behalf of the DFPA Board of Directors

Rick Barnes

Nickel Mountain LLC

Dan Dawson

Dawson Ranch

Brennan Garrelts

Lone Rock Timber Co.

Dave Archambault

Sierra Pacific Industries

Paul Zolezzi

Ken Canon

Rocking C Ranch LLC

Quinton Quisenberry

Quisenberry Ranch

Ryan Bronson

Silver Butte Timber Co.

Jason Richardson

Weyerhaeuser Co.

Cc:

Governor Tina Kotek

Senator Rob Wagner – President, Oregon Senate

Senator Elizabeth Steiner – Co-chair, Joint Committee on Ways and Means

Senator Daniel Bonham – Senate Republican Leader

Senator Mark Meek – Chair, Senate Committees on Finance and Revenue

Representative Julie Fahey – Speaker, Oregon House of Representatives

Representative Tawna Sanchez – Co-Chair, Joint Committee on Ways and Means

Representative Jeff Helfrich – House Republican Leader

Representative Nancy Nathanson – Chair, House Committee on Revenue

Doug Grafe – Wildfire Program Director, Office of the Governor

Kyle Williams – Deputy Director of Fire Operations, ODOF

Aurora Resources

Dana Kjos

Roseburg Forest Products

Tim Vredenburg

Cow Creek Band of Umpqua Indians



EASTERN LANE FOREST PROTECTIVE ASSOCIATION

3150 MAIN STREET
SPRINGFIELD, OR 97478

(Incorporated)

President:

Ted Reiss

Giustina Land & Timber Co.

Vice President:

Chase Kinion

Franklin Clarkson 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 Acting District

Forester:

Craig Pettinger

ODF Unit Forester:

John Flannigan

NW Oregon Interagency

Fire Management:

Kevin Reese

Or. Forest & Ind. Council:

Kyle Williams

Keep Oregon Green Assn:

Kristin Babbs

Army Corp. of Engineers:

Wendy Jones

May 7, 2024

State Forester Cal Mukumoto,

Chair Kelly, and Members of the Oregon Board of Forestry,

Greetings from the Eastern Lane Forest Protective Association (ELFPA), the organization that started private cooperative fire protection and suppression in Oregon 120 years ago. Over the years all members of the ELFPA have maintained their focus on the critical mission of forest and community resource protection. This unwavering commitment has provided benefits in the viability of the natural environment and economic conditions in Lane County.

On behalf of the Board of Directors and membership of ELFPA, I express concern about the rising costs of annual preparation and suppression of wildfire in our area (South Cascade District of ODF). Several factors have caused extreme cost increases in recent years. These are stacked on top of additional costs landowners already incur for preparation efforts as an integral part of the Oregon Department of Forestry's complete and coordinated system of wildfire prevention and suppression. Members of ELFPA are extremely concerned about the future of wildfire funding, in total, and how the system may fail to provide the high level of protection required to avoid catastrophic damage to life and property.

Here is a short list of the concerns ELFPA members have about the current funding system and recent experiences:

- **SB 762 Increased Costs:** The previously passed Senate Bill 762 increased ODF district staff beyond the cooperatively approved staffing needs to meet an adequate level of protection necessary to meet and exceed statutory requirements. Extra costs for these positions have been shifted to landowners to pay. Landowners believe the Oregon Legislature has reneged on a promise made to fund the extra positions mandated by SB762.
- **Salem ODF Administrative Costs:** No other agency within State of Oregon government requires direct payment of agency administrative costs. This increases total FY25 budget costs for our district by \$550K (approximately \$0.48 per acre).
- **Landowner Preparation Not Valued by Current Funding Model:** Members of ELFPA prepare for season by receiving fire training, purchasing firefighting

gear for personnel, purchasing and readying equipment that is set aside for fire response only, improving and maintaining water sources, etc. These costs to landowners are not considered in any funding mechanism except as a contribution to the complete and coordinated system of fire protection in Oregon. Current statewide preparedness costs by landowners for this preparation work may exceed \$20MM annually.

- Local Level Landowners Paying For State Of Oregon Assets: ODF is the only agency within the State of Oregon system that requires local landowners to pay for long term State of Oregon assets such as extremely expensive building renovations and new aerial wildfire detection platforms. It is simply unacceptable for local landowners to pay the cost burden for durable assets that provide service to the entire state.
- USFS Fires on Border with ODF: Large fires on USFS land immediately adjacent to ODF jurisdiction require huge amounts of energy and real costs to our district and ODF statewide. In FY24 our district spent \$4.6MM on these types of incidents. The strain on local personnel is extreme during the height of fire season.

In brief, the members of ELFPA believe the time has come to renovate the complicated funding model in place to provide for fire prevention and protection. A new funding and operations model must be centered NOT ONLY on providing service to all residents of the State of Oregon. A new funding model must be centered on securing funding from all recipients of the excellent prevention and protection efforts rendered each year by the Oregon Department of Forestry and all partners who engage in these exceptionally important endeavors.

Sincerely,



Ted Reiss
President – Eastern Lane Forest Protective Association

Cc:

Rep. Julie Fahey – Speaker, Oregon House of Representatives Rep.JulieFahey@oregonlegislature.gov
Rep. Tawna Sanchez – Co-Chair, Joint Committee on Ways and Means Rep.TawnaSanchez@oregonlegislature.gov
Rep. Jeff Helfrich – House Republican Leader Rep.JeffHelfrich@oregonlegislature.gov
Rep. Nancy Nathanson – Chair, House Committee on Revenue Rep.NancyNathanson@oregonlegislature.gov
Sen. Rob Wagner – President, Oregon Senate Sen.RobWagner@oregonlegislature.gov
Sen. Elizabeth Steiner – Co-Chair, Joint Committee on Ways and Means Sen.ElizabethSteiner@oregonlegislature.gov
Sen. Daniel Bonham – Senate Republican Leader Sen.DanielBonham@oregonlegislature.gov
Sen. Mark Meek – Chair, Senate Committee on Finance and Revenue Sen.MarkMeek@oregonlegislature.gov
Doug Grafe – Wildfire Programs Director, Office of the Governor Doug.C.GRAFE@oregon.gov
Kyle Williams – Deputy Director of Fire Operations, Oregon Department of Forestry Kyle.H.Williams@odf.oregon.gov
Milt Moran – President Oregon Forest Protective Association mmoran@cascadetimber.com
Brennan Garrelts – Chair Emergency Fire Cost Committee brennan.efcc@gmail.com
Bev Hansen - ELFPA Business Manager elanefpa@outlook.com

EAST OREGON FOREST PROTECTIVE ASSOCIATION
1919 JACKSON AVE
LA GRANDE, OR 97850

Cal Mukumoto, State Forester
Jim Kelly, Chair, Board of Forestry
Oregon Department of Forestry
2600 State Street
Salem, OR 97310

May 6, 2024

State Forester Mukumoto,
Chair Kelly,

The East Oregon Forest Protective Association (EOFPA) had their annual budget review meeting on April 23rd. 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 unanimously did not approve the budgets. This was the second year the association could not support the fire fighting budgets for the eastern half of Oregon.

This decision was not easy. The EOFPA and the local ODF districts have a long-standing working relationship and have collaborated for over 56 years to define and provide an adequate level of protection for landowners within the districts. 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.

In three years, from fiscal year 2022 to 2025, the base budgets have increased by over 47% or \$6,139,280.00. SB762 was intended to provide additional fire fighting capacity for all Oregonians but not create an undue burden on landowners. The landowner offset in SB762 was unfunded, forcing the landowners to shoulder an unacceptable burden for wildfire protection. We are thankful for the efforts of Senator Steiner and her workgroup as they attempted to fix the issue with HB4133, which failed because of a wording technicality.

The EOFPA is optimistic that the workgroup formed from the budget note contained in HB4133 can work towards a funding solution. Any changes made to the funding model will directly impact landowners represented by the EOFPA. As such, this association and its members are ready and willing to engage with and support this workgroup.

Cost increases have become untenable for the landowners in Eastern Oregon. As 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. Wildfire is a problem for all Oregonians. We urge you to voice our concerns to the Governor and Legislature and ask that you support our efforts to find a solution to update the funding of wildfire protection for all of Oregon.

Regards,



Jered Schwabauer
President EOFPA

John Breese, CO Vice President
Lance Barker, Treasurer Director
Doug Corey, Director
Roy Beyer, Director

Chris Heffernan, NEO Vice President
Chris Johnson, Director
Jeremy Gross, Director
Lynne Breese, Secretary

CC. Representative Julie Fahey
Representative Tawna Sanchez
Representative Jeff Helfrich
Representative Nancy Nathanson
Senator Rob Wagner
Senator Elizabeth Steiner
Senator Daniel Bonham
Senator Mark Meek

May 7, 2024

Cal Mukumoto
Oregon State Forester
2600 State St.
Salem, OR 97310

RE: FY 25 fire protection costs

Dear Mr. Mukumoto,

The Clackamas-Marion Forest Protective Association (CMFPA) voted unanimously to approve the North Cascades District budget for FY 2025. This unanimous approval was given to show our unwavering support of the outstanding results that NCAS District staff continue to achieve in providing fire protection services to private landowners.

However, as private landowners paying for this service, we are also deeply concerned about the continuing extreme growth in per acre costs. The rate of increases over the past two years is simply unsustainable. For example, in FY 2024 the protection rate increased an incredible 36%, and going into FY 2025 we are looking at a similar increase of 35%.

The NCAS District was catastrophically impacted by the Labor Day fires of 2020. The resulting loss of timber and reproduction has been and will continue to heavily influence landowners in the District. Simply put, landowners no longer have the same level of harvestable age timber to replace what has been lost, resulting in a drastically reduced ability to fund these ever-increasing wildfire protection costs.

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 and provide their own Adequate Level of Protection at a lower cost. 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. I am particularly concerned about our federal partners at the Bureau of Land Management.

We would like to reiterate our sincere appreciation, support, and respect for the work that the NCAS District does on the ground in controlling wildfire and keeping fires small. Our close relationship is an incredible strength. However, our deep concerns regarding the cost of fire protection continue to rise. 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.

Thank you.

A handwritten signature in cursive script that reads "Jim Crawford".

Jim Crawford, President
Clackamas-Marion Forest Protective Association



4690 Highway 20
Sweet Home, Oregon 97386
541-367-6108

President:

Caleb Brown
Frank Timber Resources, Inc.

Vice President:

Jill Bell
Weyerhaeuser Company

Treasurer/Secretary:

Meghan Thornton
Campbell Global
Franklin Clarkson Timber

Directors:

Milt Moran
Cascade Timber Consulting, Inc.

Eric Kranzush
Giustina Land & Timber Co.

Bruce Gibeau
Giustina Resources, Giustina
Woodlands & Lost Creek Timber

Stacey Whaley
Linn County Parks

Scott Melcher
Shadow Lane Timberlands

McKenzie Bredemeyer
Sierra Pacific Industries

Christy Tye
Small Woodlands

Randy Hereford
Starker Forests, Inc.

Advisory Directors:

ODF Area Director (SOA):

Bureau of Land Mgt:

US Forest Service:

Army Corp of Engineers:

Oregon Forest

Industries Council:

Keep Oregon Green Association:

ODF:

Interim District Forester:

Craig Pettinger

5/8/2024

Chair Kelly and Members of the Oregon State Board of Forestry
State Forester Cal Mukumoto
2600 State Street
Salem, Oregon

Linn Forest Protective Association (LFPA) has been representing landowners within Linn County since 1911. We have been working hand in hand with South Cascade District staff to develop an adequate level of protection and maintain Oregon's complete and coordinated firefighting system. The private/public partnership between Oregon Department of Forestry (ODF) and local landowners is vital to this systems success over the years.

ORS Chapter 477 governs the process for private landowners to pay for an adequate level of protection at the local level. It was never intended to cover an adequate level of funding for administrative cost at Salem and Area level budgets. Budgets at the Salem and District level have representation from landowner, but the Area budgets are just a budget transfer line item that has NO landowner oversight. Area staff should present their budgets and allow landowners budget oversight so we know what we are paying for at the Area level. The graph below shows the Area budget transfer over the years.



As of May 6th, our budget has been approved and signed, however the new Western Oregon Operating Plan (WOOP) agreement has not yet been finalized between ODF

Providing Fire Protection in Linn County since 1911



4690 Highway 20
Sweet Home, Oregon 97386
541-367-6108

President:

Caleb Brown
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Directors:

Milt Moran
Cascade Timber Consulting, Inc.

Eric Kranzush
Giustina Land & Timber Co.

Bruce Gibeau
Giustina Resources, Giustina
Woodlands & Lost Creek Timber

Stacey Whaley
Linn County Parks

Scott Melcher
Shadow Lane Timberlands

McKenzie Bredemeyer
Sierra Pacific Industries

Christy Tye
Small Woodlands

Randy Hereford
Starker Forests, Inc.

Advisory Directors:

ODF Area Director (SOA):

Bureau of Land Mgt:

US Forest Service:

Army Corp of Engineers:

Oregon Forest
Industries Council:

Keep Oregon Green Association:

ODF:

Interim District Forester:

Craig Pettinger

and BLM. Depending on the outcome of negotiations between ODF and BLM, if the new agreement effects our protection level or the overall cost of protection, we should be allowed the opportunity to reassess our budget.

SB762 mandated an increase in the number of full-time employees in the district, surpassing the adequate level of protection identified in our external stakeholder study. This increase was implemented without any consideration for district staffs success in suppressing 96% of fires at 10 acres or less. Landowners are not just paying their share of this increase, but also now covering the \$15 million in General Fund offset that was missing from your biennial budget.

Large wildfire on USFS managed land adjacent to ODF protection have required large amounts of cost and energy to our district and ODF statewide. Over the course of FY24 our District spent over \$4.6 million on five fires that posed a direct threat to ODF protected lands. District spending wasn't the only contribution, LFPA member companies also spent a tremendous amount of time on the fire line protecting their timberlands instead of their regular job requirements.

LFPA members believe it's time to overhaul the complicated wildfire funding model that's in place to provide for fire prevention and protection. The new model should take into account that a bigger portion of our fire cost have been driven by large fires moving from USFS lands onto ODF protected lands. This new funding models should still have the excellent partnership between ODF and private landowner that has been working for over 100 years.

Respectively,

Caleb Brown
Linn Forest Protective Association - President

Providing Fire Protection in Linn County since 1911

ROGUE FOREST PROTECTIVE ASSOCIATION

5286 Table Rock Road Central Point OR, 97502
(541) 664-3328 FAX (541) 664-4340

Officers:

President:

Mikaela Gosney

Vice President:

Darin McMichael

Sec.-Treas.:

Mike Meredith

Directors:

Mike Backen

Ed Fallon

Mikaela Gosney

Todd Marthoski

Darin McMichael

Jeremy Kennedy

Justin Kostick

Whitney Henneman

Mike Meredith

Dave Streeter

Tom Young

Advisory Directors:

Kristin Babbs

Dan Quinones

Dave Larson

Chris Glode

District Forester

Dave Larson, *Acting*

Members:

Bureau of Land Mgt.

Chinook Forest Mgt.

FWS Forestry

Green Diamond

Manulife Investment Mgt.

Josephine Co. Forestry

Lone Rock Timber Co.

Miller Ranch

Murphy Timber Invest.

Silver Butte Timber Co.

Siskiyou Cascade Group

Snowy Butte Timberlands

Stanley Ranch

Members of:

Keep Oregon Green

OFIC Protection

Committee

May 2, 2024

Cal Mukumoto

State Forester

Oregon Department of Forestry

2600 State Street

Salem, OR 97310

Dear Mr. Mukumoto,

I am writing to you on behalf of the Rogue Forest Protective Association (RFPA) regarding the 2025 Protection Budget for the Oregon Department of Forestry Southwest Oregon District, serving Jackson and Josephine counties. Once again, the RFPA Board of Directors is facing the challenge of the rising cost of wildland firefighting and daily business on this extremely fire-prone district. With no real fire funding fix on the horizon, we are prompted to express our concerns for the viability of this funding structure moving forward.

The Southwest Oregon District's fiscal year 2025 budget comes out to \$12,270,130, a \$1.8 million increase from two budget cycles ago. While rates have slightly decreased on the district this year, it's due to the completion of the final stages of a Forestland Classification process in Jackson County and will not provide long-term relief or a reversal of the burden on landowners. Historically, the fiscal budget has not generated enough revenue to keep up with the cost of providing an adequate level of protection, and with this process complete, it's another example of the inadequacies of this funding structure.

Overall, costs increased across the board; Services & Supplies and Transfers increased by \$296,272, Motor Pool increased by \$160,802 (17%), RSU/Telecommunications increased by \$115,591 (30%), Area Management increased by \$52,348 (42%), totaling more than \$600,000 in higher costs. Salem and Area management costs are over \$1 million. With the continuous rise in inflation as well, these increases are not sustainable.

The district is also tasked with continuing to find the funding for positions gained through Senate Bill 762. The additions were long overdue and are appreciated, however the one-time funding for them has left the district with rising costs and no funding solutions.

The RFPA Board of Directors all stand in agreement that rising costs of wildland firefighting is an issue that needs to be addressed immediately by the Department of Forestry and its Board. The dramatic changes in wildfire and the costs to provide an adequate level of protection on this District cannot be carried by landowners if rates continue to skyrocket; a change in fire funding is needed. Wildfire affects all Oregonians, and we believe a long-term, equitable funding fix is becoming overdue. Although the RFPA Board approved the 2025 protection budget, we have deep concerns regarding sustained funding challenges that exist on the Southwest Oregon District and throughout Oregon. While we as a Board fully support the tireless work this district does to protect its communities and resources, we also feel it is imperative to find a solution to the unbalanced burden in wildfire funding that exists in Oregon.

The RFPA Board of Directors submits this letter respectfully to you and the Board of Forestry. We request a written response at your earliest convenience.

Sincerely,

Mikaela Gosney

Mikaela Gosney, President

Rogue Forest Protective Association

**OREGON DEPARTMENT OF FORESTRY
HEARING OFFICER'S REPORT
NEO District FY25 Budget**

Date: April 16, 2024
To: Oregon Department of Forestry
From: Kay Rinker
Subject: Hearing Officer's Report on FY25 NEO District Fiscal Budget

Hearing Date: April 16, 2024

Hearing Location: Northeast Oregon District office
Virtual through TEAMS

Public hearings to receive comments on rulemaking for the FY25 NEO District Fiscal Budget were convened in-person and via zoom on April 16, 2024. Written testimony was received until April 23rd, 2024 at 5:00 pm.

Serving as hearing officer was Oregon Department of Forestry NEO District Forester Matt Howard. There were no members of the public in attendance at the hearing.

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 23, 2024.

Summary of Oral Comments

April 16, 2024 – No members of the public attended the hearing.

Summary of Written Comments

After the hearing we received 3 written testimonials from current NEO Budget Committee members. All 3 voted "No" on the current budget that was submitted as it depicted a higher rate than last year that they voted down.

Summary of reasons for the "No" vote are:

- Discouraged about SB4133 not passing due to a wording technicality
- Rate increase last year due to the governor not funding the SB762 offset
- Timber industry losing more money than being made

Suggestions that were mentioned in their written testimonials are:

- Cost of fire protection should be shared by all Oregonians as all are affected by wildfire
- Union should set COLAs as an indexed rate, not a negotiated rate
- Urges us all to look at creative ways to cut costs such as reducing the ACC, reducing deductibles, eliminating capital improvements and engine builds, reducing fire staff and utilizing forest resources staff.
-

Although the letters express their support for the level of service provided by NEO District, they urge us to look at creative ways to cut costs and increase revenue while providing the current adequate level of protection.

Hearing Officer
Matt Howard

RINKER Kay * ODF

From: Bobby Corey <bobbycorey7@gmail.com>
Sent: Tuesday, April 16, 2024 9:32 AM
To: RINKER Kay * ODF; HOWARD Matt * ODF
Subject: Public Hearing testimony

Dear State Forester Mukumoto,

I am writing in opposition to the proposed Fire Budget for NEO. On April 1, Matt Howard and other fire managers within NEO presented a budget to the Budget Committee that was unacceptable by the committee. I voted no on the budget for multiple reasons. Without the passage of SB 4133, due to a simple wording technicality, landowners statewide were hit with rate increases to make up the gap in funding. That is unacceptable. Landowners statewide are already paying very high rates for fire protection, had a large increase in rates in 2023 due to the Governor not funding the SB 762 offset, combined with the present climate of the Agriculture/Timber industry in this country that is losing more money than is being made, makes this rate increase a hard pill to swallow. I truly enjoy working with Matt and his staff throughout the entire district and do not believe they are at fault for this rate increase. This rate increase comes directly from Salem, the Governor, and the debacle of SB 4133 at the end of the short session.

Bobby Corey
Cunningham Sheep Co
Pendleton Ranches
ODF NEO Budget Committee member

--

Bobby Corey
541-377-1313
bobbycorey7@gmail.com

April 15, 2024

Board of Forestry

RE: NEO Budget Testimony in Opposition

My name is Pat Sullivan. I am a landowner in the Burnt River Valley and Fire Chief for the Unity/Burnt River Fire and EMS Department. Which double covers approximately 110,000 acres of range ground and 30,000 acres of timber ground that is also protected by ODF. What is also more important to the subject of the NEO budget is that I am a 38-year member of the budget committee.

On April 1 our district forester presented a budget to the budget committee and asked for our approval that carried a higher rate than the last prior year's budget which we did not approve. I originally thought it was an April Fool's joke, but after about half an hour, I realized this is no joke. This budget was presented to us with full knowledge of where the committee stood, as he had met with committee members one on one prior to the formal budget meeting.

It is the responsibility of the budget committee to represent the landowners of the district and knowing that landowners could not afford the rates that were proposed. Instead of just voting the budget down the committee took a positive solution-based approach to rate reduction. In hopes that we could get to a rate that our landowners could tolerate, the recommendations that the committee discussed for four hours included reducing our cash carry over, reducing deductibles, eliminating capital improvements (engine builds), and even went as far as looking at a reduction in staffing or at least allowing the landowners to utilized fire fighters from forest practice projects (ie thinning, tree marking, etc). All the proposals the committee looked at would have brought positive rate relief along with a positive landowner perception of ODF. ODF perception today is that the ODF landowner partnership has declined to just ODF and the landowners check book.

In the end all proposed recommendations were rejected, and the committee voted to reject the budget as presented. To add insult to injury our District Forester announced his retirement a week after the budget meetings.

With everything said I am asking the Board of Forestry to not approve the Northeast budget without first sending it back to district management to fully consider the recommendations of the budget committee that in my opinion could produce rate relief without lowering level of protection.

Thank You,

Pat Sullivan

buckmup@ortelco.net

(541) 519-1064

To: Oregon State Forester Mukumoto

From: Chris Cunningham/ NEO Advisory Budget Committee member.

April 23, 2024

Dear State Forester Mukumoto

As you are aware on April 1st of this year the NEO Budget committee voted no on the District Budget as presented. In my view Matt Howard did an exceptional job of presenting the budget and defended the role of the district to provide an "adequate level of protection".

I voted no for a number of reasons and would request that the State Board of Forestry work diligently to provide landowner relief in some form. Fire and the consequences of fire are and will always be a state issue. Highly urbanized areas and industries (wine) suffer huge consequences from wildland smoke and fire. Your rural second cousins suffer serious losses also with infrastructure and livestock loss. The cost of wildfire suppression and control should be shared by all Oregonians not just those that stewardship the land that wildland fires love to visit.

A number of years ago I worked diligently in Wallowa Counties Reclassification efforts. We captured unassessed acres on the grounds of fairness and equitable distribution of costs associated with fire suppression. We convinced our neighbors and friends that this was good business and good for them. Since we reclassified these acres I have to look those same neighbors in the eye and try and explain to them why their assessment has increased over 100 percent. That is a very hard thing to do and quite frankly very unsustainable. Its imperative that the state Board of Forestry and the Legislature figure this out.

Another reason I voted no was the Unions involvement with negotiating COL increases for State Employees. I deeply respect and appreciate State Forestry Employees. Our Firefighters need to be compensated fairly and equitably and their wages definitely need to keep up with inflation, but COL needs to be an indexed rate not a negotiation. It is a number. It has a real meaning and is not subject to feelings and interpretation.

I urge all of us to look at creative ways to cut costs and increase revenue from other State sources while all of us strive to maintain an adequate level of protection.

Respectfully

Chris Cunningham

NEO Budget Committee member

MINUTES OF PUBLIC BUDGET HEARING

Covering Period: July 1, 2024 to June 30, 2025

Western Lane District

In accordance with ORS 477.255, the Public Budget Meeting for the above-named fire district was held on April 29, 2024, at 9:00 a.m., at the Western Lane District. John Deegan acted as Chair and Andrea Lively acted as Secretary.

The following persons were in attendance:

none	

The meeting was called to order by the Chair at 9:00 a.m., 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 9:05 a.m.

Signed



Secretary

**OREGON DEPARTMENT OF FORESTRY
HEARING OFFICER'S REPORT
KLD District FY25 Budget**

Date: May 09, 2024

To: Oregon Department of Forestry

From: Trista Batten

Subject: Hearing Officer's Report on FY25 KLD District Fiscal Budget

Hearing Date: April 25, 2024

Hearing Location: Klamath Community College

Virtual through ZOOM

Public hearings to receive comments on rulemaking for the FY25 KLD District Fiscal Budget were convened in-person and via zoom on April 25, 2024.

Serving as hearing officer was Oregon Department of Forestry KLD District Forester Teresa Williams. There were no members of the public in attendance at the hearing.

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 25, 2024.

Summary of Oral Comments

April 25, 2024 – No members of the public attended the hearing.

Summary of Written Comments

After the hearing we received no written testimonials from current KLD Budget Committee members. All voted "Yes" on the current budget that was submitted.

Hearing Officer
Teresa Williams

OREGON DEPARTMENT OF FORESTRY

HEARING OFFICER'S REPORT

Central Oregon District FY25 Budget

Date: May 21st, 2024

To: Oregon Department of Forestry

From: Gina Miner

Subject: Hearing Officer's Report on FY25 Central Oregon District Fiscal Budget

Hearing Date: May 1st, 2024

Hearing Location: Prineville Office – COD Virtual through Zoom

Public hearings to receive comments on rulemaking for the FY25 COD District Fiscal Budget were convened in-person and via zoom on May 1st, 2024. Written testimony was received until May 8th, 2024 at 5:00 pm.

Serving as hearing officer was Oregon Department of Forestry COD District Forester Rob Pentzer.

There were five members of the public in attendance at the hearing.

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 May 8th, 2024.

Summary of Oral Comments

May 1st, 2024 – The summary of the written comments is that the current funding structure is not sustainable, the growth of the budget is outgrowing the value of the land in Eastern Oregon, the hard work of the District is seen and valued but a funding fix needs to happen.

Summary of Written Comments

After the hearing we received seven written testimonials from current COD Budget Committee members. All seven voted “No” on the current budget that was submitted as it is not sustainable for them even with the lower rate this year.

Summary of reasons for the “No” vote are:

- Discouraged about HB4133 not passing due to a wording technicality
- Rate increase last year due to the legislature not funding the SB762 offset
- Protection of the assets has outpaced the value of the timber and grazing profits

Suggestions that were mentioned in their written testimonials are:

- Cost of fire protection should be shared by all Oregonians as all are affected by wildfire

- Landowners are looking at other avenues of protection such as rangeland protection associations versus the high costs of the Oregon Department of Forestry

Hearing Officer

Rob Pentzer

Roy M. Beyer
Wine Down Ranch, LLC
6500 NE McKay Creek Rd
Prineville, Oregon 97754

May 1, 2024

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 10 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 years before budget year 2023, 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 2 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 2025 budget year, there is no proposed state budget funding to cover these extra "SB762" budget dollars and the legislature did not provide an alternative funding mechanism to give the landowners a rate relief to cover these increases. 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 the increase in fire patrol costs that the legislature and the Oregon Department of Forestry have proposed for the 2025 budget year. 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.

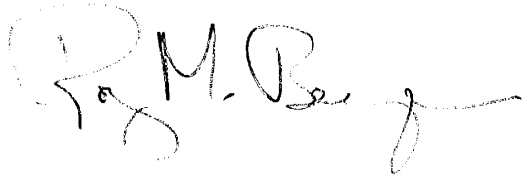
I would propose that the Oregon State Board of Forestry should spend some time to promote the economical use of the east side forests of Oregon instead of putting more regulations in place that limit our chance to economically manage our east side forests. Maybe there are opportunities to enhance the biomass usage as credits toward the funding rates. Another suggestion is carbon credits or "CRP" monies that would go to help off-set the high timber and grazing rates in central and eastern Oregon.

The Oregon Department of Forestry fire fighting and protection division 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 2025 Budget". The fire funding budgets are 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

A handwritten signature in black ink, appearing to read "Roy M. Beyer", with a long horizontal flourish extending to the right.

1 May 2024

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 proposed ODF agency request budget in the 2022 long session of the legislature included a policy option package for a forest landowner offset, to help pay for additional ODF positions related to Senate Bill 762. Unfortunately, it was left out of that current proposed budget package. East Oregon landowners believed this was 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. The 2023 short session legislature came up short for funding to relieve land owners and correct the shortsighted response to fire funding in Oregon.

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 supposed to be covered by an additional \$15,000,000 of General Fund. This was to provide 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.

In the East Oregon Forest Protective Association that I am a representative, our costs per acre will go up 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,

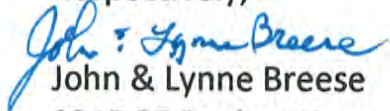
loss of local mills and many other factors that make keeping forestlands as forestlands a losing proposition.

Crook County is in a drought. Many ranchers like us, may reduce cattle numbers, but grazing assessment will likely go up. 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 ever increasing 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



April 30, 2024

To Whom it May Concern:

I am writing this letter to briefly explain my vote to not approve the FY 2025 Forest Patrol Assessment Budget as presented earlier this month.

This decision was not made lightly as I greatly appreciate the excellent work the Central Oregon District does on a consistent basis. I have been associated with the COD budget committee for over two decades now and I can say without reservation that working with many individuals within the department has been very rewarding. Their dedication to their job means a lot to me as a timberland manager here.

We timberland owners in central/eastern Oregon face an uphill battle keeping our working forests working. We have been hit very hard with a tremendous increase in the cost of state fire protection for the past two budget cycles, rampant inflation in every sector possible, and a barely viable milling infrastructure. This past winter I was cleaning out old paperwork from some file cabinets and came across a log purchase agreement from Crown Pacific in Gilchrist dated March 15, 1993. At that time, Crown Pacific was paying \$325/mbf for 6"-11" ponderosa pine. I have a current log purchase agreement with Gilchrist Forest Products paying \$335/mbf for 6"-11" ponderosa pine. I am stuck with an eight load per pay quota till at least the end of the 2nd quarter. I am lucky that I at least have one sawmill to deliver some small diameter ponderosa pine, many timberland owners in the region do not have that option.

A friend told me a joke the other day that a timberland owner who grew the most condos was awarded the tree farmer of the year in Central Oregon. With most big pine off the market and very few sawmills working in the region, we have had a very tough go of it for 30 some years and we are approaching the breaking point.

It is these economic realities that force me to not approve the Central Oregon District Budget.

I hope to someday see an equitable sharing of the costs of fire protection in our region.

Thank you kindly for your time and consideration,

Chris Johnson

Shanda Asset Management LLC

Executive Director Timber Operations

EAST OREGON FOREST PROTECTIVE ASSOCIATION
1919 JACKSON AVE
LA GRANDE, OR 97850

Cal Mukumoto, State Forester
Jim Kelly, Chair, Board of Forestry
Oregon Department of Forestry
2600 State Street
Salem, OR 97310

May 6, 2024

State Forester Mukumoto,
Chair Kelly,

The East Oregon Forest Protective Association (EOFPA) had their annual budget review meeting on April 23rd. 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 unanimously did not approve the budgets. This was the second year the association could not support the fire fighting budgets for the eastern half of Oregon.

This decision was not easy. The EOFPA and the local ODF districts have a long-standing working relationship and have collaborated for over 56 years to define and provide an adequate level of protection for landowners within the districts. 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.

In three years, from fiscal year 2022 to 2025, the base budgets have increased by over 47% or \$6,139,280.00. SB762 was intended to provide additional fire fighting capacity for all Oregonians but not create an undue burden on landowners. The landowner offset in SB762 was unfunded, forcing the landowners to shoulder an unacceptable burden for wildfire protection. We are thankful for the efforts of Senator Steiner and her workgroup as they attempted to fix the issue with HB4133, which failed because of a wording technicality.

The EOFPA is optimistic that the workgroup formed from the budget note contained in HB4133 can work towards a funding solution. Any changes made to the funding model will directly impact landowners represented by the EOFPA. As such, this association and its members are ready and willing to engage with and support this workgroup.

Cost increases have become untenable for the landowners in Eastern Oregon. As 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. Wildfire is a problem for all Oregonians. We urge you to voice our concerns to the Governor and Legislature and ask that you support our efforts to find a solution to update the funding of wildfire protection for all of Oregon.

Regards,



Jered Schwabauer
President EOFPA

John Breese, CO Vice President
Lance Barker, Treasurer Director
Doug Corey, Director
Roy Beyer, Director

Chris Heffernan, NEO Vice President
Chris Johnson, Director
Jeremy Gross, Director
Lynne Breese, Secretary

CC. Representative Julie Fahey
Representative Tawna Sanchez
Representative Jeff Helfrich
Representative Nancy Nathanson
Senator Rob Wagner
Senator Elizabeth Steiner
Senator Daniel Bonham
Senator Mark Meek

April 29, 2024

RE: Oregon Department of Forestry, Central Oregon District-Fiscal Year 2025 Proposed Budget

Rob Pentzer, District Forester, Chair Kelly, and Members of the Oregon State Board of Forestry

Thank you for the opportunity to provide these written comments to be submitted at the May 1, 2024, Central Oregon District (COD)- FY 2025 Budget Hearing.

My wife and I own land (a mix of Timber and Grazing Assessments), near Dufur, Oregon protected by Central Oregon District- ODF.

Once again, the Board of Forestry, ODF, the Oregon Legislature, and The Governor have all failed miserably to “stop the bleeding” resultant from the carryover effects of SB-762 not being fully funded by the Oregon General Fund.

The net effect of the above inaction, combined with State Agency mandates and inflation has resulted in a proposed FY 2025 COD Budget Rate Per Acre increase to the landowner of 34% for Timber and 105% for Grazing as compared to FY 2023 (Pre- SB-762).

Landowner Rates in COD have risen nearly 90% since 2015. The value of our Timber and Grazing assets and the return on investments in the land have definitely not increased by 90% during this same period! ODF fire protection is critical but fast becoming financially impractical because of the above.

It has been stated many times in many circles that a revamping of ODF wildland fire funding and Oregon’s overall funding of wildland fire protection is needed for the future. No other state in the country places such a financial burden on forest landowners, particularly non-industrial landowners such as

ourselves. We need to pay our fair share of the direct services provided, but not suffer from the political "hot potato" created by SB-762, the lack of action, and budgetary/legislative blunders.

ODF-Central Oregon District is critical should a wildland fire start on/or near our Ranch...like so many other landowners we cannot pencil out or support the Proposed FY-2025 COD Budget. Landowners should not be required to bear the financial burdens due to a lack of action. From a landowner perspective, this seems to be Oregon's long-term strategy...whereby landowners will just accept the burden now and it will become the norm as time and future budgets move forward.

Thanks for considering this input and I look forward to your resolution of this issue.

A handwritten signature in blue ink, appearing to read "Bill Hunt", followed by a long horizontal line extending to the right.

Bill Hunt

**Bella Valley Ranch
80560 S. Valley Rd.
Dufur, Oregon 97021**

May 6, 2024

Rob Pentzer
District Forester
Prineville, OR

RE: Oregon Department of Forestry Central Oregon District proposed budget for 2025

After reviewing the information presented at the budget meetings this Spring I would like to provide comments regarding the proposed 2025 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 continue to 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 for the first year of SB-762 measures, the support was discontinued.

Both the FY24 and FY25 COD budgets with unacceptable budget increases did not pass the COD landowner budget committee votes. The COD budget has forced Landowners with Forestland to absorb a 56% increase in fire protection costs in 4 years! The funding for wildland fire in Oregon is out of balance and unrealistic.

Over the past year Hood River County leaders participated in legislative efforts to craft a new wildand fire funding model. However, the Oregon leadership starting with the Governor and Legislature failed forestland owners across the state miserably. After wasting countless meetings and hours, the preferred solutions were torpedoed, even though many promising concepts and alternatives were evaluated and presented. These solutions were derived with the participation of constituents across the state and shows the Salem leadership is unwilling, disconnected and unresponsive.

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. This double rate double punishes the citizens of Hood River County and is completely unfair. The double rate robs funding that should be used for the support of local social services that only the County provides to its residents.

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 wildland fire funding system so all the citizens of the state fairly share in the cost of wildland fire protection in Oregon. Not just saddle the majority burden of fire protection costs on the forest and grazing landowners.

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, however to this point, state leadership fails to see the benefits and importance of an equitable wildland fire funding system.

Sincerely,

Douglas M. Thiesies
Forestry Director
Hood River County Forestry
541-387-6888

GUSTAVESON Dustin * ODF

From: Ross Ryno <rossryno@hotmail.com>
Sent: Tuesday, April 30, 2024 11:21 AM
To: PENTZER Rob S * ODF; GUSTAVESON Dustin * ODF
Subject: Fwd: COD Letter of Opposition from Ross Ryno

Thank You, Ross Ryno

From: P. Toney Ryno <toneyryno@hotmail.com>
Sent: Tuesday, April 30, 2024 11:18:24 AM
To: Ross Ryno <rossryno@hotmail.com>
Subject: COD Letter of Opposition from Ross Ryno

ATTN: Board of Forestry

Regarding: COD Letter of Opposition

April 25, 2024

Dear Directors,

Hello, my name is Ross Ryno and I serve as one of eleven budget committee members in the Central Oregon District. I am also a ranch and timberland owner in Wheeler and Crook counties.

I am writing to state my opposition to the proposed FY 25 Budget after reviewing the budget, understanding the needs of the district, and the unreasonable financial burden this puts on the landowners. It is my opinion that the board must vote no on the proposed budget.

Throughout Oregon, our local budget committees are trusted to represent our fellow taxpayers. These local committees have stood up for those they represent voicing concerns that rates are too high and that the current budget and funding model is not functional let alone sustainable.

I challenge the Board of Forestry, our elected officials, and ODF agency leadership to find a realistic funding model which allows ODF to operate fully, maintain their aging facilities, provide an “adequate level of protection” without breaking the private timber and grazing landowner. The overall budget in 2015 was 6.3 million dollars, compared to the proposed 2025 budget of 11.7 million dollars.

The current rate on our eastern Oregon ranges and slow growing east side timberland is unsustainable—these costs will ultimately force many families and small operators to sell their land in search of lower taxes. 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 \$3.03 per acre—**this is an 87% increase in 9 years.**

Thank you for your time,

Ross Ryno

Ross Ryno
37949 Richmond Road
Spray, Oregon 97874
May 29, 2024

State Forester Mukumoto:

Hello, my name is Ross Ryno. My family and I raise cattle and have significant timberland in Wheeler County, Oregon. I also sit on ODF's Central Oregon District on the budget committee. Prior to our May 1st budget hearing, I submitted a letter which I hope you had the opportunity to review. I am appealing the COD budget.

Suffice to say, our current funding model is not functional for the long-term. As you are aware, our rates continue to climb. This is par for the course, with cost of living, fuel, etc. ODF's budget will have to adjust annually, yet, since passing SB 762 the costs have jumped drastically. At around a 90% increase since 2015, this change cannot continue! In reality, the rate needs to backpedal in the other direction. Oregon must find an approach to reasonably fund ODF. 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.

On our own family ranch, we personally will pay close to \$93,000 which is down from \$125,000 last year as we had to sell some land. This bill is just to ODF (not including all the other taxes and fees paid elsewhere). Add this cost to the already rising cost of fuel, supplies, etc. all in this terrible uptick of rising costs. We use these timberlands to graze cattle. During our ownership, we have not been able to afford to log with low markets and high operation costs. That being said, if there was a cost-effective way to sell logs and actually make this a working forest where the trees paid the assessment rate, our slow growing east-side timber would not sustain an annual harvest capable of netting enough money to pay the current assessment rate even still.

I don't know how to fix this entirely, perhaps a more general fund assessment based on local markets reflecting timber value, site location, and timber growth potential. I do know there was movement this winter to try and correct the funding model at the state level. Bills got close but didn't pass. As a budget member, I see both sides. ODF has not been able to run at capacity. You can see old failing buildings, the need for better equipment that will put out fires, and many needs within our Central Oregon district certainly.

As I kept track of house bill 4133 this winter, I read many articles both for and against the bill. One thing that stood out was this idea of "Big Timber" getting a break. I represent my family and many other family operations in Oregon who aren't "Big Timber". They failed to note that since SB 762, our rates have doubled. This bill was an opportunity to get back to near normal. We are small timberland owners paying very high rates that we can't afford. 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.

I thank you for your time. We are busy with cattle this weekend so I won't be able to attend the board's meeting in Troutdale but look forward to hearing how it went. 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

In the Matter of:

FINAL ORDER

AGENDA ITEM 3
Attachment 5
Page 1 of 2

Findings of Fact

The State Board of Forestry finds:

1. Ross Ryno is an owner of forestland within the Central Oregon District.
2. On May 1st, 2024, seven members of the Central Oregon District Budget Committee voted “no” on the fiscal year 2025 Central Oregon District budget.
3. On May 1st, 2024, the Central Oregon District conducted a public budget meeting in accordance with ORS 477.255.
4. On May 29, 2024, Mr. Ross Ryno submitted a request, in writing, to appeal the recommended budget in accordance with ORS 477.260 and OAR 629-041-0035(1).
5. Mr. Ryno specifically stated the issues with the proposed Central Oregon District budget and the remedy sought.

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 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 6th day of June, 2024,

Jim Kelly, Chair

Oregon Department of Forestry

Agenda Item No.:	4
Topic:	<i>Vision for Oregon's Forests</i>
Date of Presentation:	June 6, 2024
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SUMMARY

The *Vision for Oregon's Forests* is a joint planning effort between the Board of Forestry and Department of Forestry. The *Vision* establishes the strategic direction that will guide the policy and operational decisions for the Board of Forestry and department in the coming years and serves as the foundation for continued planning work. It also informs several other key department and board strategies and plans, including:

- Biennial Agency Request Budget
- Affirmative action; diversity, equity & inclusion; and employee engagement action plans
- Oregon's Forest Action Plan
- Agency communications and information technology strategies
- Succession management plan

Further work is needed to develop the objectives and metrics that will guide the Department's operational planning processes. Additionally, the Board and Department have not yet had the opportunity to discuss and consider input provided via the May 2024 public comment period on the draft *Vision for Oregon's Forests*. However, the Department must submit a strategic plan to the Department of Administrative Services in June 2024 in order to meet one of the expectations set forth by Governor Kotek for Executive Branch agencies.

RECOMMENDATION

The Department recommends the Board support:

1. Submission of Attachment 1 as the Department's strategic plan to meet Governor Kotek's expectation for state agencies to submit current strategic plans to the Department of Administrative Services in June 2024, and
2. Continuation of subcommittee work to further develop the *Vision for Oregon's Forests*, to include metrics and objectives, with input from Board and Department committees (Committee for Family Forestlands, regional forest practices committees, State Forests Advisory Committee, Forest Trust Lands Advisory Committee and the Smoke Management Advisory Committee), key stakeholders and partner agencies.

NEXT STEPS

With Board approval, Attachment 1 will be formatted and submitted to the Department of Administrative Services before the end of June 2024 and the Board Administrator will schedule and coordinate further meetings of the subcommittee.

ATTACHMENTS

- (1) 2024-2029 Oregon Department of Forestry Strategic Plan
- (2) Current draft of the *Vision for Oregon's Forests*
- (3) Public comment received on draft Vision for Oregon's Forests through May 24, 2024

Oregon Department of Forestry: 2025-2030 Strategic Plan

Introduction

Forests are an integral part of the social economic and environmental fabric of our state, and as such, their vulnerability is ours as well. Clean air and water, sustainable forest products, biodiversity, public health and safety, and many more critical benefits Oregonians rely upon require a foundation of resilient forest ecosystems. But there is a lot of work to do to help our forests get there.

Oregon's forest ecosystems are vulnerable. Forest health overall is in decline. This is due in large part to climate-driven stressors—such as insects, diseases, drought and wildfire—and historic forest management decisions. Recognizing the importance and urgency of this work, the Oregon Board of Forestry and Oregon Department of Forestry collaboratively developed this bold, forward looking strategic *Vision for Oregon's Forests* that will best serve Oregon's forests and people into the future.

About this plan

This plan draws from the *Vision for Oregon's Forests*, a joint planning effort between the board and department. The *Vision* establishes the strategic direction that will guide the policy and operational decisions for the board and department in the coming years and serves as the foundation for continued planning work. It also informs several other key department and board strategies and plans, including:

- Biennial Agency Request Budget
- [Affirmative action; diversity, equity & inclusion](#); and employee engagement action plans
- Oregon's [Forest Action Plan](#)
- Agency communications and information technology strategies
- Succession management plan

Throughout the remainder of 2024 and into 2025, the board and department will continue to build upon the foundation provided by the *Vision for Oregon's Forests*, including development of objectives and performance/progress measures. Once that work is complete, department leadership will begin their work of ensuring alignment between strategy and operations. Engagement with department and board advisory committees, Tribes, key state and federal agencies, stakeholders, other partners, and local communities to identify actions will be a core component of continuing planning efforts.

Regular reviews of/updates to this plan and reports on progress will be necessary to keep up with the department's constantly changing operational environment.

Target review/update and reporting timeframes:

- **Priorities & Goals:** Every 5 years
- **Objectives:** Biennially
- **Strategies & Tactics:** As needed, but at least annually
- **ODF executive leadership progress checks:** Quarterly
- **Board progress report:** Annually

About Us

Oregon Board of Forestry (est. 1907)

For more than a century, the Board of Forestry and Department of Forestry have been caring for Oregon's forests. The board was established in 1911, along with the positions of state forester and deputy state forester. Together, they were charged with preventing forest fires and coordinating the response when fires did start. This was the start of Oregon's complete and coordinated fire protection system that is still a crucial part of our suppression success today.

Less than a decade after being founded, the Board of Forestry adopted a forest policy for the state that identified the need for increased forest protection, a forest nursery, insect control, and formation of state forests. This policy was the starting point for the broad portfolio of work the board and department are responsible for today.

The Oregon Board of Forestry is a seven-member citizen board appointed by the Governor and confirmed by the state Senate. The board's primary responsibilities are to:

- Supervise all matters of forest policy within Oregon.
- Appoint the State Forester, who also serves as the director of ODF.
- Adopt rules regulating forest practices.
- Provide general supervision of the State Forester's duties in managing ODF.

The board is charged with representing the public interest. No more than three members may receive any significant portion of their income from the forest products industry. At least one member must reside in each of the state's three major forest regions: northern, southern, and eastern. The term of office is four years, and no member may serve more than two consecutive full terms. The State Forester serves as secretary to the board.

Oregon Department of Forestry (est. 1911)

The Department of Forestry's work is truly a team effort. The policy and direction established at the headquarters level guides the work happening in the

field statewide. The department's headquarters are in Salem, but much of the on-the-ground work is done by the leadership and staff of ODF's 12 districts with 24 units from Astoria to Wallowa and all the way down to Lakeview and Medford. The dedicated public servants in these offices are the people responsible for fighting fires, assisting landowners and managing our state forestlands every day for their fellow Oregonians. ODF also partners with three forest protective associations as part of the fire protection program.

ODF's Fire Protection Division is the state's largest fire department and protects 16 million acres of private, state, and some federal lands. ODF has been protecting Oregon's forests for 110 years. The department emphasizes preventing human-caused fires, reducing wildfire risks through improved forest health and resiliency, and keeping those fires that do start as small as possible. This approach minimizes resource loss, fire danger and smoke impact to communities, and suppression costs. ODF leads Oregon's complete and coordinated fire protection system. This system relies on partnerships with local, state, tribal, and federal government; the structural fire service; landowners; forest operators; contractors and more.

ODF's Forest Resources Division is responsible for several key areas of operation that contribute to sustainable, healthy forests. The most prominent work they do involves the

administration of the Forest Practices Act, which is a cornerstone of natural resource protection in Oregon that encourages sound management of forestlands.

Division staff also:

- Monitor and help preserve forest health across the state,
- Provide technical assistance to landowners, and
- Support local urban and community forestry efforts.

The division also houses the Federal Forest Restoration Program that, along with the Good Neighbor Authority, enables ODF to assist its federal partners in forest restoration and resiliency work on federally managed forestlands. Since the federal government is responsible for so much of Oregon's forests, the condition of these lands has a dramatic effect on the health of the state's total forestland.

ODF's State Forests Division manages more than 760,000 acres of working forests—also known as Board of Forestry lands—to provide social, economic and environmental benefits for Oregonians, which is not an easy task. The way the division's work is funded adds to the complexity. State forestland management is funded by a portion of the revenues received from timber sales on these lands. The majority of the revenue goes to the counties in which the timber sales are located and helps fund essential local services. ODF retains 36.25% of the

revenues, which has to support all aspects of state forestland management. Essentially, all recreation and environmental work on state forestlands is paid for by timber sales. The ability to build trails, maintain campgrounds, and improve wildlife habitats are all

dependent upon timber being harvested off those same lands.

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Vision: Complex and resilient forest ecosystems that endure and adapt.

Mission: To protect and promote resilient forests that benefit all Oregonians.

Values

Ecosystem benefits

Healthy, functioning ecosystems provide reciprocal benefits to people and the forest, including jobs, food, clean air and water, recreation, habitat, regional biodiversity, carbon storage, and so much more.

Ecosystems support

People's actions are critically important to the continued resilience and adaptive capacity of forest ecosystems, including habitat protection, wildfire management, seedling selection, cultural and natural resources stewardship, restoration activities, and water and soil protection.

Forestry infrastructure

The forest products sector—including its workforce and infrastructure—plays a vital role in supporting healthy ecosystems and resilient forests and communities.

Climate-smart forestry

Addressing the management needs related to climate change requires a holistic approach that considers adaptation, mitigation and the social dimension of forestry, which includes community and economic aspects.

Relationships

Strong, respectful relationships are the backbone of our work. Those relationships

are built and maintained through transparent, honest, effective communication.

Workforce

At ODF, our workforce is our greatest asset. We provide them with a safe, diverse and inclusive workplace that encourages continuous learning and improvement.

Safety

The safety of ODF's workforce and the public is always a top priority.

Public service

Through efficient and effective stewardship of natural and public resources, we strive for excellence in our service to the public.

Sound decision making

ODF empowers its workforce to make decisions in the best interest of Oregonians based on science, best practices and lessons learned.

Accountability

We are transparent about our actions and take ownership of the outcomes. We do what we say we're going to do.

Priority: Promoting Resilient Forests

Goal

To reduce the vulnerability of Oregon's forests from a myriad of catastrophic climate driven disturbances, ODF will direct its policy management and educational actions to enable and promote all forestland managers to make intentional decisions that increase adaptive capacity of forest ecosystems.

The Board of Forestry believes that all forest owners and stewards have a social responsibility to improve the resilience and adaptive capacity of their lands. The Department of Forestry has the tools to incentivize and support this work.

Context

Changes related to climate, social values and economics are resulting in changes to ecosystem functions and ecosystem services provided to our society. Society recognizes the importance of reciprocal relationships between humans and forests; relationships in which humans support forests so that forests can support humans and other species.

Communities in rural, suburban, and urban environments can support forest management if communities can see their values considered and represented in the outcomes of that management, including clean water and air, fish and wildlife habitat, timber for jobs and housing, and recreational opportunities. Complex, functional forest ecosystems in each of Oregon forest types hold the greatest opportunities for providing these values over space and time.

Objectives

Development in late 2025-early 2025.

Strategies

- Promote ecological forestry principles that further forest complexity components using a variety of silvicultural approaches and landscape designs.
- Engage in the development of safe harbor agreements, habitat conservation plans, and other regulatory compliance mechanisms in collaboration with landowners and state and federal agencies.
- Engage with the Governor's Office and Legislature on potential incentives to encourage implementation of stewardship agreements on private lands.

- Promote the Forest Legacy Program and other efforts to protect private forestlands. And the multitude of public benefits they provide, from fragmentation and conversion.
- Engage with partners on place-based plans that seek to balance ecological, economic and social trade-offs to support the resilience, recovery and regeneration of diverse forests in the aftermath of severe disturbance events.
- Manage ODF's state forestlands to produce a blend of social, economic and environmental benefits to Oregonians, and demonstrate leadership in forest management.
- Increase partnerships and co-stewardship work with tribes, including incorporation of tribal ecological knowledge into ODF forest management activities.
- Increase cross-jurisdictional alignment on management of public forestlands that meets the needs and expectations of Oregonians.

Performance/Progress Measures

Development in late 2025-early 2025.

Priority: Supporting Resilient Communities

Goal

Policy and management decisions foster healthy relationships between humans and forests, so that forests support resilient human communities through social, economic, and ecological change.

Context

Forests have both direct and indirect effects on quality of life, economic opportunities for communities, and ecological conditions in rural, suburban, and urban areas across the state. Resilience varies regionally and between communities of place and culture. Forests provide a range of benefits to Oregonians and contribute to community resilience. Place-based and scientifically informed management approaches support forests to contribute a full range of benefits to enhance community resilience by meeting their needs.

Objectives

Development in late 2025-early 2025.

Strategies

- Promote access to forests for recreation, culture, education, and appreciation, in ways that are welcoming and inclusive for a wide range of diverse communities. Ensure access respects cultural resource protections, private ownership and natural resources.
- Promote forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in the sustained economic viability and vitality of communities.
- Ensure management of forests contributes to clean water and air.
- Create a culture of shared learning and engagement about forestry with communities that includes culturally specific and appropriate approaches and content.
- Employ shared stewardship to support collaborative management across ownerships, promoting diverse strategies that maintain environmental and economic values.

- Take a place-based approach to supporting resilient communities that recognizes unique characteristics of that place.
- Engage with communities on place-based plans to support community recovery from severe disturbance events.

Performance/Progress Measures

Development in late 2025-early 2025.

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Priority: Addressing the Wildfire Crisis

Goal

Prevent, suppress and mitigate wildfire to protect communities and expedite forest resilience activities that promote the adaptive capacity of Oregon's forests.

Context

Wildfire has been a force that has helped shape Oregon's forests for millennia. Naturally occurring and prescribed fire, as well as suppression of fire, have played important roles in creating the forests we have today. Across Oregon, fire in forests has always existed in a variety of regimes, from frequent, low intensity fire to stand-replacing events, and mixed severity fires that present a spectrum of disturbance patterns.

Over the past decade, wildfires in Oregon have been trending toward larger, more complex, and more challenging and costly due to climate change and current forest conditions. With more people living in or near forests, there are far more lives, property and infrastructure threatened every year. Beyond immediate physical safety concerns, wildfire and smoke have broader impacts on public health, community wellbeing, local economies and our state's natural resources, including water and air quality.

This plan seeks a balanced approach that recognizes the role of fire suppression in protecting life and property, the role of active management to mitigate risk and control forest fuels, the ecological role of fire on the landscape, and the importance of place-based solutions.

Objectives

Development in late 2025-early 2025.

Strategies

- Development of a stable, equitable, and sustainable funding structure that adequately funds the resources needed to address Oregon's wildfire crisis and recognizes the broad impacts of catastrophic wildfire on public health and safety, community wellbeing, economies and natural resources across Oregon.
- Lead state-level efforts to expand the use of prescribed fire and fully integrate this tool into forest restoration and resiliency and community fire adaption efforts. Learn from tribes and incorporate tribal ecological knowledge into prescribed fire policy and practice.

- Continuously improve upon Oregon's complete and coordinated wildfire protection system to meet the needs of the changing operational environment.
- Increase community education and engagement on wildfire topics, such as wildfire science, Oregon's fire environment, the importance of mitigation, and actions they can take to protect themselves and their communities (prevention, mitigation, preparedness, etc.).
- Prioritize and promote fuels management and forest resiliency work in areas with human life and infrastructure, especially in the wildland-urban interface.
- Advance the implementation of the [20-year Landscape Resiliency Strategy](#) and all-lands shared stewardship across Oregon.
- Promote fire and smoke-adapted communities in the wildland-urban interface and beyond to mitigate the impacts of climate-induced increases in wildfire severity.
- Promote management activities that provide for safe operations before, during and after wildland fire events.
- Align with the [National Cohesive Wildland Fire Management Strategy](#):
 - Restore and maintain landscapes.
 - Support fire adapted communities.
 - Respond to fire.
- Improve cross-jurisdictional alignment and coordination on preparedness, prevention, mitigation and suppression to provide consistent, quality service to Oregonians.

Performance/Progress Measures

Development in late 2025-early 2025.

Priority: Providing Climate Leadership

Goal

The Board and Department will build capacity for climate-smart leadership.

Context

The Board adopted its [Climate Change and Carbon Plan](#) in November 2023, which centered climate-smart forest management to guide activities contributing to adaptation and mitigation, as well as social dimensions of the effects of climate change. Climate-smart forestry is a holistic approach for addressing the management needs related to the existential pressures exerted from climate change.

Objectives

Development in late 2025-early 2025.

Strategies

- Implement the adopted *Climate Change and Carbon Plan*.
- Lead efforts for a just and equitable transition to climate-informed silviculture and climate-smart forestry that optimizes climate mitigation and adaptation, while maintaining a sustainable flow of wood products to ensure long-term resource benefits and viability of the forest products industry and flow of long-lived forest products.
- State forests management: Lead by example and demonstrate climate-smart forest management on state forests to achieve adaptation, mitigation, and the achievement of forest resource goals.
- Accelerate the pace, scale, and quality of climate appropriate forest restoration to increase the resilience to increased wildfire, drought, and biotic disturbance severity and incidence. Support implementation of the recommendations of the Governor's Council on Wildfire Response.
- Increase the extent and resilience of urban and community forests to maximize the climate mitigation and health benefits of urban forest canopy.
- Facilitate the reforestation of areas burned by wildfire and encourage afforestation of low-productivity lands that are understocked or not in forest use.
- Support a strong, but flexible, land use planning system as a cornerstone of maintaining Oregon's forests on private lands.

- Create and maintain a research and monitoring program to track the status and trends of ecological, economic, and social indicators and the effects of climate change and to track progress related to this plan.

Performance/Progress Measures

Development in late 2025-early 2025.

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Priority: Striving for Organizational Excellence

Goal

Strengthen trust and confidence in ODF's ability to effectively accomplish its mission and provide excellent service to Oregonians.

Context

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. Achieving this requires alignment: internally at all levels; with the direction provided by the Board of Forestry, Executive Branch and Legislature; with our partners; and with the public we serve. Organizational excellence requires a well-trained, highly competent and diverse staff of professionals and a culture that values and encourages individual and team learning and continuous improvement.

Objectives

Development in late 2025-early 2025.

Strategies

- Engage with legislators and Executive Branch leadership to promote awareness and understanding of the agency's challenges, opportunities and complexities.
- Build an agency governance structure that ensures consistent, optimized and efficient implementation of all agency functions.
- Create and maintain strategic and operational plans that support accomplishment of the goals in this document.
- Foster a culture of continuous improvement and innovation to increase efficiency and effectiveness.
- Engage and collaborate regularly with the nine federally recognized Tribes in Oregon.
- Collaborate and coordinate with partners to identify and pursue opportunities and leverage efficiencies to accomplish individual and shared goals and objectives.
- Increase transparency into key areas of interest including agency performance, enforcement activities, and financial condition.
- Expand ODF's education, information, outreach and engagement efforts to increase awareness and understanding of all that the agency does and the variety of ways in which it impacts Oregonians.

- Continue to build a diverse workforce where employees understand and value their role in the agency's mission.
- Encourage a culture of learning by providing development opportunities and supporting professional growth.
- Incorporate diversity, equity and inclusion into all aspects of ODF's business and operations.

Performance/Progress Measures

Development in late 2025-early 2025

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Draft Content: *Vision for Oregon's Forests*

Note for readers: This is the current draft language articulating the Board of Forestry and Department of Forestry's vision for the future of Oregon's forests. Key components are still under development. Throughout the remainder of 2024 and into 2025, the board and department will continue to build upon the foundation provided by the Vision for Oregon's Forests, including development of objectives and performance/progress measures. Once that work is complete, department leadership will begin their work of ensuring alignment between strategy and operations. Engagement with department and board advisory committees, Tribes, key state and federal agencies, stakeholders, other partners, and local communities to identify actions will be a core component of continuing planning efforts.

Introduction

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Oregon's forest ecosystems are vulnerable. Forest health overall is in decline. This is due in large part to climate-driven stressors—such as insects, diseases, drought and wildfire—and historic forest management decisions. Recognizing the importance and urgency of this work, the Oregon Board of Forestry and Oregon Department of Forestry collaboratively developed this bold, forward looking strategic *Vision for Oregon's Forests* that will best serve Oregon's forests and people into the future.

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protection system. This system relies on partnerships with local, state, tribal, and federal government; the structural fire service; landowners; forest operators; contractors and more.

ODF's Forest Resources Division is responsible for several key areas of operation that contribute to sustainable, healthy forests. The most prominent work they do involves the administration of the Forest Practices Act, which is a cornerstone of natural resource protection in Oregon that encourages sound management of forestlands.

Division staff also:

- Monitor and help preserve forest health across the state,
- Provide technical assistance to landowners, and
- Support local urban and community forestry efforts.

The division also houses the Federal Forest Restoration Program that, along with the Good Neighbor Authority, enables ODF to assist its federal partners in forest restoration and resiliency work on federally managed forestlands. Since the federal government is responsible for so much of Oregon's forests, the condition of these lands has a dramatic effect on the health of the state's total forestland.

ODF's State Forests Division manages more than 760,000 acres of working forests—also known as Board of Forestry lands—to provide social,

economic and environmental benefits for Oregonians, which is not an easy task. The way the division's work is funded adds to the complexity. State forestland management is funded by a portion of the revenues received from timber sales on these lands. The majority of the revenue goes to the counties in which the timber sales are located and helps fund essential local services. ODF retains 36.25% of the

revenues, which has to support all aspects of state forestland management. Essentially, all recreation and environmental work on state forestlands is paid for by timber sales. The ability to build trails, maintain campgrounds, and improve wildlife habitats are all dependent upon timber being harvested off those same lands.

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Context and Commitments

The board and department recognize that:

Bold, science-based actions are needed to address the composition and structure of the forests in Oregon.

- Policies will be responsive and adaptable to global and local climate change while mitigating threats to ecosystems, human health and safety, and economies.
- Policies will strive for a reciprocal relationship between forests and human cultures representing multiple identities. There is a responsibility to take care of forests so that forests can take care of us.
- Policies will support development of local and regional economies. Diversification and innovation in all aspects of forest management should promote the adaptive capacity of forests.

Oregon's rural, urban and suburban populations have varying social perceptions and expectations about forests and how forests should be managed to benefit humans and other species.

- The vision and goals put forth in this document are applicable statewide. The policies to enact these goals will be applied in a place-based manner at the regional and local level.
- Policies will seek to reflect and integrate the needs of all communities and identities including those which have been, and continue to be, marginalized.
- The board and department will provide clear and accurate information about forests in Oregon and accessible opportunities for all Oregonians to provide meaningful input on policies and decisions.

The state has unique and specific [government-to-government relationships](#) with the nine federally recognized Tribes in Oregon.

- Policies will honor government-to-government relationships with Sovereign Nations and meet obligations to protect tribal cultural resources.
- Policies will encourage collaboration with Tribes by pairing western science with indigenous knowledge.

Workforce supply continues to be a challenge, and there is a reduction in the ability of managed forests to cover associated costs in this dynamic state of climate and social change.

- Policies will recognize the changing educational requirements for a trained and skilled workforce that will support the work needed in Oregon.

- Policies will promote educational and employment opportunities that include communities and identities that have been and continue to be excluded from the profession.

The *Vision for Oregon's Forests* is forward looking and aspirational, which means that not all strategies can be immediately implemented with the authorities and resources currently available to the board and department.

- The board and department will work together to identify opportunities and solutions to challenges.
- There is a shared commitment to working within state government budgeting and policy processes to promote and fulfill the needs to implement this vision.

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Vision: Complex and resilient forest ecosystems that endure and adapt.

Mission: To protect and promote resilient forests that benefit all Oregonians.

Values

Ecosystem benefits

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Ecosystems support

People's actions are critically important to the continued resilience and adaptive capacity of forest ecosystems, including habitat protection, wildfire management, seedling selection, cultural and natural resources stewardship, restoration activities, and water and soil protection.

Forestry infrastructure

The forest products sector—including its workforce and infrastructure—plays a vital role in supporting healthy ecosystems and resilient forests and communities.

Climate-smart forestry

Addressing the management needs related to climate change requires a holistic approach that considers adaptation, mitigation and the social dimension of forestry, which includes community and economic aspects.

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Workforce

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Priority: Promoting Resilient Forests

Goal

To reduce the vulnerability of Oregon's forests from a myriad of catastrophic climate driven disturbances, ODF will direct its policy management and educational actions to enable and promote all forestland managers to make intentional decisions that increase adaptive capacity of forest ecosystems.

The Board of Forestry believes that all forest owners and stewards have a social responsibility to improve the resilience and adaptive capacity of their lands. The Department of Forestry has the tools to incentivize and support this work.

Context

Changes related to climate, social values and economics are resulting in changes to ecosystem functions and ecosystem services provided to our society. Society recognizes the importance of reciprocal relationships between humans and forests; relationships in which humans support forests so that forests can support humans and other species.

The range of components that describe forest complexity, structure and function in each ecoregion in Oregon will be defined at multiple spatial scales (individual forest stand-to landscape-level) and temporal scales (stand initiation to old-growth). Beyond the legal requirements of the Endangered Species Act, the Clean Water Act and the Clean Air Act, and state forest practices act rules, complex, functional forests representing a wide range of seral stages from early successional to old-growth contribute to maintaining populations of native species over space and time in each Oregon forest type. Forest complexity can be enhanced at all stages of stand development using management based on best available science and continuous learning.

Communities in rural, suburban, and urban environments can support forest management if communities can see their values considered and represented in the outcomes of that management, including clean water and air, fish and wildlife habitat, timber for jobs and housing, and recreational opportunities. Complex, functional forest ecosystems in each of Oregon forest types hold the greatest opportunities for providing these values over space and time.

Objectives

Development in late 2025-early 2025.

Strategies

- Promote ecological forestry principles that further forest complexity components using a variety of silvicultural approaches and landscape designs. See the “Ecological Forestry” callout box to learn more.
- Engage in the development of safe harbor agreements, habitat conservation plans, and other regulatory compliance mechanisms in collaboration with landowners and state and federal agencies.
- Engage with the Governor’s Office and Legislature on potential incentives to encourage implementation of stewardship agreements on private lands.
- Promote the Forest Legacy Program and other efforts to protect private forestlands. And the multitude of public benefits they provide, from fragmentation and conversion.
- Engage with partners on place-based plans that seek to balance ecological, economic and social trade-offs to support the resilience, recovery and regeneration of diverse forests in the aftermath of severe disturbance events.
- Manage ODF’s state forestlands to produce a blend of social, economic and environmental benefits to Oregonians, and demonstrate leadership in forest management.
- Increase partnerships and co-stewardship work with tribes, including incorporation of tribal ecological knowledge into ODF forest management activities.
- Increase cross-jurisdictional alignment on management of public forestlands that meets the needs and expectations of Oregonians.

Performance/Progress Measures

Development in late 2025-early 2025.

CALLOUT BOX FOR ECOSYSTEM SERVICES

Forest ecosystem services are the benefits provided by healthy, functioning ecosystems to humans; these services are categorized into the following four groups (Millennium Ecosystem Assessment 2005).

1. **Provisioning services.** Provisioning services are raw resources provided by forest ecosystems including but not limited to:

sustainable and predictable supply of timber and special forest products; food, energy and mineral sources; and clean air and water.

2. **Regulating services.** A regulating service is the benefit provided by a forest ecosystem’s impact on natural processes such as carbon storage, water storage and purification, erosion and flood control and decomposition.

3. **Cultural services.** Cultural services are nonmaterial benefits provided by forest ecosystems such as sustenance; spiritual, recreational, aesthetic, and scientific benefits; and values as numerous and diverse as the people and cultures that use them.
4. **Supporting services.** Supporting services are necessary for the maintenance and support of all other ecosystem services. Forest ecosystems support the *function* of many systems including *nutrient cycling*, soil formation, pollination and seed dispersal, habitat for fish and wildlife and regional *biodiversity*.

Services to ecosystems are the actions taken by humans that support the continued resilience and adaptive capacity of ecosystems.

1. **Protecting Services.** Wildfire management activities, fish and wildlife habitat protection, integrated pest management, riparian and water protection, soil protection, sustainable harvest.
2. **Enhancing services.** Density management, seedling selection, nutrient cycling.
3. **Restoring services.** Post-wildfire restoration activities, fish and wildlife habitat restoration and enhancement, promoting carbon storage.
4. **Supporting services.** Cultural and natural resources stewardship practices, culturally significant vegetative species strategy, native seed sources, recreation management, educational and interpretive opportunities.

CALLOUT BOX FOR SHARED STEWARDSHIP

Urgent land management challenges like extreme wildfires, severe drought, and invasive species do not recognize property lines. Shared stewardship is a collaborative approach to land management that emphasizes partnerships across state, federal, private, and tribal landownerships. Shared stewardship approaches seek to identify joint priorities, explore opportunities, and develop cross-boundary strategies that make an impact on a landscape scale to create more resilient landscapes over time.

In 2019, Oregon's Governor and state and federal officials signed a Memorandum of Understanding (MOU) to document the commitment to work

collaboratively to create a shared stewardship approach for implementing land management activities in Oregon. This MOU and the passage of Oregon Senate Bill 762 (2021) led to the development of the 20-year Landscape Resiliency Strategy.

This strategy—developed in collaboration with public and private sector partners—prioritizes restoration actions and geographies for wildfire risk reduction to direct federal, state, and private investments. More information on the strategy the plan for implementing Shared Stewardship in Oregon can be found on the [ODF website](#).

CALLOUT BOX FOR ECOLOGICAL FORESTRY

The following is adapted from information provided by Franklin, Jerry F., K. Norman Johnson, and Debora L. Johnson. 2018. Ecological forest management. Waveland Press.

Ecological forestry differs from production forestry by focusing on the following characteristics of the managed forest:

Maintains an array of ecosystem functions, structures and biota over time and over a range of spatial scales from within stands to landscapes rather than maintaining a limited set of functions, structure and biota driven by economic goals.

Emphasizes ecosystem diversity and resilience to reduce risks from major ecosystem disturbances

rather than focusing on fast-growing species with short rotations to minimize economic risks.

Tends toward increasing the number of management options needed to achieve an array of social values rather than narrowly prescribed management approaches.

Values complexity and heterogeneity at multiple spatial and temporal scales rather than simplicity and uniformity.

Accommodates climate change and changes to social goals by adjustments to the ecological model rather than to economic models.

More information:

Franklin, J.F., Johnson, K.N. and Johnson, D.L., 2018. Ecological forest management. Waveland Press.

Palik, B.J., D'Amato, A.W., Franklin, J.F. and Johnson, K.N., 2020. Ecological silviculture: Foundations and applications. Waveland Press.

D'Amato, A.W. and Palik, B.J., 2021. Building on the last "new" thing: exploring the compatibility of ecological and adaptation silviculture. Canadian Journal of Forest Research, 51(2), pp.172-180.

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Priority: Supporting Resilient Communities

Goal

Policy and management decisions foster healthy relationships between humans and forests, so that forests support resilient human communities through social, economic, and ecological change.

Context

Forests have both direct and indirect effects on quality of life, economic opportunities for communities, and ecological conditions in rural, suburban, and urban areas across the state. Resilience varies regionally and between communities of place and culture. Forests provide a range of benefits to Oregonians and contribute to community resilience. Place-based and scientifically informed management approaches support forests to contribute a full range of benefits to enhance community resilience by meeting their needs.

Objectives

Development in late 2025-early 2025.

Strategies

- Promote access to forests for recreation, culture, education, and appreciation, in ways that are welcoming and inclusive for a wide range of diverse communities. Ensure access respects cultural resource protections, private ownership and natural resources.
- Promote forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in the sustained economic viability and vitality of communities.
- Ensure management of forests contributes to clean water and air.
- Create a culture of shared learning and engagement about forestry with communities that includes culturally specific and appropriate approaches and content.
- Employ shared stewardship to support collaborative management across ownerships, promoting diverse strategies that maintain environmental and economic values.

- Take a place-based approach to supporting resilient communities that recognizes unique characteristics of that place.
- Engage with communities on place-based plans to support community recovery from severe disturbance events.

Performance/Progress Measures

Development in late 2025-early 2025.

CALLOUT BOX FOR PLACE BASED

Oregon is home to diverse and varied landscapes, ecosystems, and peoples. Developing natural resource management strategies that maintain environmental, human, and economic health requires consideration of local differences in both human and natural communities. Taking a place-based approach means finding solutions that are uniquely tailored to the geography and relevant human communities for a given locale, while still meeting broader regional, national, or global needs.

Place refers to both the natural-environmental context (a valley, mountain range, region,

ecosystem, etc.) and the human context (human cultural history, economics, laws, etc.). Place-based strategies include goals and outcomes that reflect a balance of needs between the environmental and human components of a place. Understanding and achieving this balance can be challenging, but the Board and department are committed to open and equitable processes that attempt to bridge this often-challenging divide.

Link analysis of resilience in spatial planning:
<https://doi.org/10.1007/s12061-022-09449-z>

Priority: Addressing the Wildfire Crisis

Goal

Prevent, suppress and mitigate wildfire to protect communities and expedite forest resilience activities that promote the adaptive capacity of Oregon's forests.

Context

Wildfire has been a force that has helped shape Oregon's forests for millennia. Naturally occurring and prescribed fire, as well as suppression of fire, have played important roles in creating the forests we have today. Across Oregon, fire in forests has always existed in a variety of regimes, from frequent, low intensity fire to stand-replacing events, and mixed severity fires that present a spectrum of disturbance patterns.

Over the past decade, wildfires in Oregon have been trending toward larger, more complex, and more challenging and costly due to climate change and current forest conditions. With more people living in or near forests, there are far more lives, property and infrastructure threatened every year. Beyond immediate physical safety concerns, wildfire and smoke have broader impacts on public health, community wellbeing, local economies and our state's natural resources, including water and air quality.

This plan seeks a balanced approach that recognizes the role of fire suppression in protecting life and property, the role of active management to mitigate risk and control forest fuels, the ecological role of fire on the landscape, and the importance of place-based solutions.

Objectives

Development in late 2025-early 2025.

Strategies

- Development of a stable, equitable, and sustainable funding structure that adequately funds the resources needed to address Oregon's wildfire crisis and recognizes the broad impacts of catastrophic wildfire on public health and safety, community wellbeing, economies and natural resources across Oregon.
- Lead state-level efforts to expand the use of prescribed fire and fully integrate this tool into forest restoration and resiliency and community fire adaption efforts. Learn from tribes and incorporate tribal ecological knowledge into prescribed fire policy and practice.

- Continuously improve upon Oregon’s complete and coordinated wildfire protection system to meet the needs of the changing operational environment.
- Increase community education and engagement on wildfire topics, such as wildfire science, Oregon’s fire environment, the importance of mitigation, and actions they can take to protect themselves and their communities (prevention, mitigation, preparedness, etc.).
- Prioritize and promote fuels management and forest resiliency work in areas with human life and infrastructure, especially in the wildland-urban interface.
- Advance the implementation of the [20-year Landscape Resiliency Strategy](#) and all-lands shared stewardship across Oregon.
- Promote fire and smoke-adapted communities in the wildland-urban interface and beyond to mitigate the impacts of climate-induced increases in wildfire severity.
- Promote management activities that provide for safe operations before, during and after wildland fire events.
- Align with the [National Cohesive Wildland Fire Management Strategy](#):
 - Restore and maintain landscapes.
 - Support fire adapted communities.
 - Respond to fire.
- Improve cross-jurisdictional alignment and coordination on preparedness, prevention, mitigation and suppression to provide consistent, quality service to Oregonians.

Performance/Progress Measures

Development in late 2025-early 2025.

Priority: Providing Climate Leadership

Goal

The Board and Department will build capacity for climate-smart leadership.

Context

The Board adopted its [Climate Change and Carbon Plan](#) in November 2023, which centered climate-smart forest management to guide activities contributing to adaptation and mitigation, as well as social dimensions of the effects of climate change. Climate-smart forestry is a holistic approach for addressing the management needs related to the existential pressures exerted from climate change.

Objectives

Development in late 2025-early 2025.

Strategies

- Implement the adopted *Climate Change and Carbon Plan*.
- Lead efforts for a just and equitable transition to climate-informed silviculture and climate-smart forestry that optimizes climate mitigation and adaptation, while maintaining a sustainable flow of wood products to ensure long-term resource benefits and viability of the forest products industry and flow of long-lived forest products.
- State forests management: Lead by example and demonstrate climate-smart forest management on state forests to achieve adaptation, mitigation, and the achievement of forest resource goals.
- Accelerate the pace, scale, and quality of climate appropriate forest restoration to increase the resilience to increased wildfire, drought, and biotic disturbance severity and incidence. Support implementation of the recommendations of the Governor's Council on Wildfire Response.
- Increase the extent and resilience of urban and community forests to maximize the climate mitigation and health benefits of urban forest canopy.
- Facilitate the reforestation of areas burned by wildfire and encourage afforestation of low-productivity lands that are understocked or not in forest use.
- Support a strong, but flexible, land use planning system as a cornerstone of maintaining Oregon's forests on private lands.

- Create and maintain a research and monitoring program to track the status and trends of ecological, economic, and social indicators and the effects of climate change and to track progress related to this plan.

Performance/Progress Measures

Development in late 2025-early 2025.

CALLOUT BOX FOR CLIMATE-SMART FORESTRY

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), and following this will help the board and department align with each other and with the State's federal counterparts which have been directed to center climate-smart agriculture and forestry in their own work and processes. Adaptation policy can help forests adapt towards more resilient landscapes through human intervention. Examples include changing forest structure, management approaches, and incentivizing efforts to incorporate climate change into management

decisions. Adaptation tools can help forest landowners and managers assess their vulnerability to climate change. Mitigation policy and activities contribute to reducing temperatures through the removal of carbon dioxide from the atmosphere. Natural climate solutions like forests, agricultural lands, and blue carbon offer options to increase this mitigation through biologic 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 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.

Priority: Striving for Organizational Excellence

Goal

Strengthen trust and confidence in ODF's ability to effectively accomplish its mission and provide excellent service to Oregonians.

Context

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. Achieving this requires alignment: internally at all levels; with the direction provided by the Board of Forestry, Executive Branch and Legislature; with our partners; and with the public we serve. Organizational excellence requires a well-trained, highly competent and diverse staff of professionals and a culture that values and encourages individual and team learning and continuous improvement.

Objectives

Development in late 2025-early 2025.

Strategies

- Engage with legislators and Executive Branch leadership to promote awareness and understanding of the agency's challenges, opportunities and complexities.
- Build an agency governance structure that ensures consistent, optimized and efficient implementation of all agency functions.
- Create and maintain strategic and operational plans that support accomplishment of the goals in this document.
- Foster a culture of continuous improvement and innovation to increase efficiency and effectiveness.
- Engage and collaborate regularly with the nine federally recognized Tribes in Oregon.
- Collaborate and coordinate with partners to identify and pursue opportunities and leverage efficiencies to accomplish individual and shared goals and objectives.
- Increase transparency into key areas of interest including agency performance, enforcement activities, and financial condition.
- Expand ODF's education, information, outreach and engagement efforts to increase awareness and understanding of all that the agency does and the variety of ways in which it impacts Oregonians.

- Continue to build a diverse workforce where employees understand and value their role in the agency's mission.
- Encourage a culture of learning by providing development opportunities and supporting professional growth.
- Incorporate diversity, equity and inclusion into all aspects of ODF's business and operations.

Performance/Progress Measures

Development in late 2025-early 2025.

CALLOUT BOX FOR DIVERSITY, EQUITY & INCLUSION

The Oregon Department of Forestry and the Oregon Board of Forestry are committed to a vision for Oregon's forests that benefits all Oregonians across all identities, backgrounds, and experiences. The board and department are committed to integrating diversity, equity, and inclusion, as defined below, across the agency's operations and spheres of influence. Collectively, we aspire to create a culture of inclusivity for our employees and the communities we serve.

Definitions extracted from [C](#).

Diversity: Honoring and including people of different backgrounds, identities, and experiences collectively and as individuals. It emphasizes the need for sharing power and increasing representation of communities that are systemically underrepresented and under-resourced. These differences are strengths that maximize the state's competitive advantage

through innovation, effectiveness, and adaptability.

Equity: Equity acknowledges that not all people, or all communities, are starting from the same place due to historic and current systems of oppression. Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes. Equity actionably empowers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

Inclusion: A state of belonging when persons of different backgrounds, experiences, and identities are valued, integrated, and welcomed equitably as decision-makers, collaborators, and colleagues. Ultimately, inclusion is the environment that organizations create to allow these differences to thrive.

CALLOUT BOX FOR TRIBAL RELATIONS

There are nine federally recognized Indian Tribes in Oregon. These Tribes existed prior to the foundation of the United States of America and retain a unique legal status and provide a

historic context to Oregon's natural resources. The board and department are committed to communicating, engaging, and partnering with the Tribes at a government-to-government

level. This means acknowledging Tribal governments as sovereign nations that have rights of self-determination. The nine federally recognized Tribes of Oregon have lived, worked, and played in Oregon since time immemorial, and partnering in natural resource stewardship is imperative given the challenges we face together, and the millennia of knowledge Tribes bring to ecosystem management in the Pacific Northwest. The [department's intent](#) is to promote and strengthen inter-government relations, resolve potential concerns, and enhance the exchange of information, ideas, and resources for the greater good of all Oregonians.

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Appendix C: Reference materials & resources

National Cohesive Wildfire Management Strategy:

<https://www.forestsandrangelands.gov/documents/strategy/natl-cohesive-wildland-fire-mgmt-strategy-addendum-update-2023.pdf>

Pacific Northwest Quantitative Wildfire Risk Assessment: <https://pnw-quantitative-wildfire-risk-assessment-osugisci.hub.arcgis.com/>

Oregon Forest Action Plan: <https://www.oregon.gov/odf/Documents/aboutodf/OregonActionPlan.pdf>

ODF Diversity, Equity and Inclusion Action Plan 2023-25:

<https://www.oregon.gov/odf/aboutodf/Documents/2023-2025-diversity-equity-and-inclusion-action-plan.pdf>

ODF's Information Technology Strategic Plan:

ODF/Tribal Relations: <https://www.oregon.gov/odf/aboutodf/Pages/tribalrelations.aspx>

Shared Stewardship MOU: <https://www.oregon.gov/odf/fire/documents/shared-stewardship-mou-agreement.pdf>

2021-2023 Landscape Resiliency Program Report:

<https://www.oregon.gov/odf/aboutodf/documents/2023-odf-sb762-landscape-resiliency-program-report.pdf>

Peer reviewed: Climate-Smart Forestry: Promise and risks for forests, society, and climate.

<https://doi.org/10.1371/journal.pclm.0000212>

Peer reviewed: Meta-Overview and Bibliometric Analysis of Resilience in Spatial Planning – the Relevance of Place-Based Approaches. <https://doi.org/10.1007/s12061-022-09449-z>

May 24, 2024

Oregon Board of Forestry
2600 State Street
Salem, Oregon 97310

Submitted Electronically at: <https://www.oregon.gov/odf/board/pages/commentsvision.aspx>

RE: Vision for Oregon's Forests

Dear Members of the Oregon Board of Forestry,

The Oregon Forest Industries Council is submitting the following comments in regard to the latest draft of the Vision for Oregon's Forests (the "Vision") that was discussed during the Board of Forestry (the "Board") retreat in April and that has subsequently undergone additional changes to reflect the content of the Board's discussions at that meeting. Although this document is not operable on its own, given that it is meant to serve as a strategic plan for the Board and for the Department of Forestry (the "Department") that will inform the Department's operational priorities for years to come, we believe that the way in which the Vision frames forest policy issues is of paramount importance. That said, we have four primary concerns with this most recent draft, and hope that the Board will take our feedback into consideration as you move toward adoption of a final document in June.

1.) The Vision Gives Short Shrift to the Importance of Active Forest Management and the Forest Products Sector in Promoting Resilient Communities

Given that this document is meant to paint a holistic picture of the values, functions, and uses of Oregon's forests, and of the challenges facing those forests, it makes sense that the three major categories of forest values (economic, ecological, social/recreational) are addressed across the priorities outlined in it. And indeed, the shared values outlined on p. 3 identify all three of these categories either directly or implicitly. We appreciate that these values are not set over and against one another, but that their interrelation is recognized and clearly articulated.¹ This is even reflected in certain priorities within the Vision, as well. For example, the context section for the "Resilient Forests" priority recognizes the fact that resilient forests are forests that can provide the full panoply of services that Oregonians value.

However, in many sections of the document, the importance of active forest management and of the economic services provided by forests are conspicuously minimized, if not altogether absent. For example, the strategies outlined under the "Resilient Forests" priority do not include any strategies aimed at either maintaining or increasing harvesting and wood products manufacturing capacity and infrastructure in the state, even though such capacity is necessary for the state to actively manage both private and public lands and to fully leverage tools such as the Good Neighbor Authority program to restore unhealthy forests that are otherwise beyond the state's jurisdiction to a more resilient state. Likewise, under the "Resilient Communities" priority, aside from the strategy aimed at "prompt[ing] forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools," no recognition is given to the fact that the economic and social fabric of rural, forest-adjacent communities is inextricably tied to a healthy and robust timber industry. Yes, forests provide services for rural communities that extend beyond jobs and economic activity, but that activity is

¹ For example, the "Forestry infrastructure" value is framed in such a way that it is clear that a robust forest products sector plays a vital role in supporting healthy ecosystems and resilient communities.



of vital importance if these communities are to maintain, much less grow and thrive. There is a way of talking about the full range of values and functions of forests that is helpful for establishing necessary context for policy discussions and resource prioritization, and there is a way of doing so that is meant to implicitly minimize the importance of certain values and functions. Here, we would submit that the document does the latter with regard to the importance of an economically viable forest products sector to healthy, resilient communities across the state.

2.) The Document Misconstrues the Perils Facing the State's Forested Landscapes

Reading through the document, one can't help but get the impression that those who drafted it have a prevailingly negative outlook on the health and vitality of the state's forested landscapes. The document begins with a sweeping statement that "Oregon's forest ecosystems are vulnerable" and that "[f]orest health *overall* is in decline." Forests across the state are repeatedly characterized as "vulnerable," lacking in resilience, and in need of protection.

One can certainly debate whether this prevailing narrative matches reality, or whether it is presented in unnecessarily dour terms, but the document goes one step further and implies that the imperiled state of our forests is owing to two primary causes: (1) climate change and (2) a lack of forest complexity. The first of these stated causes is in step with the general alarmism that goes hand-in-hand with most mentions of climate change nowadays, but is also largely unverifiable. That climate change is occurring cannot be denied. That a slow and steady increase in global temperatures will *necessarily* imperil the forest ecosystem in the Pacific Northwest is a conclusion that at this time is lacking in solid scientific evidence and is therefore premature.

Worse, however, is the second implied reason articulated in the document for the alleged vulnerability of Oregon's forests. The type of complexity that the document calls for (and that will supposedly decrease the vulnerability of the forest) is clearly meant to implicate actively managed (and therefore largely private) forests.² We strenuously disagree that private forests and actively managed public forests are the problem.

We are not shy about talking about the need to restore forest health across the state – particularly to address a growing danger of large, stand-replacing wildfire.³ But it is our firm belief, backed up by multiple studies and plentiful data, that the forests that are in need of restoration are our public forests (particularly federal) that have been left largely *unmanaged* for nearly forty years, *not* privately managed forests.⁴ Over the past ten years, 93 percent of the forest acres burned each year have been on public

² For example, the "Resilient Forests" goal is stated as promoting "forestland managers to make intentional decisions that increase adaptive capacity of forest ecosystems" and the context section then calls out enhancing forest complexity as the primary tool for decreasing vulnerability. The strategies under this goal further single out "ecological forestry principles" such as variable stand densities, increased rotations, and increased retention of large legacy structures as the way to accomplish this goal. Other strategies likely prioritize complexity as a focus under the state's forestry regulations.

³ See, e.g., Prichard et al. *Adapting western North American forests to climate change and wildfires: 10 common questions*. J. of Ecological Applications, 31(8), 2021; National Interagency Fire Center, "Total Wildland Fires and Acres," www.nifc.gov/fire-information/statistics/wildfires; Governor's Council on Wildfire Response, November 2019: Report and Recommendations, p. 5, available at: <https://www.oregon.gov/osp/Docs/GovWildfireCouncilRpt-FinalRecs.pdf>.

⁴ See, e.g., Starrs et al., "The impact of land ownership, firefighting, and reserve status on fire probability in California," *Environmental Research Letters* 13 (2018), available at <https://iopscience.iop.org/article/10.1088/1748-9326/aaaad1> (finding that the difference in fire probability

lands, even though just over half of the state's forests fall under federal jurisdiction, and the rate of the year-over-year increase in acres burned on federal forestland has outpaced that on state-protected lands (including both state and private).⁵

And it simply won't do to waive one's hand and pass this all off as an unavoidable consequence of climate change. If the increase in fire activity that we have experienced were primarily the result of the changing climate, one would expect all forests to be impacted to a roughly similar degree. But this is simply not the case.⁶ It is, instead, a function of management decisions (i.e. decisions *not* to manage) that have resulted in the buildup of surface, ladder, and canopy fuels on our federal forestland and on how to manage fire once it is on the landscape.

It is perfectly acceptable to aspire to continuously improve our understanding of how best to manage our forests, both public and private, but in its present form, this document seems to imply that Oregon's forests are in an acutely vulnerable state, and that this is primarily a function of current management practices on privately-owned forestland. We hope to see this changed in the final form of the document that the Board approves in June.

3.) Little to No Discussion of Ongoing PFA Work

One stunning omission from the document was the complete lack of any reference to the recent Private Forest Accord ("PFA") between private forestland owners and environmental organizations. Interpreted generously, this omission could be owing to the belief that the PFA is now water under the bridge and does not require a special call out in a strategic planning document framed with an eye to the future. Alternatively, it could be an intentional attempt to avoid what the Board understands to be a sensitive topic that, celebrated as it was by both the timber industry and environmental groups, still has detractors across the spectrum of stakeholders. Whatever the reason is, we believe that it is a gross error not to include as a goal – or at least as a strategy targeted intended to address the goals already outlined – the successful implementation of the PFA as well as ongoing support of the adaptive management process outlined in the revised forest practice regulations.

It is our hope and (we believe reasonable) expectation that the Department and the Board will lend full support to promoting and defending a program that now constitutes one of, if not the most advanced, suite of forest practice regulations in any jurisdiction. Yes, much of the necessary heavy lifting has already been done to get us on the path to a durable final product – including a monumental compromise agreement between historical forest policy combatants, a successful legislative effort to enshrine the agreement in state statute, an efficient rulemaking process to update Forest Practices Act regulations, and the standing up of a new adaptive management committee and independent research and science team –

on federal versus non-federal lands is increasing over time); "Wildfires," *Congressional Budget Office*, June 2022, p. 3. Available at, www.cbo.gov/publication/57970.

⁵ Data Source: National Interagency Fire Center. "Historical year-end fire statistics by state." Available at, <https://www.nifc.gov/fire-information/statistics>. The 2020 and 2021 fire seasons did see a dramatic increase in private acres burned (though still significantly less than what was burned on federal forestland), but it remains to be seen if those years (2020, in particular) will prove in the long run to be anomalous in that regard.

⁶ In fact, one study showed that climate variables such as average maximum temperature during summer months, average annual precipitation, and annual topsoil moisture content had a relatively minor effect on increased fire probability. Starrs, C.F. et al. 2018. The impact of land ownership, firefighting, and reserve status on fire probability in California. *Environmental Research Letters* 13(3):034025. <https://doi.org/10.1088/1748-9326/aaaad1>.

but the task is not yet complete, and even if/when a private forest habitat conservation plan has been approved by the federal services, the program will require continued care and promotion if it is to have lasting value. We implore the Board to include this as a priority in the Vision document.

4.) A Lack of Data Informing the Document's Policy Aims

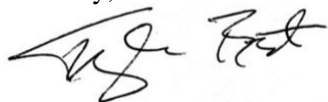
Finally, we have serious concerns with the lack of data and general scientific rigor employed in the framing of this document and its stated goals and strategies. We have borne witness to nearly every meeting of the Board and the subcommittee where the Vision was discussed, and to our knowledge, the Board was never presented with research or data to support the claims made in this document and to inform its policy aims. The closest that the Board came to consultation with outside sources appears to have been the public opinion surveys conducted by Oregon Kitchen Table ("OKT"). This is incredibly troubling.

Setting a strategic plan for forest policy in Oregon that is primarily informed by public sentiment – much of which may be based on faulty assumptions and incomplete information – could very well lead the Board and the Department to prioritize ineffective or even ultimately harmful goals and strategies. This danger is especially true in this case when, as we have noted before and as the Board itself acknowledged at a public meeting when the survey was first presented, the survey that was conducted appears not to have followed standard practice in instrument design, leading to outcomes that are unreliable at the outset. We implore the Board to delay adoption of a final Vision until it has time to review more reliable data regarding the health and use of our state's forests and the general sentiment of those who live, work, and play in them.

Conclusion

Much in the latest draft of the Vision is to be applauded. In particular, we believe that the Board and Department staff have shepherded the section of the document on "Addressing the Wildfire Crisis" to an excellent place that both recognizes the magnitude of the challenge and that appropriately nuances how the Department (and the State, writ large) must act to address it. Other sections, however, lack this nuance. In particular, the "Resilient Forests" and "Resilient Communities" sections unhelpfully downplay the importance of actively managed forests on the economic and social fabric of local communities, and misconstrue the issues facing Oregon's forests as primarily issues of management of private forests rather than as a function of decades of neglecting federal forests within the four corners of the state. Finally, the omission of anything regarding the ongoing work under the PFA is a regrettable omission. It is our hope that these issues will be addressed and that the product considered by the Board in June will more accurately reflect these points.

Sincerely,



Tyler Ernst
General Counsel and Director of Regulatory Affairs
Oregon Forest Industries Council

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 09, 2024 11:25:21 AM
Attachments: [formsubmission.csv](#)

Name	Betsy Ayres
Email (Optional)	
Comments	Everything the state can do to restore ecological balance to our forests is critical for a healthy future for all Oregonians.

Submission ID: 0b52d890-e827-4443-ac7b-9e72af435e4d

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 16, 2024 2:51:24 PM
Attachments: [formsubmission.csv](#)

Name	BRENT FRIDRICH
Email (Optional)	bfridrich@walterenelson.com
Comments	As the forest service moves forward with forest management plans it is extremely important to ensure that future plans keep recreational opportunities multi-use. This includes motorized recreation. Motorcycle trail riding supersedes mountain bike trail use by dozens of years. Many trails that were originally for motorized recreation are now off limits. Thousands of people come to Central Oregon every year to enjoy motorized recreation and it should be one of the priorities as these plans are developed. Best Regards, Brent Fridrich

Submission ID: ce791051-2707-402b-88a1-1ef66a5574b8

Record ID:

Committee for Family Forestlands

Comments on *Vision for Oregon Forests*

Comments compiled from CFF Meeting of 5.20.24, for CFF submission as public comment on the Board of Forestry's Vision/Strategic Plan



To the Board of Forestry,

The Committee for Family Forestlands (“CFF”) thanks the Board for the opportunity to comment on its strategic plan, the *Vision for Oregon Forests*. The following comments are based on the CFF’s meeting of May 20, 2023, and the CFF has voted to submit them as comments of the CFF. ¹

1. Role of Small Forestland Owners should be included in the *Vision* overall. The CFF notes the critical role that small forestland owners play as owners of a substantial portion of Oregon forests, including a high percentage of forest in the Wildland Urban Interface and of forest with high riparian and watershed value. Small family forestland owners should be specifically referenced in the *Vision* throughout, and especially in the “Our Shared Values” and “Resilient Communities” sections, for their importance as to:
 - Avoided conversion: the *Vision* should note the importance of policies that avoid the conversion of forestland to other uses, and the importance of providing incentives to small family forestland owners that alleviate financial pressures leading to conversion.
 - Avoiding wildfire: this is a top concern of small forestland owners, and one in which they can lead in prevention efforts.
 - SFO role in communities: the *Vision* should recognize the benefits that small forestland owners bring to their communities (economic, ecosystem, open lands); in addition, small forestland owners, and the CFF, could assist the Board in its outreach about issues such as fire and forest practices.
 - Specific places to add SFOs: in additional to references overall, the *Vision* should reference small forestland owners on p. 6 (engagement with Governor and legislature--add landowners), and on p. 21 (partnerships of ODF—include small forestland owners).
2. Including Small Forestland Owners in “place-based” decision making. The *Vision* refers to place-based decision making. The CFF emphasizes that place-based decision making needs to include true input on decisions made, rather than general information gathering, and inclusion in implementation. Also, the

¹ CFF voting members:

Wendy Gerlach, Chair (Citizen at Large)
 Dave Bugni (Northwest Oregon Family Forestland Owner)
 Gary Jensen (Southern Oregon Family Forestland Owner)
 Maurizio Valerio (Eastern Oregon Family Forestland Owner)
 Kate McMichael (Landowner At Large)
 Kaola Swanson, Vice-Chair (Conservation Community Representative)
 Eric Kranzush (Industry Representative)

CFF ex-officio members:

Amanda Sullivan-Astor for Associated Oregon Loggers (AOL)
 Rick Zenn for Oregon Small Woodlands Association (OSWA)
 Glenn Ahrens for Oregon State University (OSU) College of Forestry, OSU Extension Forestry and Natural Resources Program
 Julie Woodward for Oregon Forest Resources Institute (OFRI)

Vision should recognize the relative burdens (and potential benefits) that forestry and forest policy has on rural communities. References to “urban, suburban, and rural” communities in the document doesn’t reflect the outsized role of, and impact to, rural communities of forest policy.

3. Economic and funding vision. While recognizing that the *Vision* is a strategic plan, the CFF notes that it is short on economic and funding considerations as to the Department’s funding of the plan as well as to community impact. The CFF recommends that those considerations be referenced in the *Vision*, and that economic and funding viability be a significant part of the Board’s further development of the strategies in the *Vision* document. The *Vision*’s section “Addressing the Wildfire Crisis” notes the importance of developing a viable wildfire funding structure; again, strategies on this topic should be specific and include economic impacts.
4. Infrastructure and workforce. The CFF notes the *Vision*’s references to infrastructure and workforce. These are both critical to the viability of small forestland owners, and the CFF encourages the Board to build strong strategies to address these issues.
5. Private Forest Accord. The Private Forest Accord includes programs, such as the Small Forestland Owner Office and several incentive programs, that are important to small forestland owners. The *Vision* should recognize the PFA and its programs as part of the overall strategic plan. The CFF notes that incentive programs (rather than rule-based compliance) are critical to small forestland owners and the resilient and sustainable management of forestland.
6. Resilient forests and climate-smart forestry. As mentioned above, small forestland owners have a vital role to play in developing resilient forests in critical areas (especially WUI and riparian areas). In addition to resilience, the *Vision* should note the importance of adaptation of forest practices to suit changed conditions, and the importance of workforce and education in facilitating adaptation. In climate-smart-forestry, the CFF noted that there may be tradeoffs between carbon sequestration (especially in forests dense in biomass) and fire resilience.
7. Revising *Vision* Introduction. The CFF feels that the first paragraph of the *Vision*’s introduction is overly negative and backward looking in tone, and that it could be deleted.

The CFF thanks the Board for its work on the *Vision for Oregon’s Forests*, and for its consideration of these comments.

Respectfully submitted,

The Members of the Committee for Family Forestlands

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 08, 2024 10:11:23 AM
Attachments: [formsubmission.csv](#)

You don't often get email from oregon-gov-web-services@egov.com. [Learn why this is important](#)

Name	Christopher Pershing Warren
Email (Optional)	hwmechanicalinc@gmail.com
Comments	We have heard the RHETORICAL reference to "SUSTAINED YIELDS" from the Timber Industry for 100 years or so while we have watched Trees disappearing from our rural slopes at prodigious rates that VISUALLY are overpowering and seem to be growing together as logging proceeds, mostly at the direction of WALL STREET! Science has DETERMINED that Old Growth Trees sequester MORE CARBON THAN PRESENT PLANTATIONS, producing Genetically tweaked productions of monocultures that are more susceptible to fire and insect depredation than OLD GROWTH! So, if "sustained Yield is NOT A LIE, WHERE'S THE NEW OLD GROWTH THAT WILL HELP SAVE OUR PLANETS ATMOSPHERE instead of ENRICHING WALL STREET?

Submission ID: b7b84072-0de3-4478-815c-a0c2c1e7dd73

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 22, 2024 10:54:38 AM
Attachments: [formsubmission.csv](#)

Name	Clark Seely
Email (Optional)	cseely2@cfl.rr.com
Comments	<p>Since the Oregon Board of Forestry adopted its set of governance policies in March of 2024 (the Board Policies Manual, or BPM), it seems appropriate and important to include a reference to that set of governance policies that speak to the strategic thinking and planning efforts of the board and the department (through the State Forester). These policies set the requirement for the development of a collaborative strategic plan and the primary elements of such a plan. This specific requirement of the board and the department is found nowhere else in higher-level 'policies' such as statutes or rules. While there is general direction about planning at an agency level in Oregon statutes, the requirement for the board and department is now found in the BPM. This is codified in the BPM in Part 2, as follows: Part 2: Strategic Essentials 2.1 Strategic Thinking. The board expects itself to think strategically at all times. The board and the State Forester are expected to develop a collaborative strategic plan, update it as necessary, link major activities in the plan to the relevant sections of this BPM, and ensure that the plan is available to the board and the public on an ongoing basis. 2.2 Strategic Planning. The board's mission, vision, values, owner and beneficiary relationships, goals and primary strategies, and monitoring standards are all contained within the strategic plan. Further support and policy requirements for the board and the department are found in Part 3: Board Structure and Processes, specifically policy 3.1 Governing Style, and policy 3.2 Board Job Description. Within the current draft of the Vision for Oregon's Forests, I would recommend that a simple two to four-sentence reference to the BPM and its requirements be inserted at the beginning of the 'Context and Commitments' section on page 1. Language from BPM policy 2.1 could be used verbatim if desired, and some language from 3.1 or 3.2 could be utilized as well. In addition, on the flow diagram on page 18, I would recommend that the Board Policies Manual be either added to the upper right box that currently holds 'Legislature & statute' or added as a separate box below this current 'Legislature and statute' box with both types of arrows pointing to the 'BoF & ET' box. Finally, on page 19, 'Appendix C: Reference materials & resources', I would recommend that the Board Policy Manual be added as a reference with an active web link to the public webpage housing the BPM itself. Apart from the board governance efforts vis-a-vis the BPM outlined above, one additional comment might be useful. On pages one and two of the draft, the word 'policies' is used multiple times under various sections of text. It is not clear what policies are being referenced. Are these policies the same as the 'strategies' found later in the vision document, and if so, then the word 'strategies' would be more</p>

appropriate. Or are these policies yet to be developed by the board and/or the department over time going forward, and if so, that should be explained in the vision document? Finally, as has been mentioned in the press release, the board and the department will be developing performance metrics to help monitor the progress and accomplishment of the vision. I would simply state that this is incredibly important for the successful implementation of the plan over time, and is a key feature of all meaningful planning efforts. From a governance standpoint, a plan without monitoring is simply wishful thinking, and fundamentally, serves no value, either internally to the organization or externally to constituents or beneficiaries. As football legend Vince Lombardi was once purported to say, "If you're not keeping score, it's only practice." Thank you for the opportunity to review and comment. Please feel free to contact me if you want any clarification of my comments or wish to discuss the further development of the draft, including performance monitoring. My best regards, Clark Seely President Seely Management Consulting, Inc. 503-999-3475 cseely2@cfl.rr.com

Submission ID: 8758fc54-a15b-4554-8373-5ed777fe2a33

Record ID:

To: Oregon Board of Forestry and Department of Forestry
From: Scott Killops
Subject: Public Comment on the *Vision for Oregon's Forests*
Date: May 13, 2024

Thank you for the opportunity to provide public comment on the Board of Forestry's (BOF) and Department of Forestry's (ODF) shared strategic plan, the [Vision for Oregon's Forests \(Vision\)](#).

On page 12 of the Vision there is a typo. It says that ODF's [Climate Change and Carbon Plan \(CCCP\)](#) was adopted by the Board in November 2023. The CCCP was in fact adopted by the Board in November 2021. This typo wouldn't be remarkable, except that it has existed in drafts of the Vision for over six months without BOF or ODF noticing. This seems emblematic of the attention BOF and ODF are paying to climate change in general.

It has been two and a half years since the Board approved the CCCP. Since then, no timeline for execution or progress updates have been posted to ODF's [Climate Change](#) web page and no progress reports have been presented at [BOF meetings](#). There is a [Climate Change and Forest Carbon Work Plan 2022-2024](#) on the [About the Board of Forestry](#) web page, but it appears that execution of this work plan is not being tracked either.

The stated purpose in the CCCP is, "Make forestry in Oregon a leader in climate change mitigation and adaptation. The Oregon Department of Forestry will be a leader in promoting climate-smart forest policies and actions that achieve our vision by operationalizing goals, implementing actions, and measuring progress to achieving climate goals." The Vision has the more modest Climate Leadership goal, "The Board and Department will build capacity for climate-smart leadership." If BOF and ODF don't have the capacity to actually execute the CCCP, then building that capacity is a necessary first step. But I liked it better when BOF and ODF aimed higher.

The first Climate Leadership Strategy in the Vision is, "Implement the adopted *Climate Change and Carbon Plan*." I agree with this strategy. But it doesn't amount to a strategic plan without resources, a timeline, and a commitment to monitoring execution.

Globally, the last ten months have been the [hottest months on record](#). In March, the atmospheric concentration of CO2 reached 426ppm, [a record-breaking increase in CO2 levels over a 12-month period](#). Climate scientists now [expect global temperatures to rise to at least 2.5C \(4.5F\) above preindustrial levels](#) this century. Time is of the essence in addressing the global climate crisis. I urge BOF and ODF to apply more urgency to execution and monitoring of the CCCP.

Thanks again for the opportunity to provide public comment on the Vision and for all the hard work that BOF and ODF perform on behalf of all Oregonians. Additional comments on the Vision appear below.

Respectfully,
Scott Killops
350PDX Forest Defense Team Member

Additional Comments on the [Vision for Oregon's Forests \(Vision\)](#)

These somewhat lengthy comments on the Vision notwithstanding, I want to say that I have great respect and appreciation for BOF and ODF. I see BOF and ODF as professional, dedicated, hard-working, and doing a great job managing a complex and challenging set of circumstances. These comments are intended as constructive input, not criticism. They come from a shared love of Oregon's forests and a shared concern for all of Oregon's people and communities. Following the [FPFO Subcommittee](#) and assembling these comments has been a useful exercise for me. It has deepened my knowledge of ODF's many plans and programs and highlighted areas where I need further study. Thank you for your open process and for the opportunity to comment on the Vision.

Document Suggestions

- Add a title page
- Make the date in the document file name and in the document footer agree. Currently "20240430" and "May 7, 2024" respectively.
- Add a document revision number and revision history table
- Add a glossary for acronyms
- Add a glossary for specialized terminology

Purpose

This section does not state that the Vision is intended to serve as a strategic plan. As it stands, I think this document works as a vision, but it does not yet work as a strategic plan. Most of the goals and strategies included in the Vision are not measurable or time-bound. Under "Context and Commitments" the Vision states, "The Vision for Oregon's Forests is forward looking and aspirational, which means that not all strategies can be immediately implemented with the authorities and resources currently available to the board and department." However, the Vision does not distinguish which strategies are resourced and which are not. Without this clarity, the Vision does not represent a plan that can be tracked. For reference, see the description of S.M.A.R.T. goals and objectives (Specific, Measurable, Achievable, Relevant, Time-Bound) found in the [Agency Strategic Plan Outline](#) on the Department of Administrative Services [Strategic Planning Resources](#) web page.

The scope of the Vision with respect to [forestland ownership types \(federal, state, private, tribal\)](#) is unclear. The text eventually implies that the Vision addresses all forestland ownerships, but the Vision doesn't actually say so (and never mentions the U.S. Forest Service or the Private Forest Accord). A scope including all forestland ownerships is also implied by the fact that the only forest management plan included in the Vision references is the [Oregon Forest Action Plan \(FAP\)](#). But that's only if you know that the FAP is intended to address all ownerships, and the FAP is not actually described in the Vision or on the ODF web site. The Vision would be easier to understand if the scope were made explicit up front.

P1 – "Forest health overall is in decline." – Recommend adding to the references the ODF [Forest health](#) web page and/or [ODF/USFS Forest Health Highlights in Oregon – 2022](#).

Context and Commitments

P1 – “Policies will support development of local and regional economies.” – This is an important goal, but it is unclear how the policies in the Vision will do this. The Resilient Communities section includes the Strategy, “Promote forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in the sustained economic viability and vitality of communities.” This is pretty ambitious, pretty vague, and the forest and forestry education piece overlaps the mission of [OFRI](#). It sounds like the rest of this Strategy would require the creation of a new program at ODF to carry it out, but it’s not clear that ODF has the resources to do so. The impact of the [Western Oregon State Forests HCP](#) on harvest volume, revenue, jobs, and infrastructure has been a major source of concern expressed by the [Council of Forest Trust Land Counties](#) and timber industry representatives at [BOF](#), [FTLAC](#), and [SFAC](#) meetings for at least a year and a half. I don’t think a Strategy this vague will allay their concerns. I think BOF and ODF should articulate a much more specific strategy to study the economic challenges presented by the ecological crises we are facing (especially climate change and biodiversity loss) and propose actions to address them. This may require an interagency approach similar to the [Governor’s Wildfire Programs Advisory Council](#) or new legislation. Economic transitions to adopt ecological forestry, develop mass timber or biochar, or implement other recommendations may require at least a temporary infusion of additional resources beyond state forest timber revenue. But the intention of this Vision, stated in the Purpose section, is to be bold.

P2 – “Oregon’s rural, urban and suburban populations have varying social perceptions and expectations about forests and how forests should be managed to benefit humans and other species.” – Recommend adding a reference to [Community Engagement – A Vision for Oregon Forests Oregon’s Kitchen Table, April 2024](#).

P2 – “Workforce supply continues to be a challenge, and there is a reduction in the ability of managed forests to cover associated costs in this dynamic state of climate and social change.” – Is there a reference report for this statement?

P2 – “The Vision for Oregon’s Forests is forward looking and aspirational, which means that not all strategies can be immediately implemented with the authorities and resources currently available to the board and department.” - This statement is what makes this document a “vision” and not a “strategic plan”. A “plan” implies the availability of resources to achieve objectives or a reasonable expectation of obtaining them. It also implies target timeframes. The Vision does not distinguish which Strategies are resourced and which are not. At a minimum, this distinction needs to be added to turn the Vision into a strategic plan.

Shared Vision, Shared Mission, Shared Values

P3 – I assume ODF realizes that the vision, mission, and values contained in this document differ from those on the ODF web page [About us](#) and intends to bring them into alignment with the completion of this document.

Priority: Resilient Forests

P5 – Context – It seems odd to me that the Context subsection includes no discussion of [Oregon's 20-Year Landscape Resiliency Strategy](#) or ODF's [Landscape Resiliency Program](#).

P5 – “Promote ecological forestry principles that further forest complexity components” – Suggest adding a reference for ecological forestry like [Ecological Forest Management](#) and/or [Ecological Silviculture – Foundations and Applications](#).

P6 – “Promote the Forest Legacy Program” – Suggest adding a link for the [Forest Legacy Program](#).

Priority: Resilient Communities

P8 – Context and Strategies– The Context and Strategy descriptions in this section seem too vague to drive subsequent action planning. It's also unclear where subsequent action plans for this section will land, i.e. in which ODF programs or plans. I recommend articulating that.

P8 – “Promote forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in the sustained economic viability and vitality of communities.” – As commented above under “Context and Commitments”, it's not clear how ODF intends to do this. The “forest and forestry education” piece seems to be the [mission of the Oregon Forest Resources Institute](#) which I suggest adding to the references.

P9 – “Link analysis of resilience in spatial planning: <https://link.springer.com/article/10.1007/s12061-022-09449-z>” - I understand and accept the argument for a place-based approach to natural resource management strategies. But the linked paper does nothing to enhance or clarify the argument. It's highly abstract. I recommend removing this reference. (For comparison, I found the [paper included in the references for climate-smart forestry](#) to be very informative and useful.)

Priority: Addressing the Wildfire Crisis

P10 – Goal – “Prevent, suppress and mitigate wildfire to protect communities” – It's not clear that protecting communities is achievable without an equal emphasis on promoting fire-adapted communities. (If that is what is meant by “mitigate wildfire” in the Goal, it didn't come across clearly to me.) One of the Strategies is, “Promote fire and smoke-adapted communities in the wildland-urban interface and beyond to mitigate the impacts of climate-induced increases in wildfire severity.” It feels like this Strategy needs more emphasis in the Goal and/or Context for this Priority. I also suggest adding to the references the ODF [Wildfire hazard](#) web page and the [Firewise USA](#) web page.

Priority: Climate Leadership

P12 – Strategies – I suggest adding a Strategy to continue ODF's work on [Forest carbon accounting](#). This work is foundational to understanding whether we are making progress in utilizing forests for carbon sequestration and storage. From outside appearances, this work seems to have stopped with the completion of the [Climate Change and Carbon Plan](#) in 2021.

P12 – Strategies – I suggest adding a Strategy to work with the [Oregon Climate Action Commission \(OCAC\)](#) on implementation of [HB 3409](#) Sections 53-67, State Policy for Natural Climate Solutions. See the discussion in [Natural and Working Lands INR Report Discussion](#). In particular, work with OCAC to administer the Forestry Natural Climate Solutions Fund portion of the [Natural Working Lands Fund](#).

Priority: Organizational Excellence

From the outside, it appears that ODF lacks an execution team for the CCCP. I believe that to be successful, execution of the CCCP should be assigned to a dedicated program manager leading a cross-functional team who are actively working to implement the plan and who report progress and results to the BOF on a quarterly or biannual basis.

Appendix A: Monitoring, evaluating & adapting

Without accompanying text, this diagram fails to acknowledge that ODF already has lots of action plans and existing or draft progress measures. Most of these just need to be completed, revised, updated, or reported and monitored. It would be useful to articulate here gaps where new action plan development is required.

The [Oregon Forest Action Plan](#) included in the references defines a set of performance measures, though it's unclear how and where these measures are reported.

For Oregon State Forests, I recommend adding references for the [Draft Adaptive Management Plan](#) and [Draft Performance Measures for the Board of Forestry](#).

For the [Climate Change and Carbon Plan](#) we are overdue for a progress report to the Board.

Appendix B: Connection to other strategies & plans

This diagram may confuse readers. First, without an acronym glossary they may not know what "ET" is. (I assume ET means the ODF Executive Team.) Second, without an explanation they may wonder what the [Forest Action Plan \(FAP\)](#) is. Third, this diagram does not include any of the plans used to manage Oregon State Forests and is different from similar diagrams in those plans that don't include the FAP. For example, see Figure 4-1 in the [Draft FMP](#).

When the FAP first appeared in the Vision references with the [October 2023 draft](#) I had been following ODF State Forest planning closely and was familiar with the FPFO, HCP, FMP, AMP, CCCP, IPs, and AOPs, but had never heard of the FAP. It's not mentioned in the Draft FMP and as far as I know is not mentioned on the ODF web site (although if you know it exists, you can find it with a search of the ODF web site). I emailed ODF to ask what the FAP was and received this helpful response:

"With the 2008 Farm Bill, Congress tasked the states and territories with assessing the condition of trees and forests within their boundaries, regardless of ownership, and developing strategies to: conserve

working forest landscapes, protect forests from harm, and enhance public benefits from trees and forests.

The resulting state Forest Action Plans, completed in 2010, updated in 2015, and comprehensively revised in 2020 by all 59 states and territories offer roadmaps for investing federal, state, local, and private resources where they can be most effective in achieving national conservation goals.

For Oregon's Action Plan, Best Management Practices, State Fact Sheet and Alignment of Action Plan Priorities to National Priorities: <https://www.stateforesters.org/districts/oregon/>."

It would be useful to provide this information to ODF's wider audience.

Appendix C: Reference materials & resources

This section seems ad hoc and incomplete. I think BOF and ODF are missing an opportunity here to educate the public and to provide enough guidance for people to meaningfully participate in a subsequent dialogue with BOF and ODF. Below I suggest a more complete set of references organized around the flow of the Vision document. These suggestions are based on my experience of trying to come up to speed on ODF planning over the last year and a half. That process is ongoing, so not all of these suggestions may make sense, but I think you'll get my drift. A newcomer or a casual participant needs to know that resources exist before they can reference them and they need assistance directing their attention to the most relevant resources.

Appendix D: Who we are

I suggest adding the ODF web pages [About the Board of Forestry](#) and [About us](#) to the references.

Example of a revised "Appendix C: Reference materials & resources" organized around the flow of the Vision document and including additional resources

General References

ODF web page - Oregon Department of Forestry home page

<https://www.oregon.gov/odf/Pages/index.aspx>

ODF web page - About Oregon's forests

<https://www.oregon.gov/odf/forestbenefits/pages/aboutforests.aspx>

Oregon Forest Resources Institute

<https://oregonforests.org/>

Purpose

ODF web page – Tribal government relations

<https://www.oregon.gov/odf/aboutodf/Pages/tribalrelations.aspx>

Context and Commitments

Community Engagement – A Vision for Oregon Forests, Oregon’s Kitchen Table, April 2024

<https://www.oregon.gov/odf/board/bof/20240424-bof-item-03.pdf>

Shared Vision, Shared Mission, Shared Values

ODF web page – About ODF – Articulates ODF’s Mission, Vision, and Core Values

<https://www.oregon.gov/odf/aboutodf/Pages/default.aspx>

Priority: Resilient Forests

ODF web page – Forest health

<https://www.oregon.gov/odf/forestbenefits/pages/foresthealth.aspx>

ODF/USFS Forest Health Highlights in Oregon - 2022

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1131761.pdf

ODF web page - Oregon’s 20-Year Landscape Resiliency Strategy

<https://www.oregon.gov/odf/pages/20-year-strategy.aspx>

Oregon’s Landscape Resiliency Strategy - Progress Report: June 30, 2023

<https://www.oregon.gov/odf/aboutodf/documents/olrs-progress-report.pdf>

ODF web page – Landscape Resiliency Program

<https://www.oregon.gov/odf/pages/landscape-resiliency-program.aspx>

ODF Landscape Resiliency Program Final Report

<https://www.oregon.gov/odf/aboutodf/documents/2023-odf-sb762-landscape-resiliency-program-report.pdf>

Ecological Forest Management, Jerry F. Franklin, K. Norman Johnson, Debora L. Johnson, Waveland Press, Inc., 2018

<https://www.waveland.com/browse.php?t=730>

Ecological Silviculture – Foundations and Applications, Brian J. Palik, Anthony W. D'Amato, Jerry F. Franklin, K. Norman Johnson, Waveland Press, Inc., 2021

<https://www.waveland.com/browse.php?t=747&r=s|ecological%20silviculture>

Priority: Resilient Communities

Oregon Forest Resources Institute – Oregon Forest Facts 2023-24 Edition

<https://oregonforests.org/publication-library/oregon-forest-facts-2023-24-edition>

Oregon Forest Resources Institute - County Economic Fact Sheets 2023

<https://oregonforests.org/publication-library/county-economic-fact-sheets-2023>

State of Oregon Employment Department - Oregon's Forestry and Logging Industry: From Planting to Harvest

<https://www.qualityinfo.org/-/oregon-s-forestry-and-logging-industry-from-planting-to-harvest-1>

State of Oregon Employment Department - Oregon's Wood Product Manufacturing Industry Is Still Important, Especially in Rural Areas

<https://www.qualityinfo.org/-/oregon-s-wood-product-manufacturing-industry-is-still-important-especially-in-rural-areas-1>

ODF web page – Urban forests

<https://www.oregon.gov/odf/forestbenefits/pages/urbanforests.aspx>

ODF web page - Burning & smoke management

<https://www.oregon.gov/odf/fire/Pages/burn.aspx>

Oregon Watershed Enhancement Board

<https://www.oregon.gov/oweb/Pages/index.aspx>

Priority: Addressing the Wildfire Crisis

National Cohesive Wildfire Management Strategy:

<https://www.forestsandangelands.gov/documents/strategy/natl-cohesive-wildland-fire-mgmt-strategy-addendum-update-2023.pdf>

Pacific Northwest Quantitative Wildfire Risk Assessment:

<https://pnw-quantitative-wildfire-risk-assessment-osugisci.hub.arcgis.com/>

Oregon Governor's Wildfire Programs Advisory Council

<https://www.oregon.gov/gov/policies/Pages/wildfire-programs-council.aspx>

ODF web page – Fire

<https://www.oregon.gov/odf/fire/pages/default.aspx>

ODF web page – Wildfire hazard

<https://www.oregon.gov/odf/fire/Pages/wildfire-hazard.aspx>

Firewise USA

<https://www.nfpa.org/Education-and-Research/Wildfire/Firewise-USA>

Fire Adapted Communities Learning Network

<https://fireadaptednetwork.org/>

Oregon Health Authority – Wildfires and Smoke

<https://www.oregon.gov/oha/ph/preparedness/prepare/pages/prepareforwildfire.aspx>

Priority: Climate Leadership

ODF web page – Climate change

<https://www.oregon.gov/odf/forestbenefits/pages/climate-change.aspx>

ODF web page – Forest carbon accounting

<https://www.oregon.gov/odf/forestbenefits/Pages/forestcarbonstudy.aspx>

ODF Climate Change and Carbon Plan

<https://www.oregon.gov/odf/forestbenefits/Documents/odf-climate-change-and-carbon-plan-draft.pdf>

BOF Climate Change and Forest Carbon Work Plan 2022-2024

<https://www.oregon.gov/odf/board/bof/bofwp-climate-change-2022-2024.pdf>

Oregon Climate Action Commission – Natural and Working Lands 2023 Report

<https://www.keeporegoncool.org/natural-working-lands>

Oregon Climate Action Commission – Natural Working Lands Fund Proposal

<https://static1.squarespace.com/static/59c554e0f09ca40655ea6eb0/t/6594aea62498db70a925d691/1704242854973/2024-NWL-Joint-Proposal.pdf>

Oregon Climate Action Commission – Institute for Natural Resources Final Report

https://www.ogwcnaturalandworkinglands.org/files/ugd/0e48c2_5019dc1a8a744109a513d45bc448339d.pdf

Oregon Climate Action Commission – Natural and Working Lands INR Report Discussion

<https://static1.squarespace.com/static/59c554e0f09ca40655ea6eb0/t/65579fb3f97a3c2304e93e75/170241333665/INR+N%26WL+Report+Overview%26+Recommendations+-+FINAL.pdf>

Peer reviewed: Climate-Smart Forestry: Promise and risks for forests, society, and climate.

<https://doi.org/10.1371/journal.pclm.0000212>

Priority: Organizational Excellence

ODF Diversity, Equity and Inclusion Action Plan 2023-25

<https://www.oregon.gov/odf/aboutodf/Documents/2023-2025-diversity-equity-and-inclusion-action-plan.pdf>

Appendix A: Monitoring, evaluating & adapting

Adaptive Management Plan for State Forests Management (Draft)

<https://www.oregon.gov/odf/board/documents/fmp-hcp/adaptive-management-plan-draft.pdf>

Performance Measures for the Board of Forestry (Draft)

<https://www.oregon.gov/odf/board/documents/fmp-hcp/performance-measures-draft.pdf>

Appendix B: Connection to other strategies & plans

National Association of State Foresters – Oregon Forest Action Plan

<https://www.stateforesters.org/districts/oregon/>

ODF web page - Western Oregon State Forests Habitat Conservation Plan (HCP)

<https://www.oregon.gov/odf/aboutodf/pages/hcp-initiative.aspx>

ODF web page - Western Oregon State Forests Management Plan (FMP)

<https://www.oregon.gov/odf/aboutodf/Pages/stateforestsfmt.aspx>

ODF web page - Oregon State Forests Implementation Plans (IPs) and Annual Operations Plans (AOPs)

<https://www.oregon.gov/odf/working/pages/stateforests.aspx>

ODF web page - Forest Practices Act

<https://www.oregon.gov/odf/working/pages/fpa.aspx>

ODF web page - Private Forest Accord

<https://www.oregon.gov/odf/pages/private-forest-accord.aspx>

ODF web page - Budget

<https://www.oregon.gov/odf/aboutodf/Pages/budget.aspx>

Appendix D: Who we are

ODF web page – About the Board of Forestry

<https://www.oregon.gov/odf/board/Pages/aboutbof.aspx>

ODF web page – About us

<https://www.oregon.gov/odf/aboutodf/Pages/default.aspx>

Additional References

Forestry Program for Oregon - A Strategy for Sustaining Oregon's Public and Private Forests – 2011 Edition

https://www.oregon.gov/odf/board/bof/fpfo_2011.pdf

Oregon Revised Statutes, Vol. 14, Title 44, Chap. 526 – Forestry Administration

https://oregon.public.law/statutes/ors_chapter_526

Oregon Revised Statutes, Vol. 14, Title 44, Chap. 530 – State Forests; Community Forests

https://oregon.public.law/statutes/ors_chapter_530

Oregon Administrative Rules, Chap. 629, Div. 35 – Management of State Forest Lands

https://oregon.public.law/rules/oar_chapter_629_division_35

To: Board of Forestry
From: Bob Van Dyk (bvdoregon@gmail.com)
Date: April 23, 2024
Re: [FPFO Document and the BOF retreat](#)

I'm writing about the FPFO document that serves as the center of the upcoming BOF retreat.

It is clear from the [FPFO subcommittee site](#) that a lot of work has gone into this document. While there is much to like in the vision, I also have some concerns about the document and the path ahead. To be clear, I have not reviewed all the meetings and work on the FPFO subcommittee website, so most of my comments are based on the document in the BOF packet for the April 24 meeting. (It definitely would have been helpful to me as a newcomer to this work to have some kind of staff report that provided some explanation – i.e. where did this document come from, is it required by law, what purpose is it intended to serve, etc.?)

Overall, I really like the concern about forest health and forest ecosystems that are at the center of the document. Oregon is so rich in forest resources, and they are at risk. An overall vision that tries to ensure our forests are resilient and able to keep providing benefits seems the right focus to me. As the document notes, the effects of climate change and legacy of historic management create serious challenges for Oregon and the board.

Below are comments on some of the sections, as well as some final comments on your next steps.

Purpose (p.1)

I wanted a bit more clarity here about purpose. Is this the purpose of the vision? Or is this the purpose of the board in developing the vision? Or is this the purpose that is proposed for the FPFO? A more simple sentence starting “The purpose of X is....” would help me.

I have also heard that this work is in part a response to the governor’s request for a strategic plan. If that is the origin of the document, it would be helpful to include something on the governor’s request/directions, including any specific guidelines or standards to which the plan should conform. In any case, Appendix A seems to indicate that this document is meant to be translated into specific actions over the next five years, so my comments below are based on that assumption.

Context and Commitments (p. 1-2)

These seem like two different things – the context of the vision and then any commitments the board may make. I would not lump them together.

Regarding the context section, if the next five years are the focus, I suggest the following:

- note climate change, and the effects on forests, including undesirable trends in forest health and wildfire
- note recent legislation, including SB 762 and SB 1501/1502.
- note recent board decisions/actions, including the Climate Change and Carbon Plan, DEI plan, as well as the decision to operate under an ITP on most BOF lands
- note rapidly evolving technology that allows collection of details on forest characteristics via remote sensing

In addition, I think the context section should add some detail and emphasis on the appropriate role and place of the board in forest policy. The vision does address the role of the board when it says “not all strategies can be immediately implemented with the authorities and resources currently available to the board and department.” My concern is that if the vision is too aspirational it will lead to inappropriate and unhelpful expectations about board and department performance.

The fact is that the board does not lead in forest policy making, except on the state forests, which as you know are appx. 3% of the forested landbase. While ORS 526 contains a broad mandate for the board to “supervise all matters of forest policy and management under the jurisdiction of the state,” when viewed in context of the broader forest policy making statutes and rules, the board’s role is forest and foremost administrative. (ORS 526 is titled Forest Administration, after all.) On private lands, for example, the board’s authority is extremely cramped. The 714 requirements coupled with Measure 49 provide only a very narrow pathway for new regulations on private forests. The board’s authority over federal lands is even more modest. The board does not appropriate funds. None of these constraints is likely to change soon.

Lastly, under context I think it is worth mentioning that some of the board’s authority and much of the board’s work occurs through partners – partnership with the EQC on CWA implementation, partnership with many different partners in the fire management system, partnership with ODFW on many resource matters, etc.

Shared Vision, Mission, Values (p.3)

All look good, though I might add something about both humility and partnerships, especially partnerships with other state agencies.

Priority: Resilient Forests (p.4)

This is an excellent framing/priority for considering Oregon’s forests, though what it will mean in practice to “enable and promote...decisions that increase adaptive capacity of forest ecosystems” is hard to operationalize.

The strategies for forest resilience (p.5) are good, from affirming safe harbor/HCP work to seeking new incentives for forest owners to provide more complex forests and more carbon storage.

However, from my view a perplexing omission in this section is the work pursuant to SB 1501 and 1502, which were based on the Private Forest Accord.

As you know, the accord prescribed a massive revision of many aspects of private forest management, including appx. 1 million acres of private forest moved to a conservation focus, These bills included reshaping 714, adding many new conservation-oriented positions to ODF, establishing a rigorous program to survey roads and requirement to improve them, a new program for SFOs, a new science-driven adaptive management program, rules for beaver, a mitigation fund, etc. What is more, the legislation reflected an unprecedented (for Oregon) coming together of a very wide range of forest stakeholders who have a history of acrimonious argument before the board and elsewhere. Crucially, many of the new measures in the PFA will terminate if ODF does not get a take permit by the end of 2027.

The state and stakeholders have asked a great deal of ODF: Hiring and integrating many new employees, administering new programs, and implementing new rules are always challenging, but especially when there is so much new.

For me, then, ensuring the successful attainment of the PFA ITP would be at the very top of the board's agenda for the next five years, yet the document makes no mention of it, which I find unsettling.

Another area where the BOF/ODF might benefit on forest resilience is by working more closely with ODFW on the Conservation Strategy, which includes a variety of [forested habitats by ecoregion](#), including both [specialized and local habitats](#), as well as [habitat data gaps](#). The Conservation Strategy might provide helpful data on trends desired forest types.

Priority: Resilient Communities (p. 8)

I like this section, but I am not sure it is correctly labeled. Most of the strategies seem to focus on things like promoting access, engaging communities, promoting forest management, etc. Similar to some of the other sections, though, I am not sure some of the high level strategies are conducive to productive conversations. Things like contributing to economic viability and clean water aren't really strategies, they are outcomes that the board can prioritize (or not) and in some cases the board may have very limited ability to realistically provide them.

Priority: Living with Fire (p.10)

This section seemed especially strong to me. I like the framing of “living with fire.” In the context section I think I would add something about the unusual fire conditions that we have inherited, due to past management and climate change, as well as the challenge of managing fires that in many cases occur in forests where people live full time.

Planning Schedule/Next Steps

I would be highly resistant to spending too much more time on this document. I think the committee can take the win by clarifying the purpose a bit and affirming the big priority areas. From there I think the board would be better served by developing a plan that focuses on specific tasks it is in charge of administering, such as the following:

- The massive change to forest laws that came in SB 1501-1502
- Getting the take permit for the BOF lands and focusing on the State Forest funding model
- Working with the legislature and partners as directed to address the many fire-related needs

I would not suggest the board spend much time developing sophisticated progress measures for these tasks. Rather, I think focusing on whether the State Forester and Department are moving effectively toward very specific goals set by the legislature or the board is the way to go.

If there is great interest in developing performance measures, I suggest the board start by revisiting the usefulness of the [KPMs](#) it reports to the legislature, or the state forest performance measures which remain in effect (never rescinded so far as I know) and which will inform a new FMP, I believe.

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 08, 2024 10:08:17 AM
Attachments: [formsubmission.csv](#)

You don't often get email from oregon-gov-web-services@egov.com. [Learn why this is important](#)

Name	Corina Morin
Email (Optional)	cmmorin1970@icloud.com
Comments	I do not agree with hire more diverse people. You also stated it would be people who are not usually involved in this type of lifestyle. Why would you want them to work for us if it's not their passion. It is important that our forest is ran by people who live and understand, not reaching out to others to make our decisions. I also feel like if you want to help our forest allow cutting of trees. We are losing so much to fire damage. If you would like to make changes to our forest, please make changes that will affect us in the positive not affect our government officials who are just encouraging us to hire Minority groups that do not have passion for nature the way we are that live in this community do

Submission ID: 6c5e01e1-ba84-4f65-9ba6-4bde2c7d6443

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Tuesday, May 14, 2024 4:14:21 PM
Attachments: [formsubmission.csv](#)

Name	Craig Zarling
Email (Optional)	craig.zarling@comcast.net
Comments	I write to advocate to maintain lands identified for preservation as such, and not converting them to clear cuts. I feel the use of state forests to generate financial profits needs to be shifted toward habitat preservation. As an Oregonian, preservation of our forests is a high priority for me.

Submission ID: 0990e54b-0208-422e-8382-b8f12a6b851b

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 09, 2024 11:58:58 AM
Attachments: [formsubmission.csv](#)

Name	Cristy Rein
Email (Optional)	RZPublish@aol.com
Comments	The Board of Forestry MUST implement active management of all of our forests in order to not lose them to fire. The attitude of "preserving forests" is ridiculous as all data and history shows us the forests lost to wildfire are mostly forests that are not being managed and maintained. This negligence has to end. Do what right for all Oregonians and stop succumbing to special interest groups.

Submission ID: a192b103-d442-415f-ba54-aef6202601ba

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 16, 2024 6:13:45 PM
Attachments: [formsubmission.csv](#)

Name	Cynthia Dreps
Email (Optional)	Cadreps@yahoo.com
Comments	Please make the webpage used to apply for state of oregon jobs work correctly. Th webpage my workday Oregon does not show the list of currently open jobs. Please ask the information technology people to get the service provided by my workday to allow people from around the state and country to access the information and apply for the job openings in Oregon.

Submission ID: 3b828668-c9a3-4df3-8dc0-e2e1ef2e6ef8

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Monday, May 20, 2024 9:14:05 PM
Attachments: [formsubmission.csv](#)

Name	DIANA LARSON
Email (Optional)	planetsky@charter.net
Comments	<p>LOOKING AT THE GPS SCREEN ON THE MONITOR IN MY CAR, IT IS BLATANTLY OBVIOUS THE CHECKERBOARD PATTERN IN DOUGLAS COUNTY. ALL OF THE SQUARES THAT ARE/WERE AVAILABLE TO LOG, HAVE BEEN LOGGED. 90% OF THE JOBS THAT WERE ONCE THERE HAVE BEEN REPLACED WITH AUTOMATION. THE COAST RANGE DOES NOT HAVE THE CHECKERBOARD. IT JUST HAS MASSIVE CLEARCUTS. MASSIVE DESTRUCTION AND DEVESTATION. NO JOBS. RESILIENT FORESTS WERE THE OLD GROWTH FORESTS. THE SECOND GROWTH AND REPROD PLANTATION FORESTS ARE A DISASTER. PLANTATION FORESTS THAT BURN AT SUCH HIGH INTENSITY, EVERYTHING INCLUDING THE DIRT, IS DESTROYED, MUST BE STOPPED. IT IN NO WAY MIMICS A NATURAL FOREST LET ALONE A NATURAL FOREST FIRE. THERE SHOULD BE A MORATORIUM ON ANY LOGGING OF PUBLIC LANDS WHILE THEY FIGURE OUT HOW TO BETTER MIMIC A NATURAL FOREST ON THIER PRIVATE LANDS, RATHER THAN THE MONO SPECIES DISASTER FORESTS THEY ARE BEING ALLOWED TO CONTINUE TO CREATE. THINNING AND BRUSH REMOVAL IN THE PLANTAION AND SECOND GROWTH FORESTS SHOULD BE ENCOURAGED. ENACT BETTER LAWS FOR REPLANTING ON CLEARCUT AREAS. PLANTATION TREES REQUIRE A LOT OF WATER FOR THE FIRST 30 TO 40 YEARS OF GROWTH CONTRIBUTING TO DROUGHT. THE MISMANAGEMENT OF PRIVATELY OWNED FORESTS IS A HUGE PROBLEM AND CONTRIBUTOR TO CLIMATE CHANGE. RESULTING IN UNNATURALLY INTENSE FOREST FIRES RESULTING IN MASSIVE, ENDLESS, SMOLDERING, SMOKE. THE FELLER BUNCHER THAT STRIPS ENTIRE FORESTS IN A DAY TAKING THE PLACE OF COUNTLESS JOBS. SOMETHING THAT IS NEVER MENTIONED WHEN IT COMES TO LOGGING IS THE NUMBER OF NESTING BIRDS AND OTHER ANIMALS. LOGGING GOES ON ALL YEAR LONG WITH ABSOLUTELY NO THOUGHT OR CONSIDERATION TO THE TREMENDOUS NEGATIVE EFFECT IT CAUSES TO THE ENVIROMENT. THERE ARE ALTERNATIVES. WE NEED TO BE LOOKING AT 3D HOMES, OTHER TYPES OF MATERIALS THAT WILL NOT BURN. LEAVE THE OLD GROWTH AND DO EVERYTHING WE CAN TO PROTECT AND PROPAGATE MORE!</p>

Submission ID: c5ae2ba1-6f74-442d-b8b8-8b3ba408c838

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 23, 2024 7:48:57 AM
Attachments: [formsubmission.csv](#)

Name	Drew Simrin
Email (Optional)	marioman3@gmail.com
Comments	My vision for the future of Oregon's forests are a forest full of old growth trees sequestering carbon, cooling drinking water that the salmon use, and providing clean oxygen for all to breathe.

Submission ID: b2376cc5-95b8-4e04-b8f2-7704bb092938

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 08, 2024 12:20:43 PM
Attachments: [formsubmission.csv](#)

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Name	Harry Freiberg
Email (Optional)	hap@alumni.stanford.edu
Comments	To borrow from Mark Twain: Guard & Protect our National and State Parks/Forests, shore lines, rivers, lakes, and wild lands. They are not being made anymore.

Submission ID: 05af8792-fa17-4232-b0af-3e74fb6fa7f2

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Saturday, May 11, 2024 1:48:13 PM
Attachments: [formsubmission.csv](#)

Name	Heather Harris
Email (Optional)	
Comments	Please stop the timber sale of Clatsop Forest and neighboring Legacy Forests near Astoria! These forests and ecosystems are beautiful and flourishing and support so much wildlife!! This is not what we want for our wild forests to be cut down!! Please preserve and protect these trees, wildlife and other ecosystems. They are worth preserving!!

Submission ID: 18f07693-52d7-43cf-aa0d-13c003e2b778

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 09, 2024 9:04:23 AM
Attachments: [formsubmission.csv](#)

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Name	Jerry Carlson
Email (Optional)	jkcarlbel@gmail.com
Comments	<p>Lots of words - all paid for by the taxpayers of Oregon. (I tend to be a bit wordy too.) I perused it quickly - my assessment is that it is very thorough. The only portion I find rather silly is the "Climate Change" portion. I question anyone's intellect (and scientific background), if they truly believe that man controls our planet's climate. Absurd! Arrogant! ... and just plain stupid! Those who believe this nonsense never made it to Piaget's "Conservation of Volume" maturity stage. Most likely, such a person lives in an urban area and has never climbed a mountain, or visited Hell's Canyon, or jumped out of a perfectly good airplane. Other than that absurdity, it is quite thorough.</p>

Submission ID: 611bf4b1-93d4-43c3-9acf-5aa852fc508d

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Tuesday, May 14, 2024 3:16:07 PM
Attachments: [formsubmission.csv](#)

Name	John Flannigan
Email (Optional)	john.j.flannigan@odf.oregon.gov
Comments	<p>The Board should work with other agencies to ensure the policies and rules for forest protection apply to all landowners i.e. Stream buffers. Water flows through many kinds of landowners, agricultural, residential, commercial, etc. and water quality can be harmed in any of these areas, but most landowners aren't required to buffer streams. Fish don't know what the zoning of land is. They swim through and nest in all these different lands. If stream buffers are needed to protect water, fish, and the environment, everyone should abide by the required buffer rules, not just forest landowners. Singling out one type of landowner is not just unfair, but it also fails to protect a large percentage of the resource. If these protections are truly important, they should apply to everyone.</p>

Submission ID: 7bddedef-1b90-433a-bc0a-233d33658cf2

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODF](#)
Date: Wednesday, May 15, 2024 2:52:09 PM
Attachments: [formsubmission.csv](#)

Name	John Parulis
Email (Optional)	johnp@brightpathvideo.com
Comments	<p>Dear ODF. I think the metrics for determining forest "usage" needs to be updated with current science, particularly in soil science. Soil is the planet's second largest active pool of carbon after the oceans, but its ability to continue to retain the huge amounts of carbon it stores has been weakened in recent decades, largely due to unsustainable land-management practices and changes in land use. The Woodwell Climate Research Center is a preeminent authority on climate change science. In a recent study, they found that soil carbon fails to recover in cleared forests.</p> <p>https://www.woodwellclimate.org/study-soil-carbon-fails-to-recover-in-cleared-forests/ Please value this information when you consider yielding to powerful investment guided decision making from the timber industry to continue clear cutting Oregon's forests and spraying them with soil killing, health hazard herbicides, all for short term gain. Thanks</p>

Submission ID: 64d2ad99-964a-4a35-ad52-a5af661484bd

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 23, 2024 11:34:11 AM
Attachments: [formsubmission.csv](#)

Name	judith dickerson
Email (Optional)	claydickerson44@gmail.com
Comments	Much survey space was taken with repeated desires for more forest education. If you are interested in connectioning ASAP with an under-served commuinity, why not start small - how about School for the Deaf. I even know possible materials and maybe instructors. On another thread, the forestry board may learn about available but stored in-house resources with a look at my late-husband's book, Fire at my Feet (author Clay Dickerson). It is a memior of his four decades as an ODF forest manager. Several of his fellow workers told me they felt his description of his job (over those years) was the best they'd ever seen. J.Dickerson/retired educator

Submission ID: 7ff086d2-17f3-4df2-a685-bd561aa81f82

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 15, 2024 5:25:46 PM
Attachments: [formsubmission.csv](#)

Name	Julia Snyder
Email (Optional)	snydesiii@live.com
Comments	<p>This is concerning the proposed Davis Ridge clearcut and Slough Hill (alt) clearcut in the 2025 draft Annual Operation Plan. I live within 4 blocks of the proposed Davis Ridge cut. And I walk past the proposed clear cutting 2-3 times weekly. The proposed cut on the south side of that street walk is on a steep slope. On the other side of the street is a downhill slope that ends in a stream of water. That uphill slope, if clearcut, and given the degree of rain here, would most probably cause landslides onto the road. The stream of water on the other side of the road is a conduit for salmon runs. If pesticides are used, it will end up in that stream, killing off those salmon. Please consider these serious problems before supporting this project. thank you</p>

Submission ID: 43b69791-29e6-4b8b-8b4c-10b6fb2cfb72

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODF](#)
Date: Friday, May 10, 2024 2:51:26 PM
Attachments: [formsubmission.csv](#)

Name	Katy Davis
Email (Optional)	katyanndavis@gmail.com
Comments	Hello, I'm writing to you as an Oregon resident who opposes the ODF's plan to Clear Cut and Aerial Spray the Legacy Forest at Mothball Hill, East of Astoria in the John Day Estuary watershed. This forest contains an invaluable habitat and recreation space for the citizens of Oregon and a clear cut and spray could have devastating geological and ecological impact on wildlife and the community. Thank you for your time, Katy Davis

Submission ID: 77fca239-4cc0-403f-a506-b8cee891262c

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 22, 2024 3:00:00 PM
Attachments: [formsubmission.csv](#)

Name	Linda Jensen
Email (Optional)	lindasinesjensen@gmail.com
Comments	My comment is to clean up these forests and start managing them!! Old fir trees rot! That brings in the bugs. Which causes more fuel!! We always had healthy forests before the environmentalists got all involved!Bring back the real stewards of the lands! We had to stop all the logging because of a bird (farce). And now the same people are behind putting windmills in the ocean! It seems they don't mind wiping out birds after all!! Manage our forests!!

Submission ID: 3160e828-3183-46bd-b556-5b05cba9f653

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Friday, May 10, 2024 2:00:54 PM
Attachments: [formsubmission.csv](#)

Name	Matthew Lehman
Email (Optional)	mlehman418@gmail.com
Comments	Private land owners are killing the forest products manufacturing business in Oregon by exporting too many logs to Asia. Many counties are having a hard time raising enough funds to keep services at the level they are now, let alone make any improvements, and further reducing the amount of timber harvested will only make things worse. We need to increase the amount of excise or removal taxes on private land owners to offset the losses, and those funds need to stay in the counties where the wood is harvested. No more free rides for Weyerhaeuser and the like. Time to pony up.

Submission ID: a4bdcd26-32f7-49be-8384-526124f8aee6

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Saturday, May 18, 2024 3:35:40 PM
Attachments: [formsubmission.csv](#)

Name	Michael Hill
Email (Optional)	mehill100@gmail.com
Comments	Purpose should include - in the second paragraph after "health and safety, "recreational opportunities"

Submission ID: 1b896875-b964-4524-a954-672b67b1d1a4

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Friday, May 24, 2024 2:47:44 PM
Attachments: [formsubmission.csv](#)

Name	Mike Bechdolt
Email (Optional)	mikebechdolt@gmail.com
Comments	<p>To: Oregon Department of Forestry From: Mike Bechdolt / Consulting Forester / Klamath Falls, Oregon Subject: Please consider the following comments on Oregon's 20 Year Vision: • Context and Commitments: Page 1-2 (It would be helpful to mention wildfire as it has had the greatest impact to our Forests per the latest Northwest Forest Plan Monitoring report and recent Old Growth Inventory assessment. While Wildfire is mentioned in the Purpose section, the vision needs to address the impact of recent wildfire on our forests and communities as part of the Context for this Vision. It is the urgency element that makes this vision and strategy more of a directive than a plan on a shelf. • Page 6: "Increase cross-jurisdictional alignment on management of public forestlands that meets the needs and expectations of Oregonians.".... Possible change: "Increase cross-boundary treatment opportunities of public and private forestlands... Another way to express: "Build stewardship across boundaries for alignment of objectives, efficiencies in activities, and broader-scale impact." • Page 8: "Promote forest and forestry related educational programs, technologies, pilot projects, forest management jobs, infrastructure and other tools to invest in the sustained economic viability and vitality of communities." Consider adding the words here...sustainable wood products & markets, carbon markets and ecosystem services? The bullet mentions promoting forest management jobs and infrastructure which obviously infers a sustainable supply of wood products including (timber, biomass, special forest products...boughs, mushrooms, cones, etc....). • Page 10&11: "Addressing the Wildfire Crisis"..... While the strategic bullets mention "fuels management", "forest resiliency work" and increase use of "prescribed fire". Should the word "thinning" be used as well? Science has demonstrated again and again that a combination of thinning, including commercial thinning, and prescribed fire has been the most beneficial treatment to reduce wildfires. It seems that the document is steering away on purpose from using the term "harvesting/harvest/thinning" to avoid controversy. • Page 13: "CALLOUT BOX FOR CLIMATE-SMART FORESTRY"... Make sure that the callout box includes development of an incentive program for industrial and nonindustrial forest landowners to practice silviculture methods that promote climate smart forestry to including incentivizing practices to increase stored carbon in the forests. Thank You Mike Bechdolt Bechdolt Consulting Forestry 541-892-2564 mikebechdolt@gmail.com</p>

Submission ID: dbcab66a-3412-4fd4-97e9-14f0387f7d12

Record ID:

May 14, 2024

Oregon Board of Forestry
c/o Oregon Department of Forestry Public Affairs
2600 State Street
Salem, Oregon 97310

Members of the Oregon Board of Forestry:

Thank-you and thank-you to the Department of Forestry staff for your work to date developing the draft *Vision for Oregon's Forests* (VFOF) and for this opportunity to offer comments as you finalize this document.

I have previously submitted comments during the development of the VFOF. I would like to offer some additional general observations for your consideration as well as some specific suggestions for improving the VFOF and its implementation.

1. When approved in 2011, it was intended that the *Forestry Program for Oregon* be reviewed and revised in 2019. The timeline slipped a bit but I am pleased to see this action is now finally underway. I appreciate the efforts of both State Forester Mukumoto and past State Forester Daughterty to champion this work.
2. While significant public outreach has been conducted, I have not seen strong participation of other state and federal agencies and key stakeholder groups in developing the VFOF. In both 2003 and 2011, the 2011 Board was deliberate in bringing these partners to the table and involving them in shaping those editions of its strategic plan. The hope was that other forestry institutions, other state agencies, landowner groups, environmental groups could all see their values and interests respected in the final product and see their roles in achieving desired outcomes.

The Board in 2011 also established an *Oregon Roundtable on Sustainable Forests*. An open invitation was provided to all interested stakeholders to participate in the Roundtable. Most significantly, the Board entered into a formal "Declaration of Cooperation" with key public agencies (Oregon Department of Forestry, OSU College of Forestry, USDA Forest Service Region 6 and Pacific Northwest Research Station, Bureau of Land Management, and Oregon Department of Environmental Quality) in support of the Roundtable and the *Forestry Program for Oregon*. I encourage you to review the powerful language in the Declaration. But a word of caution—while the 2011 *Forestry Program for Oregon*, enjoyed passionate individual champions within each of these organizations at the time, the lack of long-term institutional support (including within the Department of Forestry) crippled its full implementation. Obtaining and maintaining that support will be crucial for the VFOF to

be more than another internal bureaucratic exercise. If not before, then after final approval of the VFOF, I encourage you to seek similar formal commitments of cooperation from all partners who will play critical roles in meeting its goals and objectives.

3. Oregon's forests are diverse and are also owned by very diverse landowners with a wide spectrum of values and management objectives. For simplification, the 2011 *Forestry Program for Oregon* grouped these management objectives into four broad categories emphasizing different values – production emphasis, nature emphasis, multiple-use emphasis, and residential value emphasis. All four will play a role producing diverse forests and a wide range of benefits. If in the right proportions and in the right locations, they can also serve to meet the goals of the VFOF. A challenge in implementing the VFOF will be respecting and working within the range of landowner management objectives. This is particularly important when policies affect private landowners who must continue to have an economic justification for owning and managing forestland versus converting forests to other, potentially more lucrative, uses.
4. In the 2000s, quite a bit of work was done to develop a comprehensive State of Oregon forest cluster economic development strategy. The Oregon Department of Forestry, Oregon Business Development Department, Oregon Forest Resources Institute, Oregon Department of Energy, and the Wood Innovation Center at Oregon State University coordinated with private-sector partners to develop this strategy. I would encourage you to strengthen the VFOF text regarding the importance of an promoting an updated and unified State of Oregon forest cluster economic development strategy.
5. I recommend greater attention be placed on invasive species management which, along with climate change forest conversion to development, may be the greatest long-term threats to Oregon's forest resources.
6. There are general references to "biodiversity" and "habitat" in the draft VFOF but very little specifically discussing fish and wildlife—two subjects very important to many Oregonians. The 2011 *Forestry Program for Oregon* included a specific goal to "conserve diverse native plant and animal populations and improve their habitats in Oregon's forests" combined with an indicator tracking whether the number of at risk (extinction, extirpation, endangered, threatened, or potentially endangered or threatened) forest plant and animal species was increasing or decreasing. I recommend similar text in the VFOF.
7. In a similar vein, I recommend more specific attention be given to the continued protection of the physical and biological quality of soil and water resources in Oregon forests. The current text only makes passing references to these important resources.
8. The readers of VFOF will have different interpretation of some of the terminology used. Therefore, I recommend a glossary of terms in an appendix that includes agreed-to definitions of terms such as "active management," "adaptive capacity," biodiversity," "ecosystem," "forests," "forest health," "maintain," "protect/protection" (particularly in the context of disturbance-driven ecosystems), "resilient," and "sustainable/sustainability" (slippery terms if undefined but central concepts in the 2003 and 2011 editions of the *Forestry Program for Oregon*)

9. I recommend that you review the recent work of the citizens of Bend in developing a strategic vision for this rapidly changing city ([Vision Action Plan • Envision Bend](#)). Note that for each “project” or goal identified in the plan both “quick win” and “gamechanger” desired outcomes have been identified. Something similar in the VFOF would make it immediately more useful to Oregonians.
10. Page 1: The commitment statement, “Policies will strive for a reciprocal relationship between forests and human cultures representing multiple identities” is so vague it borders on meaningless. Maybe just stick with “There is a responsibility to take care of forests so that forests can continue taking care of all of us.”
11. Page 3: Revise the shared mission statement to read: “To restore, maintain, and promote resilient forest ecosystems that benefit all Oregonians.” The public needs to understand that in disturbance-based forest ecosystems the focus is on the ecosystem and not on an unrealistic expectation of maintaining current forest stand conditions.
12. Page 5: The paragraph on achieving desired forest complexity fails to acknowledge how this outcome will be achieved on an administratively-fragmented forest landscape and, in particular, what is expected of private forest landowners (from real estate investment trusts to family forest landowners) who manage their forestlands for many different objectives. To gain greater private landowner support, a stronger emphasis is needed that on private ownerships non-regulatory tools will be used to achieve desired public policy goals beyond the existing baseline environmental protections of the Forest Practices Act.
13. Page 9: Revise the text to read; “Place refers to both the natural-environmental context (a valley, mountain range, region, ecosystem, etc.) and the human context (human cultural history, economics, laws, ownership, management objectives, etc.).”
14. Page 10: Under “Addressing the Wildfire Crisis,” consider rewording the goal to read: “Manage wildfire risk through prevention, suppression, and mitigation strategies that protect communities and expedite forest restoration activities that promote the resiliency of Oregon’s forests.”
15. Finally, I believe the draft VFOF lacks specifics on how its successful implementation will be measured and reported. I am pleased that the email I received soliciting comments stated that, “[T]he board and department will continue to build upon the foundation provided by the *Vision for Oregon’s Forests* through developing associated progress measures. ODF will also build out its process for development of action plans to achieve the goals identified in the *Vision for Oregon’s Forests*.” But without these details in place, it is difficult to judge the value of the lofty, aspirational VFOF text.

In 2011, the Board the Board of Forestry endorsed 19 Oregon indicators of sustainable forest management recommended by a diverse advisory committee of Oregonians. The indicators, in total, were intended to answer the question, “What would you need to know to determine if Oregon’s forest and being sustainably managed?” They were also intended to measure success in meeting the *Forestry Program for Oregon* goals and objectives. The indicators represented a way to share common interests, and to promote agreement about forest issues. The indicators were intended to address all Oregon public and private

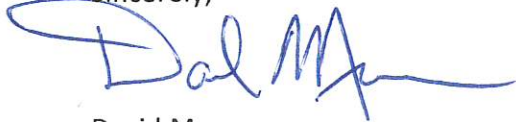
forestlands. They belonged not just to the Board but to all Oregonians, regardless of their values and perspectives.

Looking forward, a new set of well-designed VFOF indicators/progress measures can:

- Tell stories--Convey critical and complex information more simply to build public confidence and facilitate better communication and cooperation among all parties interested in forest resources;
- Inform greater social understanding of forests and the forces that influence them;
- Provide a framework around which natural resource inventory, assessment, planning, and management can be better coordinated;
- Better prioritize and allocate finite monitoring and research funding to those efforts that will inform the indicators.
- Provide citizens interested in forests with a tool to encourage society to better address and communicate what it needs from forests; and
- Help to repair a fragmented administrative landscape by providing a common language for measurement and discussion.

Thank-you for considering these comments and best wishes for successful implementation of the *Vision for Oregon's Forests*.

Sincerely,



David Morman

Bend, Oregon

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Sunday, May 19, 2024 2:03:10 AM
Attachments: [formsubmission.csv](#)

Name	Nancy Cook
Email (Optional)	nacook2022@gmail.com
Comments	<p>Dear Board of Forestry, Although some of the direct management impacts of this Draft feel unclear, I'm impressed by the progressive vision of this Vision for Oregon Forests. Managing our public lands to address Oregonian's clearly expressed values around habitat conservation and climate resilience is so important. Indeed, I would propose citing the recent Oregon Values and Beliefs Center polls in the introduction to this document. For example, Oregonians have clearly stated their broad majority support for "Very Important" forest benefits to include habitat conservation (73%), clean, cool water for fish (71%), and carbon storage (50%) https://oregonvbc.org/state-forest-management. Additional comments from this 2022 report resonate with this Vision: "BALANCING environmental benefits—especially clean water—with the economic benefits of forestry continues to resonate with Oregonians. Oregonians are united in their concern about future access to clean water. Nine in ten express concern that access to clean water is not guaranteed for future generations." Related to clean water is the key role our state forests play in sustaining struggling salmon and other fish stocks. Research clearly demonstrates that salmon survival in Western Oregon is directly related to stream temps, and stream temps are directly related to forestry practices, especially ample stream buffer zones, through out the watershed. Part of climate resilience is regional food security; fish are forest products, too. And initiatives like the Habitat Conservation Plan are central to Oregon's resilience as our warming climate impacts salmon streams. Profit-mongering and by a politically powerful lobby which promotes aggressive harvest of carbon sequestering forests is unacceptable at this pivotal point in climate history. Research also proves that single aged stands are exceptionally vulnerable to wildfires. So yes, yes: I support this intention of this vision and hope the Board will work diligently to assure to make this a truly meaningful guiding role to support the climate resilient forests required for future generations. Thank you for your service. Nancy Cook Astoria, Oregon nacook2022@gmail.com</p>

Submission ID: b58f2fbd-0398-4a06-acdf-7eca79d01d57

Record ID:

Southern Oregon Climate Action Now



Confronting Climate Change

<https://socan.eco>

Alan R.P. Journet Ph.D.

Cofacilitator

Southern Oregon Climate Action Now

alan@socan.eco

541-500-2331

May 21st 2024

Oregon Board of Forestry

Oregon Department of Forestry

Reference: Vision for Oregon's Forests

Chair Kelly and members of the Oregon Board of Forestry:

I write as cofacilitator of Southern Oregon Climate Action Now, an organization of some 2,000 Southern Oregonians who are concerned about the climate crisis and encourage state action to address it. As rural and coastal Southern Oregonians, we live on the frontlines of the warming, reducing snowpack, heatwaves, drought and the increasing wildfire risk that these trends conspire to produce. Because of this, we pay close attention to what is happening in state agencies that pertains to climate and wildfire.

We are particularly interested in the incredibly important role that Oregon's forests can play in terms of contributing to the state's natural climate solutions by sequestering carbon. It is within this context that the Vision for Oregon's Forests was reviewed.

I was delighted to see the statement (P. 1): "Forests are an integral part of the social economic and environmental fabric of our state..." included in the purpose. It would have been better, however, if this had been followed by recognition of 'stabilizing our climate' as one of the listed benefits since doing so would indicate that the authors acknowledge this as a priority. Indeed, this should probably be the first item listed since without a stable climate, "Clean air and water, sustainable forest products, biodiversity, public health and safety' will all be severely compromised. Given that reality, stabilizing climate should be the highest priority.

It is also encouraging to see (P. 1) that "Policies will be responsive and adaptable to global and local climate change while mitigating threats to ecosystems, human health and safety, and economies." However, this should be stated as occurring within the recognition that 'climate smart' management will be employed (see below for further comment on this concern).

On face value, it is encouraging to identify (P.3) a shared vision of “Complex and resilient forest ecosystems that endure and adapt.” Regrettably, however, the climate envelope studies and projections of Rehfeldt and Crookston, as depicted on the [Plant Species and Climate Profile Predictions](#) website suggest the consequences of continuing our business-as-usual behavior of accelerating fossil fuel use and greenhouse gas emissions. These projections indicate that unless we globally divert the current climate trend, this will likely reduce the range of many ecologically and commercially important Oregon forest species and eliminate some from the state. Without elevating the role of our forests in combating climate change, our ability to maintain complex and resilient forest ecosystems seems like a challenge.

In terms of the strategies proposed (P.6) I was delighted to see “...extended rotations and increased retention of large legacy structures (live green trees, snags, and downed wood) during harvest activities.” This delight applies also, and critically, to “Encourage the development of complex, functional forests that sequester and store carbon.”

In terms of the “Priority: Addressing the Wildfire Crisis” (P. 10), it is somewhat disappointing to see the Goal as: “Prevent, suppress and mitigate wildfire to protect communities and expedite forest restoration activities that promote the adaptive capacity of Oregon’s forests.” As the subsequent narrative implicitly acknowledges, we live in a Mediterranean climate where the millennia of winter wet / summer dry seasonal cycles have generated forest communities that are fire prone, fire adapted and fire dependent. Instead of repeating the 20th Century refrain indicated in this goal of trying to prevent, suppress and mitigate wildfires, I would prefer to see a goal that focuses on ‘managing’ fire in our forests and promoting a regime that includes fire. The evidence suggests that the decades of fire suppression combined with climate transitions resulting from the Pacific Decadal Oscillation and global warming have contributed to the problem of increasing fire risk. I suggest that it would behoove ODF to acknowledge more explicitly the consequences of our Mediterranean climate and the need for managing fire to serve both forest and human community health rather than focusing on fire prevention and suppression. The subsequent list of strategies that include ‘prescribed fire’ suggests that ODF understands the need for fire in our forests though there seems to be little recognition that we should manage wildfire rather than merely and consistently prevent and suppress fire.

It is gratifying to see that Climate Smart forestry is incorporated into the planning (P. 12). However, it is a little disturbing that the basic literature on climate smart natural resource management is not included. Instead, ODF seems to have adopted its own definition of what comprises ‘climate smart’ management. Since there is a tendency for natural resource managers to claim that since they manage natural resources and they accept climate science,

what they are doing must be climate smart. It would generate greater confidence if the literature listed below were referenced.

In this vein, I note that one of the basic tenets of climate smart management is recognition that future climate will be unlike past climates. Thus, seeking restoration to some prior species composition is not rational.

While I see reference to the need for public education, I would like to recommend that this be accorded greater emphasis. One of the greatest problems we have in discussing climate change and wildfire with the public is that there exists tremendous ignorance about the importance of fire in our forests and why our forests are fire adapted and fire dependent. This is compounded by a similar level of ignorance regarding climate change and how that is currently affecting fire risk and how ongoing climate change will only exacerbate the fire risk problem. The roll out of wildfire risk maps a year or so ago is a perfect example of how that level of public ignorance can lead to anger and rejection of rational proposals and arguments.

Respectfully Submitted



Alan Journet

7113 Griffin Lane
Jacksonville
OR 97530-9342

Suggested Examples of Climate Smart Literature:

[Glick, P., B.A. Stein, and K.R. Hall. 2021. Toward a Shared Understanding of Climate-Smart Restoration on America's National Forests: A Science Review and Synthesis.](#) Washington, DC: National Wildlife Federation. A 2021 update of the seminal Stein et al 2014 discussion

Schuurman, G. W., C. Hawkins Hoffman, D. N. Cole, D. J. Lawrence, J. M. Morton, D. R. Magness, A. E. Cravens, S. Covington, R. O'Malley, and N. A. Fisichelli. 2020. Resist-accept-direct (RAD)—a framework for the 21st-century natural resource manager. Natural Resource Report NPS/NRSS/CCRP/NRR—2020/ 2213. National Park Service, Fort Collins, Colorado.

[Stein, B.A., P. Glick, N. Edelson, and A. Staudt \(eds.\) \(2014\). Climate-Smart Conservation: Putting Adaptation Principles into Practice.](#) National Wildlife Federation, Washington, D.C. One of the seminal papers that kick-started climate smart thinking.

Swanston, Christopher W.; Janowiak, Maria K.; Brandt, Leslie A.; Butler, Patricia R.; Handler, Stephen D.; Shannon, P. Danielle; Derby Lewis, Abigail; Hall, Kimberly; Fahey, Robert T.; Scott, Lydia; Kerber, Angela; Miesbauer, Jason W.; Darling, Lindsay; Parker, Linda; St. Pierre, Matt.
2016. Forest Adaptation Resources: climate change tools and approaches for land managers. 2nd ed. Gen. Tech. Rep. NRS-GTR-87-2. Newtown Square, PA: U.S. Department of Agriculture, Forest Service, Northern Research Station. 161 p.



Comments on Draft *Vision for Oregon's Forests* May 24, 2024

We applaud the Board of Forestry for its collaborative work with the ODF leadership team and for incorporating valuable insights from the *Oregon Kitchen Table* project. We appreciate the Board of Forestry for hosting the many thoughtful work sessions and subcommittee meetings necessary to draft the proposed *Vision for Oregon's Forests*. We also want to gratefully acknowledge ODF seeking input on May 20 from the appointed Committee for Family Forestlands (CFF). We support the comments the CFF offered.

Review: We are disappointed, however, with the incomplete and still marked-up document that was made available for public comment. There are clearly strong statements and calls to action about climate, wildfire, insects, disease, as well as the need for broader public education and engagement. From the opening, despite many declarations in the document, the *Vision for Oregon's Forests* is not inspirational, bold, inclusive, or empowering.

3.7 Million Acres. Many significant factors which obviously impact the future of public and private forestlands in Oregon go largely unmentioned. For example, the document does not recognize the significant role played by the state's 3.7 million acres of private family forest properties. Despite ODF's decades of successful work with family forest owners and the state's recent investments in the new Small Forestland Owners Office, there is only passing reference to Small Forestland Owners (SFOs) in the document. SFOs should at least be defined and included in an appendix.

SFO Contributions: The social, economic, and environmental contributions from the very diverse SFOs in Oregon are huge. Sadly, the document's use of "forestry infrastructure" and "forest products sector" understates and undervalues the present and future contributions made by SFOs all over the state. In the years ahead, the loss or conversion of family forest properties is a very real threat. As the state grows and changes, this loss can have cascading negative impacts on adjacent forests, fish and wildlife, and communities. What is ODF's long term vision for SFOs?

Place-Based: We are attracted to the concept of place-based plans cited in the draft. However, the term is broad and lacks any sense of scale: National? State? Region? County? Watershed? Individual properties? All of the above? Place-based planning is literally how many SFO presently operate. We would have expected to see more how important guiding principle will be applied.

New Rules: The impact on the Oregon's private forestlands, including family forests, dictated by recent legislation and the state's new Forest Practice Rules probably does not receive the attention it deserves in the *Vision for Oregon's Forests*. Addressing the positive impacts on fish and wildlife habitat over time is not included in the draft. Oregon's family forest owners are major contributors to this living legacy and anticipate being part of this Oregon success story for generations to come.

Leadership: The Board of Forestry and ODF must grow trust and broaden public support. The many beneficiaries of Oregon's remarkable forest resources, other public and private landowners, Oregon taxpayers, and local and state leaders deserve to know much more about the ODF's leadership role intends to play in the future. References to accountability and transparency in draft are well below the aspirational level seen throughout the rest of the document. Similarly, the financial model and

sustainability of ODF's operations is inadequately addressed in the document. This is a significant omission or oversight for a new strategic plan or vision. Prudent and responsible use of public and private resources is required for success. We would expect to see more in the document how ODF intends to address these mission-critical components.

Thank you for the opportunity to comment on this important document and participate in the process. We look forward to working with ODF to improve and fortify the *Vision for Oregon's Forests*.

Thank you again for including members of the Committee for Family Forestlands in the discussion this week.

Rick Zenn, Executive Director
Oregon Small Woodlands Association
187 High Street NE, Suite 208
Salem, OR 97301

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Sunday, May 12, 2024 10:56:43 PM
Attachments: [formsubmission.csv](#)

Name	Philip Ratcliff
Email (Optional)	skazz999w@hotmail.com
Comments	Most of us in Oregon get our drinking water from forests. That's amazing, but it also leaves us vulnerable to drought, climate change, and forest practices on land that doesn't belong to us or where we don't have a say in management. In a better world, forests would be managed to protect drinking water for all of us.

Submission ID: 9bf2954b-bcfb-4db0-b7b1-c06c70ac6e87

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 16, 2024 11:38:40 AM
Attachments: [formsubmission.csv](#)

Name	Rob Freres
Email (Optional)	rob@frereswood.com
Comments	Does public comment really mean anything to the Department? You've implemented the HCP prior to its approval by the federal agencies. You've passed a 70 year plan to not manage 57% of the properties you are entrusted with on a 4-3 vote. You've disenfranchised all of rural Oregon where these lands are situated. Your actions say, "we don't care, we don't have to"...Thanks for the let it burn policy you've just implemented. You have the federal NW Forest Plan that has resulted in half of Oregon's forests lost to fire and you've endorsed more of the same.

Submission ID: e994a60a-2fe1-4ac8-860f-9aa67364ad16

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Wednesday, May 22, 2024 5:47:55 AM
Attachments: [formsubmission.csv](#)

Name	Scott Killops
Email (Optional)	scott.killops@gmail.com
Comments	The goal statement for the Climate Leadership priority is not measurable or time-bound and lacks the ambition of ODF's Climate Change and Carbon Plan (CCCP). Here's an example of how the goal statement might be rewritten to be more measurable and time-bound and to align its ambition with the CCCP: "The Board and Department will demonstrate leadership in climate-smart forest management by implementing the Climate Change and Carbon Plan by the end of 2025".

Submission ID: 7092492d-a39f-49f8-be55-d313b2f7b8c1

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Thursday, May 09, 2024 9:30:02 AM
Attachments: [formsubmission.csv](#)

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Name	Steven
Email (Optional)	Elenger
Comments	Stop selling the land off. BLM is not for sale. Our taxes maintain it which means we partially own it. It's not for sale to any one. Not logging company's. Not Chinese energy company's. It's our land and it's not for sale. Lots of parts around here are now closed to hiking and hunting because loggers bought it up. I live here for the nature. Now I am moving out of this shithole liberal state.

Submission ID: fbf65c16-98bf-4630-906b-8aef8e914653

Record ID:

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODE](#)
Date: Friday, May 17, 2024 11:37:39 AM
Attachments: [formsubmission.csv](#)

Name	Teresa DeLorenzo
Email (Optional)	tde@teleport.com
Comments	Regarding proposed clear cuts in east Clatsop County -- David Ridge and Slough Hill planned clearcuts. I have the following concerns about these two clearcuts and believe that they do not meet the standards in the Forest Practices Act. -- The slopes are steep and are active slide areas -- several large slides within the last five years. -- The clearcuts are adjacent to a number of established house and potentially threaten them with slides, erosion, and flooding from run-off. -- There are 80+ year old trees on the sites with no provision for their protection. -- The planned cuts are near verified salmon streams and the plans do not address stream protection. Clearcuts may compromise water quality and temperature. Please review these planned clearcuts with an eye to removing them from sale. Thank you. Teresa DeLorenzo 971 563 7943

Submission ID: 6f4bacde-b5d2-4b0d-b8bb-619a741b13a0

Record ID:

May 24, 2024

Oregon Department of Forestry
Oregon Board of Forestry

Comments on the Vision for Oregon's Forests

Submitted by: Kyle Smith, Director of Government Relations and Pete Caligiuri, Forest Strategy Director

State Forester Mukumoto, Chair Kelly, and Members of the Board:

Thank you for the opportunity to provide comments on the draft *Vision for Oregon's Forests*. As landowners, forest stewards, scientists, and fire managers, The Nature Conservancy (TNC) works closely with the Oregon Department of Forestry (ODF) on a range of issues related to the health and resilience of Oregon's forests. Living in communities around the state, we manage lands and waters in varied ecosystems and partner with ranchers, farmers, fishers, timber, and environmental interests on some of the most challenging conservation issues facing people and nature.

Our work has long focused on ecological restoration and beneficial fire use in Oregon's seasonally dry forests to increase forest resilience, reduce wildfire risk to communities, and sustain the many benefits these forests provide now and into the future. We plan, implement, and monitor large-scale, ecological forest restoration and prescribed fire projects on our own lands and in partnership with local, state, federal, and tribal partners on thousands of acres each year. We also support climate-smart forestry in the highly productive forestlands across western Oregon and the Coast Range, which have the potential to play a globally significant role in sequestering and storing carbon to mitigate climate change while providing habitat conservation benefits.

TNC commends ODF's efforts to tackle such an aspirational and large-scale strategy for all of Oregon's diverse forest types and the people and communities that depend on them. We support ODF's intention to craft a new vision and mission to guide the agency, including a holistic suite of strategies that we hope the agency will organize around to shift and accelerate forest management to better address current conditions in and threats to Oregon's forests. In particular we want to highlight, emphasize, and expand on the following important themes:

- Recognizing the diversity of Oregon's forests, people, and communities, and the need to integrate and reflect the uniqueness of these social-ecological systems in forest policy and management actions;
- Grounding the Vision document in forest and community resilience, and the critical importance of science-based management to restore and sustain healthy, functioning ecosystems from which the broadest suite of benefits (i.e., ecosystem services, including carbon sequestration and storage) to nature and people will flow;
- The need for stable, adequate, and equitable funding, invested holistically in wildfire mitigation strategies that address both landscape resilience and fire-adapted communities;

- The importance of safe *and effective* wildfire management, to protect the safety and wellbeing of people, communities, and firefighters, and use the state's limited wildfire funds responsibly in the face of increasingly severe wildfire;
- Affirming commitment to implement the Climate Change and Carbon Plan and recognizing the significant carbon sequestration and storage potential of Oregon's wet and coastal forests;
- Identifying and investing in forest management infrastructure that is oriented to forest resilience and climate goals, including a workforce with the training and skills to respond to contemporary forest management challenges and a forest products sector that is scaled and tooled to support management for forest resilience and climate mitigation;
- Promoting collaboration and shared stewardship across all ownerships, and investing ODF time and resources in that collaboration, and;
- Recognizing the importance of and responsibility to Oregon's Tribes, their sovereignty and self-determination, and their access to and stewardship of the land.

With those themes in mind, we respectfully provide the following overarching comments as well as comments on specific priority areas.

Emphasis on the implementation of existing plans and policies. There are several strategies that include *implementation of previously adopted plans*, including the 20-Year Landscape Resiliency Strategy, the Climate Change and Carbon Plan, or others. Several of the strategies under each goal are relatively passive, reading more like 'desired outcomes' instead of specific actions or steps ODF will need to take for implementation. It is important to ask, what does ODF need in terms of resources, funding, and staff to implement these already adopted plans, and are the plans on track? If not on track, what is needed to adjust and adapt implementation? If on track, how do ODF and partners build upon the great work that was done to craft these policies and plans to increase the quality, pace, and scale of the work? In short, identifying challenges and opportunities to implementation and ODF's previous commitments to partners would be helpful in upcoming legislative advocacy.

Coordinate with state, federal, tribal, and private landowners and partners. TNC is encouraged to see ODF elevate the need to work collaboratively with different partners. This is particularly important as ODF's work spans the state and should include community-based input and solutions. We have questions on how this Vision document interacts with other strategic documents both within ODF as well as external partners. To be effective, there needs to be a clear connection describing how this document with actually drive policies and programs to support on-the-ground projects across the state. Addressing this overarching question in the document would help external audiences understand the importance of the Vision as the agency and Board's strategic plan, and know where and how to support its implementation through other policies and programs.

Priority: Resilient forests. TNC welcomes the renewed emphasis throughout the Vision document on resilient forests with the aim of reorienting management to promote healthy, functioning forest ecosystems rather than maximizing any one value or subset of values. Inherent to managing towards this goal is an emphasis on restoring the natural processes, such as fire and natural regeneration, that are a fundamental building block for ecological function, as well as a central strategy to helping many of Oregon's forests adapt to climate change. This is an area where ODF should invest and leverage its stewardship forestry and fire personnel and resources, building internal and external knowledge, skill, and experience to support climate-adaptive forestry and the expanded use of prescribed fire.

Priority: Resilient communities. TNC is encouraged to see increased emphasis on the reciprocal relationship between forests and society in restoring, protecting, and sustaining healthy ecosystems and communities. Science supports the principle that managing for ecological function and ecosystem integrity does not inherently maximize any individual value, but does sustain the broadest suite of benefits to both nature and people. This is a particularly important principle in an era when rapidly changing climate will make us all increasingly dependent on resilient forest ecosystems and the many ecosystem services they provide.

It is also particularly important that ODF and society writ large think about the distribution of positive and negative impacts (i.e., benefits and burdens) of both the current forest and fire management system, as well as the impacts of the new system this Vision describes, in order to realize equitable outcomes in both. We know that these benefits and burdens are not spread equitably across communities in Oregon, and we recommend ODF utilize tools and data, such as the Social Vulnerability Index and Community Adaptive Capacity, to understand and better integrate equity and inclusivity in decision making, landscape prioritization, resource allocation, and investment in forest and fire management across the state.

Priority: Addressing the wildfire crisis. TNC supports the need for proactive investments in wildfire mitigation strategies—both landscape resilience and fire-adapted communities—as an essential part of any long-term solution to wildfire management. It takes urgent, proactive steps to support healthy, resilient ecosystems and livable communities for generations to come. Sustaining our forest ecosystems and reducing wildfire risks to people and property requires a stable, adequate, and equitable funding structure that is more flexible than the current biennial budget structure.

It is also important to recognize that fire is a critical part of the solution in addressing the trend of increasingly severe wildfire. Many of Oregon’s ecosystems are dependent on fire, and have evolved with a variety of different eco-cultural fire regimes resulting from both lightning-caused and indigenous use of fire. To this end, we are encouraged to see a renewed focus within the Vision on state-led efforts to invest in and expand the use of prescribed fire in forest management and to increase community education on the use of prescribed fire, smoke management, and public health. Although this is an ODF-specific document, it is important to note that there are other state agencies engaged in this complex, cross-sector work, such as the Department of Environmental Quality (DEQ), the Oregon Health Authority (OHA), and the Department of the State Fire Marshal (DSFM)—all critical agencies that need to have adequate and stable funding to do this work.

Placing a priority on the wildfire crisis also presents an opportunity for ODF to invest in and support Oregon’s Tribes in their own vision and goals to build and expand their own prescribed fire and cultural fire use programs and capacity. We strongly encourage ODF to dedicate time and resources to tribal partnerships in service of tribally-led fire programs.

Collaborating effectively across local, state, federal, and Tribal partners in the implementation of the 20-Year Landscape Resiliency Strategy will be critical to reducing wildfire risk, restoring resilient landscapes, and sustaining the broadest suite of ecological, social, and cultural values. TNC strongly encourages ODF to invest in the capacity and resources necessary to build on this strategy and ensure its adoption and integration as a principal “roadmap” to guide execution of this Vision. This investment is particularly important to ensure coordination and alignment at the local level, where statewide strategies can be seen as either a coalescing force and a much-needed accelerator, or as a confusing hinderance to locally-led landscape planning and prioritization.

Priority: Climate Leadership. TNC is excited to see that Climate Leadership is an ODF priority. In conjunction with the reduction of fossil fuel-based emissions, natural climate solutions, including climate-smart forest management, are a critical part of our approach to climate mitigation and adaptation.

Climate-smart forestry as defined in ODF's Climate Change and Carbon Plan includes a broad spectrum of silvicultural practices with varying degrees of carbon sequestration potential. Improved forest management as a natural climate solution (NCS) practice should emphasize activities with high sequestration potential such as extended rotations and variable retention timber harvest. It is also critical to apply sufficient ecological sideboards to maintain resilience, improve ecological function, and avoid unintended consequences, such as reforestation or afforestation that is ecologically inappropriate in a given ecosystem or biophysical environment.

As one of the four agencies that received Natural Working Lands Fund (HB 3409) investment, ODF is a key agency in helping the state meet its greenhouse gas emissions reduction goals. We look forward to working alongside ODF to support fund distribution and program implementation to increase use of NCS forest management practices to sequester and store carbon in Oregon's wet and coastal forests.

In conclusion, thank you again for the opportunity to provide comments on the draft *Vision for Oregon's Forests*. We are appreciative of ODF leadership, the Board of Forestry, and the committee's work on this strategic document and for the continued outreach and engagement the agency has conducted throughout the process. We encourage and support ODF in taking this step and stand ready to assist where possible in making this Vision as strong and bold as possible to guide implementation of the identified priorities for the benefit of nature and people. Thank you for your consideration.

Sincerely,

Kyle Smith
Director of Government Relations
The Nature Conservancy – Oregon

Pete Caligiuri
Forest Strategy Director
The Nature Conservancy – Oregon

From: oregon-gov-web-services@egov.com
To: [KRAWCZYK Joy P * ODF](#)
Date: Tuesday, May 14, 2024 10:38:13 AM
Attachments: [formsubmission.csv](#)

Name	Vickie Schroeder
Email (Optional)	vschroeder763@gmail.com
Comments	<p>I married a timber feller. He has been cutting since 1976. His father was a feller and our son is also a tree feller/logger. Back in the late 70's and early 80's there was production, everyone including the government was making money. Replanting of trees was being done and the forest were being managed and thriving. Fires in Oregon were very few and if there were fires the loggers put them out, "no Special fire fighters to fight fires that have been left to grow out of control and then move in and take care of it mentality like it is now." I think the management plan back then was diversified enough that all entities were benefiting from logging. Of course there are always some kinks, bad people and such. The ENVIRONMENTAL EXTREMIST are part of a huge problem. Don't log, they are cutting down all of forests. The lies have to stop. Restrictions on logging have slowed it to a trickle and fores have destroyed marketable timber that could have funded the school, benefited people with jobs oh and they would be paying taxes on those earning. Instead you have been leaning towards all the extremists demands and now infringing on small woodland owners. We have worked hard for what we have and planned and managed our timberland's that would benefit us in later years when it is mature and ready to be harvest. ODF has successfully shut down mills that would cut larger timber. We are harvesting future old growth trees. The fires that we had Labor Day 2020, destroyed during Oregon's unprecedented 2020 wildfire season. Oregon's 2020 Labor Day Megafires. Acres burned. Archie Creek. 131,542. Beachie Creek. 193,573. A lot of this was old growth timber up the Clackamas river that has been destroyed now the Environmentalism want more set aside, don't log the burnt timber . FOR What? to fuel the next fire that goes thru to make it so nothing would grow because the ground will be so depleted it will not support growing plants. If you look back thru time EVERYTHING that the EXTREMIST demand turns out badly. Management of our timbers lands like a crop ids responsible. Quit putting so many restrictions on the timber industry and small woodland owners. Manage to prevent wildfires like Beachie Creek and other out of control fires that destroy the timber lands, people's homes and people. Environment for endangered species, was destroyed in those fires and now we are supposed to set aside more for them? How much more is going to be taken out of the governments pockets as well as the tax payers for firefighting when you won't work on prevention to begin with. My grandchildren may become timber fallers and loggers one day if you don't shut the forest down to nothing by the time they are old enough. Be responsible and manage it like we did back in the days of prosperity for</p>

everyone. Make some changes but dumbing down the harvest will not benefit anyone but the people who go to put fires out and that is truly sad and a waste of resources.

Submission ID: 34549b37-d1ed-4855-a61b-1dde7555af37

Record ID:



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May 24, 2024

Submitted via: <https://www.oregon.gov/odf/board/pages/commentsvision.aspx>

Oregon Department of Forestry
2600 State Street
Salem, OR 97310

RE: Comments on the draft Vision for Oregon's Forests

Dear Chair Kelly and Board of Forestry Members:

Thank you for the opportunity to comment on the draft "Vision for Oregon's Forests." This has been a multiyear process with several iterations of the draft plan and while this version still needs refining, the plan has improved over time. We appreciate the time and resources the Board of Forestry (Board) and the Oregon Department of Forestry (ODF) have spent on developing the plan.

Process Concerns

While a lot of work has gone into the process, we don't believe it has been as inclusive as it should have been. Starting with this public comment period, ODF only allowed 16 days for people to submit comments. This is too short considering the significance of this document. Most ODF comment periods are much longer. Also, the public comment period ends less than two weeks before the Board is scheduled to vote on the plan. How can staff review, organize, and consider public comments thoughtfully with such a short turnaround? Furthermore, the subcommittee met and changed the draft plan during the middle of the comment period. It appears those edits are unavailable online, so people aren't commenting on the most recent draft of the plan. This is all very concerning, to say the least.

Leading up to now, there have been very few opportunities for the public to comment on the plan. The subcommittee did not allow for public participation and almost all of the full Board meetings that covered this topic were during Board retreats, where there is no opportunity for testimony. The only real chance to comment was during the surveys and meetings led by Oregon's Kitchen Table. Yet, those options never discussed the specific document, just high-level concepts and questions about Oregon's forests. Stakeholders were only approached very early in the process before the draft plan came together and were never reached out to again. Even ODF committees like the Forest Trust Land Advisory Committee, the State Forest Advisory Committee, or the Committee for Family Forestlands were not engaged during this process. It's disappointing that a public agency drafting a plan that applies to all forestlands in Oregon would not be developed in a more transparent and inclusive process.



SUSTAINABLE FORESTRY INITIATIVE
SFI-00026

General Comments

A lot of thought and wordsmithing has gone into this document, but sadly, it grossly omits the forest products sector and natural resource-dependent communities. Sustainable forest management practiced by most landowners is not acknowledged or appreciated in this plan. Instead, the document suggests all of Oregon's forests are in dire straits when most private forestland is third-party certified under the Sustainable Forestry Initiative, American Tree Farm System, or Forest Stewardship Council.

Additionally, those who work in the forest sector or live in rural communities that rely on forests are largely ignored in this draft. Instead, ODF and the Board should have used this plan to validate the unique and acute relationship they have with forests and the forest sector. Those communities often feel forgotten and it's a missed opportunity to address their circumstances and concerns in this document. To highlight these concerns, I would note that the word "climate" appears 33 times in the plan while the words "timber" and "wood products" appear three times and once, respectively.

Another omission in this plan is the Private Forest Accord (PFA). This historic and massive agreement between the forest products sector and the environmental community should at least be acknowledged and appreciated in this document. It will be ODF and the Board's responsibility to see the agreement through. The Board should be encouraging collaboration like the PFA in a plan like this, instead of ignoring it.

The document also makes a lot of specific claims that are not supported with citations. For example, the first two sentences on the first page under "Purpose" claim that Oregon's forests are vulnerable and in decline, but fail to include references to support this (which most private forest managers would disagree with). The document frequently references "science" but fails to refer to any scientific studies to support claims made throughout the document, mainly in the "Context" sections.

It also seems like Appendix D, which explains who ODF and the Board, are should be at the beginning of the document.

Specific Comments – Organized by Section

The introductory section

- Under "Purpose", the first two paragraphs should be swapped and edited. To make broad-sweeping claims and controversial statements at the outset of this plan sets an unfortunate tone. We should be promoting and celebrating the accomplishment of the forest products sector while addressing the challenges our state faces – like our housing crisis.
- We appreciate the inclusion of "forestry infrastructure" under the list of "shared values."

Priority: Resilient Forests

- The first sentence under "Context" needs to include citations to support this claim.
- The sentence in the second paragraph under "Context" that starts with "Beyond the legal requirements of..." is a jumbled run-on sentence.
- The first bullet under "Strategies" should be removed or edited. Specific forest management prescriptions should be place-based and decided among local land managers.
- The fourth strategy about carbon fails to mention that all forests already store and sequester carbon at all stand levels.
- Delete the strategy about Oregon Administrative Rules. Applying more rules to landowners is more likely to disincentivize them.

- Delete the last strategy about State Forest funding. This is not the place for this discussion.

Priority: Resilient Communities

- Overall, this priority says nothing about natural resource-dependent communities. This is a glaring oversight that perpetuates concerns that most rural Oregon communities and their challenges are not taken seriously.
- ODF and the Board should have used this section to recognize the economic benefits and social fabric that the forest product sector provides to these communities.

Priority: Addressing the Wildfire Crisis

- This section has gone through many versions and we support how it is currently written.

Priority: Climate Leadership

- Delete the first strategy. The Climate Change and Carbon Plan exists outside of this plan and its implementation should be left out of this conversation.
- Delete the third strategy. Specifics about State Forests will be addressed through other plans and processes and do not need to be referenced here.

Priority: Organizational Excellence

- This section (as with most of this plan) mostly ignores the reliance ODF and the state have on the private sector to perform work on all forest landownerships. This is another missed opportunity to appreciate and promote the forest contractor and forestry infrastructure workforce, as well as wildland firefighters.

According to Appendix A, ODF plans to have a robust process to consider the recommendations in this plan. This process must include stakeholders and forestry experts early and often. There needs to be more opportunities for the public to weigh in on the process and materials directly.

Thank you again for the opportunity to provide these comments on the draft Vision for Oregon's Forests. We hope this feedback is seriously considered as you finalize this draft and into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura" followed by a stylized surname.

Laura Wilkeson
Oregon Director of Government Affairs
Hampton Lumber



TO: Chair Kelly, members of the Board of Forestry
FROM: Michael Lang, Senior Policy Manager, Wild Salmon Center
CC: State Forester Cal Mukumoto, ODF Staff
DATE: May 24, 2024

Thank you for the opportunity to comment on the Vision for Oregon's Forests. Wild Salmon Center is a nonprofit organization based in Oregon that works with local partners to protect and restore healthy forests and abundant clean water to support the strongest remaining runs of wild Pacific salmon. We use science to drive policy, lead planning processes, and support implementation of durable conservation protections.

The Oregon Department of Forestry refers to the "Vision for Oregon's Forests" as a strategy plan, however the document lacks key components of a strategic plan. For example, there is a lack of actual outcomes and measures that would result from the implementation of the strategic plan.

Without performance outcomes or indicators, there is no accountability to the plan or an ability to evaluate its implementation. As drafted, it appears that the document is more of a vision statement and not a strategic plan. WSC understands that performance measures for the new state forest forest management plan are under development. We recommend including references to these performance measures in the strategic plan.

Recommendations:

- Develop specific, measurable, attainable, responsible and time-bound (SMART) goals evaluated on an annual basis.
- Determine performance measures to track performance and measure whether goals are being achieved.
- Monitor annual progress toward achieving goals.

Private Forest Accord:

The Private Forest Accord (PFA) represents the single biggest change in Oregon Forest Practices in decades, covering 10 million acres of private forest land. Obligations under the SB 1501 and 1502 include the completion of a habitat conservation plan (HCP) by 2027, implementation of an incidental take permit (ITP) and adopting tethered logging rules. The PFA also established the Adaptive Management Program, consisting of both the Adaptive Management Program Committee (AMPC) and the Independent Research

INTERNATIONAL HEADQUARTERS

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and Science Team (IRST). This new program and process to evaluate the effectiveness of the rule changes to achieve biological goals and objectives will be a critical component of the Board and Department's work into the future.

In the entire document there is no mention of the implementation of the PFA. This should be elevated to a high level priority with specific measurable goals/outcomes and annual progress reports.

Recommendations:

- Elevate the PFA requirements in SB 1501 and 1502 to a high level priority.
- Develop specific measurable goals/outcomes and regular progress reports.
- Continue collaboration with other key state and federal agencies.

State Forests

The draft Strategic Plan does not mention the state forest HCP or Forest Management Plan (FMP), yet these are critically important steps in updating state forest management and ESA compliance. In March, 2024, The Board directed the ODF staff to work with federal agencies to complete the HCP for Western Oregon State Forests. In 2025, the FEIS and Biological Opinion are expected to be completed and Incidental Take Permits issued. A new state forest management plan is expected to be finalized and adopted in 2025 along with new performance measures.

On a parallel track, the State Forest revenue model is in need of modernization and funding diversification, particularly with the implementation of the HCP and an anticipated reduction in harvest and revenue under the HCP.

Recommendations:

- Prioritize completion of the state forest HCP and the adoption of a new FMP.
- Include the development of performance measures for the state forest FMP in the strategic plan.
- Work with the Governor, legislators, counties and interest groups to revise and diversify the state forest revenue model.

Climate Change and Carbon Plan

WSC is pleased to see that the Board is considering a "Climate Leadership" priority in its draft strategic plan and we support strategies that implement the Climate Change and Carbon Plan and its goal to establish Oregon as a national leader in climate smart forestry. We are also encouraged that the ODF is considering a carbon storage performance measure for state forests. We recommend the addition of strategies that are consistent with the SMART model, including the development of key indicators and a monitoring and evaluation system to ensure the ODF is on track to attain its climate and carbon goals.

Recommendations:

- Develop a baseline carbon inventory for state forests and for proposed habitat conservation areas and riparian conservation areas.
- Set targets for increased carbon sequestration and storage and a road map to achieve those targets.

Thank you for considering these comments and recommendations.

Sincerely,

Michael Lang
Senior Policy Manager
Wild Salmon Center

STAFF REPORT

Agenda Item No.:	5
Work Plan:	Fire Protection
Topic:	Advancing Wildfire Prevention
Presentation Title:	Updates and Recommendations Regarding the Advancement of Wildfire Prevention
Date of Presentation:	June 6, 2024
Contact Information:	Tim Holschbach, Deputy Chief of Policy & Planning-Fire Protection 503-480-9756 Tim.J.Holschbach@odf.oregon.gov Levi Hopkins, Prevention and Policy Manager-Fire Protection 503-949-3572, Levi.A.Hopkins@odf.oregon.gov

SUMMARY

Department staff will provide a presentation of the current wildfire prevention laws and responsibilities, wildfire cause statistics, and recommendations for administrative rule updates. This is a decision item.

BACKGROUND

The Protection Division is tasked with implementing the policy defined in ORS 47.005(1), “The preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the State of Oregon.” This is completed through the appointments of District Fire Wardens, appointed by the State Forester, and additional fire wardens as needed, appointed by the District Fire Wardens.

477.365(1) Describes the duties and powers of wardens, of which is (a) “Take proper steps for the prevention and extinguishment of fires within the locations in which they exercise their functions.”

ORS 526.041 states, “the forester, under the general supervision of the State Board of Forestry, shall: (5) Take action authorized by law to prevent and extinguish forest, brush, and grass fires.”

OAR 629-047-0020 is the General Enforcement Policy for the Department and is described as, “The policy of the Oregon Department of Forestry to gain compliance with the fire prevention requirements of ORS Chapter 477 first through education and cooperation, and second through enforcement. Authorized fire wardens are to educate forest users on the need for the fire prevention requirements and to cooperate with the users in formulating solutions to compliance problems within the realm of these requirements.”

The Department’s measurement of success for the prevention of human caused wildfires is through key performance measure #12, which is the number of Oregon residents per human-caused wildfires. This metric measures the ability to maintain or reduce the number of human-caused wildfires as the population of Oregon increases.

CONTEXT

Human activities continue to be the leading cause of wildfires in Oregon, on average, accounting for over 70% of wildfire ignitions on ODF protected lands. The top three human activities that cause fires are debris burning, equipment use/vehicles, and campfires. Debris burning is regulated through its own statute and requires a burn permit during fire season, but a permit may be required at any time of year if conditions warrant. Many other human activities are regulated under ORS 477.535, which vary in each forest protection district depending on the fire danger conditions at any given time.

Forest operations account for less than 5% of all human-caused fires and are regulated through separate wildfire protection statutes and associated administrative rules.

To meet the statutory requirements and the key performance measures, the Department focuses on public engagement activities for educating the public such as city and county events, fairs, the Smokey Bear Prevention program for elementary students, the Firewise USA program, social and traditional outlets, media, and collaborating with other partners such as Keep Oregon Green and the Department of the State Fire Marshall.

ANALYSIS

Public Restrictions

Debris burning continues to be the leading cause of human-caused wildfires each year in Oregon. Continued education and cooperation have been the primary tools to gain compliance and unfortunately, we continue to get the same outcome.

ODF is leading the way through the development of a statewide Smart APP and website that aims to reduce public confusion on outdoor debris burning, training, and allowability, with the intent to ultimately reduce the number of fires that result from debris burning.

Along with the increase in education and information efforts, the proposed rule modifications strengthening our enforcement rules will allow for better tracking of existing violators. Burning without a permit will result in an automatic fire prevention citation, along with all violations that occur during extreme fire danger.

The current definition of an “Authorized Fire Warden” limits the Department’s ability to fully perform wildfire investigation duties under the duties and powers of a fire warden, in certain instances. Most of the Department’s investigations are completed by our Class A and Class B Fire Wardens. These individuals are primarily Forest Officers and Stewardship Foresters who are also tasked with fire suppression, fire prevention, enforcement, and performing industrial fire inspections. By expanding the definition, it will allow additional trained staff, not classified as a Class A or B Fire Warden, to serve solely as Wildfire Investigators if they are willing and able to do so. This definition change would immediately result in an increase of wildfire investigation capacity within the Department, expediting the completing of open incidents.

The Department’s current basic enforcement policy only requires the tracking of violations that occur in each district and for 36 months. Therefore, an individual can be in violation of the same offense in different forest protection districts several times within a 36-month period, before ever receiving a fire prevention citation, unless offending within the same district twice over that period. In addition, the current rule language restricts a fire prevention citation to be issued if an individual is in violation of the SAME violation of ORS 477. This limits the ability to determine

if someone is a frequent violator in multiple Districts and limits the ability to gather data on the demographics of violators, which hinders the ability to determine corrective prevention messaging. It is recommended to include the addition of requiring an automatic fire prevention citation during times of violations that occur during extreme fire danger, which can limit the threat of wildfires during critical periods of heightened wildfire danger.

Currently, for a fire prevention citation to be issued for burning without a permit, there must be a need for suppression assistance from a fire agency and/or escape and cross a property line (unless it is not the first offense, which results to an automatic fire prevention citation). If one of these does not occur, then a fire prevention warning is issued. By removing these limitations, it will strengthen the Department's enforcement ability and encourage the public to check before they burn. It is recommended to remove these limitations.

Industrial Restrictions

ODF maintains a standing Industrial Fire Prevention Rules Review Committee, comprised of landowners, operators, affiliated organizations and ODF protection and field staff. This committee made recommendations for administrative rule updates in 2017. The committee continues to review industrial fire prevention rules annually, if not more often, to ensure rules are clear and meet the statutory effect.

Part of the 2017 administrative rule review provided additional clarification on water delivery to a fire start. The resulting change requiring water to be delivered within 10-minutes, however it did not consider eastern Oregon landscapes and the challenges of meeting the intent of the rule. The recommended additional language requiring the "combination of water supply, pump and hose or equipment capable of constructing fireline to effectively attack a fire start" will resolve the issue.

Current rule language requires a 3-hour fire watch to occur after power-driven machinery has shut down for the day on an industrial operation, unless waived or reduced in a written order if conditions warrant. As shown in attachment (7), between the years of 2013 to 2022 a total of 152 fires occurred when a fire watch was required. 85% of these fires were discovered within the first 60 minutes of ignition time, 3% were discovered between 1-2 hours after ignition time, 5% were discovered between 2-3 hours after ignition time, with the remaining 7% were discovered after 3 hours of ignition time. The data supports the fact that most fires that are a result of an operation occur either while the operation is active or within the first 60 minutes of the conclusion of operational activity for the day. The proposed changes still give the landowner the ability to require additional fire watch hours but limit the forester to only requiring up to two hours of fire watch. The additional proposed changes remove duplication in rule for the forester to have the ability to reduce or waive any requirement with a written order.

State Forests

The current rule language only restricts the use of fireworks and similar items within designated recreation areas and during a regulated use closure. The use of fireworks and other devices that have the potential to ignite wildfires continue to pose a threat throughout all of Oregon State Forests and not only during a regulated use closure or during fire season.

The recommended rule changes will strengthen the restrictions of the use of fireworks and similar items and will help prevent human caused fires in Oregon State Forests and reduce the threat of harming other visitors or forest resources.

RECOMMENDATION

The Department recommends that the Board direct the State Forester to begin the rulemaking process to amend Oregon Administrative Rule's; 629-043-0020, 629-043-0030, 629-047-0010, 629-047-0040, 629-047-0100, 629-025-0040, and 629-025-0050 as written in attachments (2), (4), and (6).

NEXT STEPS

- Pending the Board of Forestry's recommendation, the Department will schedule and hold public hearings.
- Following public input, the Department will return to the Board requesting promulgation of the rules.

TIMELINE

June 6, 2024 – Department presents proposed rules to Board to seek permission to conduct public hearings.

June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State.

July 2024 – Department conducts public hearings.

September 5, 2024 – Department submits final rule draft with public comments to the Board for final considerations and approval.

September 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing.

January 1, 2025 – Rules effective.

ATTACHMENTS

- (1) Oregon Administrative Rule Division 43-Prevention modifications – track changes
- (2) Oregon Administrative Rule Division 43- Prevention modifications
- (3) Oregon Administrative Rule Division 47- Enforcement modifications – track changes
- (4) Oregon Administrative Rule Division 47- Enforcement modification
- (5) Oregon Administrative Rule Division 25- Forest Park and Recreation Areas modifications – track changes
- (6) Oregon Administrative Rule Division 25- Forest Park and Recreation Areas modifications
- (7) Fire Watch Data

Division 43
FIRE PREVENTION

629-043-0020

Water Supply and Equipment for Fire Suppression

(1) When operating stationary equipment during fire season inside or within one-eighth of one mile of a forest protection district, pursuant to ORS 477.650, operators must provide the following water supply and equipment at each location where stationary equipment is operated:

(a) Water supply:

(A) A self-propelled motor vehicle which is equipped with a water tank containing not less than 300 gallons of water; or

(B) A pond, stream, tank, or sump containing not less than 500 gallons of water.

(b) Water delivery equipment:

(A) Water pump: Size and capacity shall be such that the pump will discharge not less than 20 gallons per minute at a pressure of at least 115 pounds per square inch at pump level;

(B) Hose and nozzle: A nozzle, and enough serviceable hose of not less than 3/4 inch inside diameter, to reach from the water supply to any location in the operation area affected by power driven machinery, or 500 feet, whichever is greater.

(2) When mobile equipment is used in an operation area during fire season, inside or within one-eighth of one mile of a forest protection district, pursuant to ORS 477.625(1)(a), the operator must provide a water supply which complies with at least the minimum capacity, pump, hose and nozzle requirements set forth in section (1) of this rule.

(3) "Operation area affected by power driven machinery" as used in this rule, means any part of the operation area where vegetation or flammable material might be ignited by exhaust, friction, or heated particles dropped or emitted from the power driven machinery or attached equipment, including, but not limited to any moving lines, drill or other attachments.

(4) Within an operation area, except as required by ORS 477.615 or 477.660, only one water supply will be required to comply with sections (1), (2) or both of this rule, so long as access and communications are such that the combination of water supply, pump and hose or equipment of constructing fire line, can timely and effectively attack deliver water to a fire start. Taking more than ten minutes ~~from discovery of the fire to move a self-propelled water supply into position and/or begin to deploy hose and nozzle for an to~~ effectively attack on a fire start may ~~indicate water delivery was not~~ be considered timely.

(5) All hose, motor vehicles, nozzles, pumps and tanks referred to in this rule shall be kept ready for immediate use.

(6) The water supply, pump, not less than 250 feet of hose, and the nozzle, as required by this rule, shall be maintained as a connected, operating unit and kept ready for immediate use.

(7) Nothing in this rule is intended to prohibit:

(a) An owner of forestland from requiring operators to provide additional water or equipment when operating on the owner's land or;

(b) An operator from using its water supply and equipment for initial attack on a nearby fire outside the operation area.

(8) When the operation only involves the use of self-loading log trucks on improved roads or landings cleared of flammable material, a water supply is not required.

(9) The forester, in written order, may reduce or waive any requirement of this rule if, in the judgment of the forester, conditions so warrant or to take advantage of alternate methods or equipment proposed by the operator which provide, in the judgment of the forester, equal or better suppression of fire.

629-043-0030

Fire Watch Service

(1) Pursuant to ORS 477.665, during fire season inside or within one-eighth of one mile of a forest protection district, operators must comply with the following fire watch requirements. A person performing fire watch service must:

(a) Constantly observe the operation area during any breaks ~~(up to three hours)~~ in operation activity and for ~~three hours~~ a period of time designated by the forester, through a written order, not to exceed 2 hours after the power driven machinery used by the operator has been shut down for the day;

(b) Visually observe all portions of the operation area on which operation activity occurred during the preceding period of activity; and

(c) Be qualified in the use and operation of assigned firefighting equipment and tools; be physically capable of performing assigned fire suppression activities; and be advised of single employee assignment responsibilities (OAR 437-007-1315), when working alone.

~~(2) After a measurable amount of rain on the operation area, the forester may suspend the requirements of subsection (1) of this rule until such time as, in the judgment of the forester, conditions warrant reinstatement.~~

~~(23)~~ The forester may reduce or waive any requirement of subsection (1)(a) or (b) of this rule in a written order if, in the judgment of the forester, conditions so warrant.

~~(34)~~ Immediately following a period when the only operation activity has been the use of self-loading log trucks on improved roads or landings cleared of flammable material, fire watch service is not required.

~~(45)~~ Pursuant to ORS 477.625(1)(a) operators must comply with the following fire watch service requirements:

(a) Each person providing fire watch service on an operation area must have adequate facilities for transportation and communication to be able to summon firefighting assistance in a timely manner.

(b) Upon discovery of a fire, fire watch personnel must:

(A) First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities and agree on a checking system; then

(B) After determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

[Division 43](#)
[FIRE PREVENTION](#)

629-043-0020

Water Supply and Equipment for Fire Suppression

(1) When operating stationary equipment during fire season inside or within one-eighth of one mile of a forest protection district, pursuant to ORS 477.650, operators must provide the following water supply and equipment at each location where stationary equipment is operated:

(a) Water supply:

(A) A self-propelled motor vehicle which is equipped with a water tank containing not less than 300 gallons of water; or

(B) A pond, stream, tank, or sump containing not less than 500 gallons of water.

(b) Water delivery equipment:

(A) Water pump: Size and capacity shall be such that the pump will discharge not less than 20 gallons per minute at a pressure of at least 115 pounds per square inch at pump level;

(B) Hose and nozzle: A nozzle, and enough serviceable hose of not less than 3/4 inch inside diameter, to reach from the water supply to any location in the operation area affected by power driven machinery, or 500 feet, whichever is greater.

(2) When mobile equipment is used in an operation area during fire season, inside or within one-eighth of one mile of a forest protection district, pursuant to ORS 477.625(1)(a), the operator must provide a water supply which complies with at least the minimum capacity, pump, hose and nozzle requirements set forth in section (1) of this rule.

(3) "Operation area affected by power driven machinery" as used in this rule, means any part of the operation area where vegetation or flammable material might be ignited by exhaust, friction, or heated particles dropped or emitted from the power driven machinery or attached equipment, including, but not limited to any moving lines, drill or other attachments.

(4) Within an operation area, except as required by ORS 477.615 or 477.660, only one water supply will be required to comply with sections (1), (2) or both of this rule, so long as access and communications are such that the combination of water supply, pump and hose or equipment capable of constructing fire line, can timely and effectively attack a fire start. Taking more than ten minutes to effectively attack a fire start may not be considered timely.

(5) All hose, motor vehicles, nozzles, pumps and tanks referred to in this rule shall be kept ready for immediate use.

(6) The water supply, pump, not less than 250 feet of hose, and the nozzle, as required by this rule, shall be maintained as a connected, operating unit and kept ready for immediate use.

(7) Nothing in this rule is intended to prohibit:

- (a) An owner of forestland from requiring operators to provide additional water or equipment when operating on the owner's land or;
 - (b) An operator from using its water supply and equipment for initial attack on a nearby fire outside the operation area.
- (8) When the operation only involves the use of self-loading log trucks on improved roads or landings cleared of flammable material, a water supply is not required.
- (9) The forester, in written order, may reduce or waive any requirement of this rule if, in the judgment of the forester, conditions so warrant or to take advantage of alternate methods or equipment proposed by the operator which provide, in the judgment of the forester, equal or better suppression of fire.

629-043-0030

Fire Watch Service

- (1) Pursuant to ORS 477.665, during fire season inside or within one-eighth of one mile of a forest protection district, operators must comply with the following fire watch requirements. A person performing fire watch service must:
- (a) Constantly observe the operation area during any breaks in operation activity and for a period of time designated by the forester, through a written order, not to exceed 2 hours after the power driven machinery used by the operator has been shut down for the day;
 - (b) Visually observe all portions of the operation area on which operation activity occurred during the preceding period of activity; and
 - (c) Be qualified in the use and operation of assigned firefighting equipment and tools; be physically capable of performing assigned fire suppression activities; and be advised of single employee assignment responsibilities (OAR 437-007-1315), when working alone.
- (2) The forester may reduce or waive any requirement of subsection (1)(a) or (b) of this rule in a written order if, in the judgment of the forester, conditions so warrant.
- (3) Immediately following a period when the only operation activity has been the use of self-loading log trucks on improved roads or landings cleared of flammable material, fire watch service is not required.
- (4) Pursuant to ORS 477.625(1)(a) operators must comply with the following fire watch service requirements:
- (a) Each person providing fire watch service on an operation area must have adequate facilities for transportation and communication to be able to summon firefighting assistance in a timely manner.
 - (b) Upon discovery of a fire, fire watch personnel must:
 - (A) First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities and agree on a checking system; then

(B) After determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

[Division 47](#)
[ENFORCEMENT POLICY](#)

629-047-0010

Definitions

(1) The definitions set forth in ORS 477.001 shall apply to OAR 629, division 047, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR 629, division 047, shall mean the following unless the context otherwise requires:

(a) "Authorized Fire Warden" means a person who has been designated, a Fire Warden — Class A, ~~or a Fire Warden — Class B,~~ [or a Fire Warden – Wildfire Investigator](#) by the forester, ~~after June 9, 1994.~~

(b) "Bona fide effort" means a good faith attempt to control or extinguish a fire, considering the communication facilities available, the tools available, the water available and the mental and physical condition of the person.

(c) "District Forester" means the person in charge of a district, including Oregon Department of Forestry district foresters and forest protection association district managers and district supervisors.

(d) "Fire Prevention Citation" means a uniform citation issued pursuant to ORS 477.980 to 477.993 and administrative rules adopted thereunder. Receipt of a Fire Prevention Citation subjects the violator to a fine.

(e) "Fire prevention requirements of ORS Chapter 477" means any of the permit and fire prevention requirements of:

(A) ORS 477.510, 477.515, 477.535, 477.540, 477.545, 477.550, 477.565, 477.615, 477.625, 477.635, 477.640, 477.645, 477.650, 477.655, 477.660, 477.665, 477.670, 477.695, 477.710, 477.720, 477.740; and

(B) Administrative rules adopted pursuant to the statutes listed in subsection (a) of this section; and

(C) Written orders of the forester issued pursuant to the statutes and administrative rules described in subsections (A) and (B) of this section.

(f) "Fire Prevention Warning" means written notice issued to a violator pursuant to OAR 629, division 047. Receipt of a Fire Prevention Warning requires the violator to pay no fine.

(g) "Fire service agency" means fire suppression resources of, or contracted by, the Oregon Department of Forestry, a forest protective association, the U.S. Department of Interior, the U.S. Department of Agriculture, a rangeland fire protection association, a rural fire protection district, a city fire department or a private fire department.

(h) "Serious violation" means a violation that results in a fire which proximately causes human injury, loss of human life, or causes property damage of \$10,000 or more.

(i) "Violation" means the circumstance which exists any time a violator fails to comply with the fire prevention requirements of ORS Chapter 477.

(j) "Violator" means the corporation, operator or person subject to ORS Chapter 477 which is responsible for a violation of the fire prevention requirements of ORS Chapter 477.

(k) "Written order" means a written requirement, from the forester, for a specified practice.

629-047-0040

Basic Enforcement Action

(1) When a violation is determined to exist, an authorized fire warden shall:

(a) Issue either a Fire Prevention Citation or a Fire Prevention Warning to the violator in accordance with ORS Chapter 477 and OAR 629-047-0040 to 629-047-0280.

(A) A Fire Prevention Citation shall be issued if:

(i) A violator has been issued a Fire Prevention Citation or a Fire Prevention Warning for ~~the same violation~~ any violation of ORS 477, in ~~the same~~ any district, in the previous ~~36-60~~ months; or

(ii) The enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Citation; ~~or~~ or

(iii) Under periods of extreme fire danger.

(B) A Fire Prevention Warning shall be issued if the enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Warning.

(b) Not allow continuance of any portion of an operation exposed to an increased risk of fire due to a violation and existing or predicted weather conditions, until such time as compliance is restored by:

(A) Ordering, in writing, that portion of the operation stopped; and

(B) Suspending, in writing, for that portion of the operation, the permit issued under ORS 477.625. Examples:

(i) When the spark arrester on a dozer is found to be in violation of a requirement of ORS 477.645, the operator shall be ordered to cease operation of the dozer and that portion of the permit issued under 477.625 pertaining to the dozer shall be suspended until the spark arrester is in compliance.

(ii) When fire tools required by ORS 477.655 are found to be inadequate, the operator shall be ordered to cease all activity on the operation and the permit issued under 477.625 shall be suspended until the fire tools are in compliance.

(2) Timber sale contract provisions and other similar instruments shall not be used as enforcement measures in lieu of the issuance of a Fire Prevention Citation or of a Fire Prevention Warning.

(3) Notwithstanding the requirements of section (1) of this rule, a district forester may, on a case by case basis, allow an exception to these enforcement policies when circumstances warrant:

(a) In determining if circumstances warrant an exception to these enforcement policies, the district forester shall consider the following factors:

(A) A violator's prior violation of the same or similar fire prevention requirements of ORS Chapter 477; and

(B) The gravity and magnitude of the violation; and

(C) Whether the violation is repeated or continuous; and

(D) Whether the cause of the violation was an unavoidable accident or a willful, malicious or negligent act; and

(E) Whether the violation constitutes a serious violation.

(b) Exceptions to these enforcement policies are intended to be few in number and shall be approved in writing by the district forester on forms provided by the State Forester for that purpose.

629-047-0100

Enforcement Policy for ORS 477.515, OAR 629-043-0041 and 629-043-0043 — Burning Permits

~~A Fire Prevention Citation shall be issued for all violations. (1) The basic enforcement action set forth in OAR 629-047-0040 shall apply to all violations.~~

~~(2) Notwithstanding the requirements of section (1) of this rule, if the violation results in a fire, the following shall apply:~~

~~(a) If the fire does not cross a property line and if suppression assistance from a fire service agency is not required, the basic enforcement action set forth in OAR 629-047-0040 shall apply.~~

~~(b) If the fire crosses a property line or if suppression assistance from a fire service agency is required, a Fire Prevention Citation shall be issued for all violations.~~

Division 47
ENFORCEMENT POLICY

629-047-0010

Definitions

(1) The definitions set forth in ORS 477.001 shall apply to OAR 629, division 047, unless the context otherwise requires.

(2) The following words and phrases, when used in OAR 629, division 047, shall mean the following unless the context otherwise requires:

(a) “Authorized Fire Warden” means a person who has been designated, a Fire Warden — Class A, Fire Warden — Class B, or a Fire Warden – Wildfire Investigator by the forester.

(b) “Bona fide effort” means a good faith attempt to control or extinguish a fire, considering the communication facilities available, the tools available, the water available and the mental and physical condition of the person.

(c) “District Forester” means the person in charge of a district, including Oregon Department of Forestry district foresters and forest protection association district managers and district supervisors.

(d) “Fire Prevention Citation” means a uniform citation issued pursuant to ORS 477.980 to 477.993 and administrative rules adopted thereunder. Receipt of a Fire Prevention Citation subjects the violator to a fine.

(e) “Fire prevention requirements of ORS Chapter 477” means any of the permit and fire prevention requirements of:

(A) ORS 477.510, 477.515, 477.535, 477.540, 477.545, 477.550, 477.565, 477.615, 477.625, 477.635, 477.640, 477.645, 477.650, 477.655, 477.660, 477.665, 477.670, 477.695, 477.710, 477.720, 477.740; and

(B) Administrative rules adopted pursuant to the statutes listed in subsection (a) of this section; and

(C) Written orders of the forester issued pursuant to the statutes and administrative rules described in subsections (A) and (B) of this section.

(f) “Fire Prevention Warning” means written notice issued to a violator pursuant to OAR 629, division 047. Receipt of a Fire Prevention Warning requires the violator to pay no fine.

(g) “Fire service agency” means fire suppression resources of, or contracted by, the Oregon Department of Forestry, a forest protective association, the U.S. Department of Interior, the U.S. Department of Agriculture, a rangeland fire protection association, a rural fire protection district, a city fire department or a private fire department.

(h) “Serious violation” means a violation that results in a fire which proximately causes human injury, loss of human life, or causes property damage of \$10,000 or more.

(i) "Violation" means the circumstance which exists any time a violator fails to comply with the fire prevention requirements of ORS Chapter 477.

(j) "Violator" means the corporation, operator or person subject to ORS Chapter 477 which is responsible for a violation of the fire prevention requirements of ORS Chapter 477.

(k) "Written order" means a written requirement, from the forester, for a specified practice.

629-047-0040

Basic Enforcement Action

(1) When a violation is determined to exist, an authorized fire warden shall:

(a) Issue either a Fire Prevention Citation or a Fire Prevention Warning to the violator in accordance with ORS Chapter 477 and OAR 629-047-0040 to 629-047-0280.

(A) A Fire Prevention Citation shall be issued if:

(i) A violator has been issued a Fire Prevention Citation or a Fire Prevention Warning for any violation of ORS 477, in any district, in the previous 60 months; or

(ii) The enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Citation; or

(iii) Under periods of extreme fire danger.

(B) A Fire Prevention Warning shall be issued if the enforcement policy for the violation set forth in OAR 629, division 047 requires the issuance of a Fire Prevention Warning.

(b) Not allow continuance of any portion of an operation exposed to an increased risk of fire due to a violation and existing or predicted weather conditions, until such time as compliance is restored by:

(A) Ordering, in writing, that portion of the operation stopped; and

(B) Suspending, in writing, for that portion of the operation, the permit issued under ORS 477.625.
Examples:

(i) When the spark arrester on a dozer is found to be in violation of a requirement of ORS 477.645, the operator shall be ordered to cease operation of the dozer and that portion of the permit issued under 477.625 pertaining to the dozer shall be suspended until the spark arrester is in compliance.

(ii) When fire tools required by ORS 477.655 are found to be inadequate, the operator shall be ordered to cease all activity on the operation and the permit issued under 477.625 shall be suspended until the fire tools are in compliance.

(2) Timber sale contract provisions and other similar instruments shall not be used as enforcement measures in lieu of the issuance of a Fire Prevention Citation or of a Fire Prevention Warning.

(3) Notwithstanding the requirements of section (1) of this rule, a district forester may, on a case by case basis, allow an exception to these enforcement policies when circumstances warrant:

(a) In determining if circumstances warrant an exception to these enforcement policies, the district forester shall consider the following factors:

(A) A violator's prior violation of the same or similar fire prevention requirements of ORS Chapter 477; and

(B) The gravity and magnitude of the violation; and

(C) Whether the violation is repeated or continuous; and

(D) Whether the cause of the violation was an unavoidable accident or a willful, malicious or negligent act; and

(E) Whether the violation constitutes a serious violation.

(b) Exceptions to these enforcement policies are intended to be few in number and shall be approved in writing by the district forester on forms provided by the State Forester for that purpose.

629-047-0100

Enforcement Policy for ORS 477.515, OAR 629-043-0041 and 629-043-0043 — Burning Permits

A Fire Prevention Citation shall be issued for all violations.

629-025-0040

General Forest Recreation Rules and Public Conduct

(1) Sanitation.

(a) On all State Forest Land, a Person may not in any manner, unless otherwise authorized, cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, recreational vehicle sewage, or other offensive matter or any abandoned property or material to be placed or left on State Forest Land. A Person may not:

(A) Dispose of any cans, bottles and garbage except in designated places or receptacles;

(B) Drain sewage or petroleum products or dump refuse or waste other than grey water except in places or receptacles provided for that purpose;

(C) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

(D) Pollute or contaminate water supplies or water used for human consumption;

(E) Use a refuse container or disposal facility for any purpose other than for which it is supplied; or

(F) Remove items from containers designated for recyclables, garbage, sewage or waste without authorization from the Forester.

(b) A Person may not wash any clothing, dishware, cookware, or other materials in any lake, stream, river, well pump or other body of water on State Forest Land.

(c) A Person may not deposit human waste within 100 feet of any campsite, trail, or body of water. Human waste must be disposed of by burying to a depth of at least six inches.

(d) Where toilet or sewage facilities are provided, a Person may not dispose of human waste except in those facilities.

(2) Occupancy and Use.

(a) On State Forest Land, a Person may not:

(A) Camp longer than 14 days out of any 35-day period; or

(B) Camp more than a total of 42 days during a consecutive 12 month period; or

(C) Camp longer than the period of time specifically authorized or established by the Forester in writing; or

(D) Camp within 25 horizontal feet of the high water mark of any body of water or in other areas posted closed to Camping by the Department; or

(E) Leave personal property unattended longer than 48 hours on State Forest Land or 24 hours in a Designated Recreation Area; or

(F) Leave personal property or possessions overnight in a Day Use Area without prior written permission from the Forester. Unattended personal property is considered Camping for the purposes of determining the length of stay at a given site. Personal property left unattended longer than 48 hours on State Forest Land or more than 24 hours in a Designated Recreation Area without permission of the Forester may be removed by the Department.

(b) The Forester may establish camping stay limits that are shorter in order to address public safety concerns, or protect and conserve forest resources.

(3) Property and Resources. On all State Forest Land, unless under contract with the Forester, a Person may not:

(a) Deface, disturb, remove or destroy any public property, structures, or any scientific, cultural, archaeological or historic resource, natural object or area;

(b) Deface, remove or destroy plants or their parts, soil, rocks, or minerals, or cave resources.

(4) Animals.

(a) A horse or other animal may not be hitched or confined in a manner that may cause damage to any tree, shrub, improvement, or structure.

(b) The Forester may undertake any measures deemed necessary (including removal of the animal from State Forest Land or requiring the animal be kept under physical control) to protect forest resources or improvements and to prevent interference by the animal with the safety, comfort, and well-being of others, including Department of Forestry employees and its contractors.

(c) A Person may not bring an animal other than a dog or cat - or in designated areas, llamas, alpacas, mules, horses, donkeys, or goats - onto State Forest Land.

(5) Construction of Trails and Shelters. On State Forest Land, a Person may not modify, construct, or cause to be constructed any trail, shelter, building, or other facility or improvement without written permission of the Forester.

(6) Firewood Collection.

(a) A Person Camping may collect and possess up to one quarter of a cord of firewood for their personal use while Camping on State Forest Land except where otherwise prohibited in these Division rules.

(b) A Person may not remove from State Forest Land firewood which has been collected for use while Camping on State Forest Land without a valid firewood permit except as allowed by ORS 164.813.

(c) Firewood must be collected only from dead and down material that is 12 inches or less in diameter at its largest point. No standing trees, living or dead, may be felled for conversion into firewood.

(7) Campfires.

(a) Fires must be confined to camp stoves or fire grates or other fireproof structures provided by the Department for such purposes. Such structures must be less than four feet in diameter or four feet in length.

(b) All flammable material must be cleared for a distance of five feet around and 10 feet above any fire grate or other fireproof structure used to contain a campfire.

(c) A fire may not be left unattended and every fire must be extinguished before its user leaves the site.

(8) Traffic Rules.

(a) When operating a Vehicle on State Forest Lands, a Person may not violate the basic speed rule or exceed posted speed limits, willfully endanger Persons or property, or act in a reckless, careless, or negligent manner.

(b) A Person may not obstruct or hinder the flow of traffic on a Forest Road.

(c) A Person may not operate a Vehicle on State Forest Road in violation of Oregon traffic laws.

(d) A Person may not block, obstruct or interfere with vehicular or pedestrian traffic on a Forest Road, parking area, trail, walkway, pathway or common area. The Department may tow a vehicle at the owner's expense if the Vehicle is left unattended for more than 24 hours or is parked in a fire lane, roadway, campsite, entry way, driveway, closed area or other location in a manner that threatens the resource, impedes operations of a Designated Recreation Area, public safety, forest practices as defined under ORS 527.620, or any combination thereof.

(9) Target Shooting.

(a) A Person may not:

(A) Place targets on live trees or shoot live trees for any purpose;

(B) Shoot across or along any road or trail;

(C) Shoot carelessly, recklessly, or without regard for the safety of any Person, or in a manner that endangers, or is likely to endanger, any Person or property;

(D) Shoot glass of any kind;

(E) Shoot appliances, furniture, or other materials determined by Department personnel or a law enforcement officer to be garbage;

(F) Shoot targets other than non-exploding targets commercially manufactured for the specific purpose of target shooting, except for paper targets privately manufactured by the Person or persons engaging in target shooting; or

(G) Engage in target shooting or other shooting related activity at times between one half-hour after sunset until one half-hour before sunrise.

(H) Shoot into a stream, waterfall, pond, lake, or other body of water.

(b) A Person engaged in target shooting must:

(A) Remove from State Forest Land all shell casings, targets, and other debris resulting from the target shooting activity; and

(B) Use an appropriately sized, non-flammable, natural backstop or a commercially-manufactured bullet recovery system of sufficient size to capture all projectiles.

(10) Concessions. A Person may not:

(a) Operate a concession on State Forest Land, either fixed or mobile, solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services without written permission of the Forester;

(b) Advertise any goods or services by any means whatsoever.

(11) General Conduct. A Person may not:

(a) Use a metal detector or similar device on State Forest Land without written permission of the Forester;

(b) Obstruct, harass or interfere with any Department personnel or volunteer, or any peace officer in the performance of their duties;

(c) Enter or occupy any building, facility or portion of a Designated Recreation Area or Designated Trail that has been closed to public access;

(d) Occupy or interfere with access to a structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility;

(e) Engage in fighting or promoting, instigating or encouraging fighting or similar violent conduct which may threaten the physical well-being of a Person;

(f) Engage in activities or conduct which creates a public nuisance or hazard; or

(g) Engage in public indecency as defined in ORS 163.465.

(h) Excessive noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument, including, but not limited to: audio-visual equipment, televisions, radios or stereos, amplifiers, or chainsaws in such a manner that is disturbing to another Person.

(i) Discharge or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, sky lanterns, or other substances which could be harmful to visitors or forest resources without written permission of the Forester.

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(12) On State Forest Land, a Person must use hay, straw, and other livestock forage that is certified by The Oregon Department of Agriculture to be weed-free according to North American Weed Management Association standards. A database of certified growers in Oregon may be obtained through The Oregon Department of Agriculture Weed Free Forage Program.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0050

Designated Recreation Areas

(1) State Forest Land designated by the Forester as "Designated Recreation Areas" may include, but are not limited to, Campgrounds, Camping Areas, Day Use Areas, trailheads, staging areas, and boat launch sites. Maps showing the Designated Recreation Areas must be kept on file at the Forester's office and the applicable District office, and must be available for public inspection during normal business hours.

(2) General Forest Recreation Rules as outlined in OAR 629-025-0040 apply to Designated Recreation Areas. In addition to those rules, the following rules apply:

(3) Occupancy and Use:

(a) At areas where Camping is permitted a Person may not camp longer than 14 days out of any 28 day period at a Designated Recreation Area.

(b) A Person must be 18 years of age or older to reserve and register for campsites in Designated Recreation Areas.

(4) Firewood: A Person may not collect firewood within the boundaries of any Designated Recreation Area.

(5) Firearms, Weapons, and Explosives: Within a Designated Recreation Area a Person may not:

(a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal without first obtaining permission from the Forester;

(b) Discharge any firearm, pellet gun, bow and arrow, slingshot or other weapon capable of injuring any Person, bird, or animal; or

~~(c) Discharge or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, sky lanterns, or other substances which could be harmful to visitors or forest resources without written permission of the Forester.~~

(6) Forest Resources and Improvements: A Person may not mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a Designated Recreation Area.

(7) Parking: Automobiles, trailers, or other Motor Vehicles must be parked only in designated parking areas.

(8) Animals:

(a) Any dog, cat, horse, or other animal brought into or kept on State Forest Land must be kept under control at all times.

(b) An animal owner is responsible for the disposal of the animal's waste within Designated Recreation Areas.

(9) Offensive Behavior: A Person may not use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures, or engage in demonstrations, disturbances, or riotous behavior in any Designated Recreation Area.

(10) Excessive Noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument in such a manner that is disturbing to another Person.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0040

General Forest Recreation Rules and Public Conduct

(1) Sanitation.

(a) On all State Forest Land, a Person may not in any manner, unless otherwise authorized, cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animals, recreational vehicle sewage, or other offensive matter or any abandoned property or material to be placed or left on State Forest Land. A Person may not:

(A) Dispose of any cans, bottles and garbage except in designated places or receptacles;

(B) Drain sewage or petroleum products or dump refuse or waste other than grey water except in places or receptacles provided for that purpose;

(C) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property, including but not limited to automobiles, household appliances and furnishings;

(D) Pollute or contaminate water supplies or water used for human consumption;

(E) Use a refuse container or disposal facility for any purpose other than for which it is supplied; or

(F) Remove items from containers designated for recyclables, garbage, sewage or waste without authorization from the Forester.

(b) A Person may not wash any clothing, dishware, cookware, or other materials in any lake, stream, river, well pump or other body of water on State Forest Land.

(c) A Person may not deposit human waste within 100 feet of any campsite, trail, or body of water. Human waste must be disposed of by burying to a depth of at least six inches.

(d) Where toilet or sewage facilities are provided, a Person may not dispose of human waste except in those facilities.

(2) Occupancy and Use.

(a) On State Forest Land, a Person may not:

(A) Camp longer than 14 days out of any 35-day period; or

(B) Camp more than a total of 42 days during a consecutive 12 month period; or

(C) Camp longer than the period of time specifically authorized or established by the Forester in writing; or

(D) Camp within 25 horizontal feet of the high water mark of any body of water or in other areas posted closed to Camping by the Department; or

(E) Leave personal property unattended longer than 48 hours on State Forest Land or 24 hours in a Designated Recreation Area; or

(F) Leave personal property or possessions overnight in a Day Use Area without prior written permission from the Forester. Unattended personal property is considered Camping for the purposes of determining the length of stay at a given site. Personal property left unattended longer than 48 hours on State Forest Land or more than 24 hours in a Designated Recreation Area without permission of the Forester may be removed by the Department.

(b) The Forester may establish camping stay limits that are shorter in order to address public safety concerns, or protect and conserve forest resources.

(3) Property and Resources. On all State Forest Land, unless under contract with the Forester, a Person may not:

(a) Deface, disturb, remove or destroy any public property, structures, or any scientific, cultural, archaeological or historic resource, natural object or area;

(b) Deface, remove or destroy plants or their parts, soil, rocks, or minerals, or cave resources.

(4) Animals.

(a) A horse or other animal may not be hitched or confined in a manner that may cause damage to any tree, shrub, improvement, or structure.

(b) The Forester may undertake any measures deemed necessary (including removal of the animal from State Forest Land or requiring the animal be kept under physical control) to protect forest resources or improvements and to prevent interference by the animal with the safety, comfort, and well-being of others, including Department of Forestry employees and its contractors.

(c) A Person may not bring an animal other than a dog or cat - or in designated areas, llamas, alpacas, mules, horses, donkeys, or goats - onto State Forest Land.

(5) Construction of Trails and Shelters. On State Forest Land, a Person may not modify, construct, or cause to be constructed any trail, shelter, building, or other facility or improvement without written permission of the Forester.

(6) Firewood Collection.

(a) A Person Camping may collect and possess up to one quarter of a cord of firewood for their personal use while Camping on State Forest Land except where otherwise prohibited in these Division rules.

(b) A Person may not remove from State Forest Land firewood which has been collected for use while Camping on State Forest Land without a valid firewood permit except as allowed by ORS 164.813.

(c) Firewood must be collected only from dead and down material that is 12 inches or less in diameter at its largest point. No standing trees, living or dead, may be felled for conversion into firewood.

(7) Campfires.

(a) Fires must be confined to camp stoves or fire grates or other fireproof structures provided by the Department for such purposes. Such structures must be less than four feet in diameter or four feet in length.

(b) All flammable material must be cleared for a distance of five feet around and 10 feet above any fire grate or other fireproof structure used to contain a campfire.

(c) A fire may not be left unattended and every fire must be extinguished before its user leaves the site.

(8) Traffic Rules.

(a) When operating a Vehicle on State Forest Lands, a Person may not violate the basic speed rule or exceed posted speed limits, willfully endanger Persons or property, or act in a reckless, careless, or negligent manner.

(b) A Person may not obstruct or hinder the flow of traffic on a Forest Road.

(c) A Person may not operate a Vehicle on State Forest Road in violation of Oregon traffic laws.

(d) A Person may not block, obstruct or interfere with vehicular or pedestrian traffic on a Forest Road, parking area, trail, walkway, pathway or common area. The Department may tow a vehicle at the owner's expense if the Vehicle is left unattended for more than 24 hours or is parked in a fire lane, roadway, campsite, entry way, driveway, closed area or other location in a manner that threatens the resource, impedes operations of a Designated Recreation Area, public safety, forest practices as defined under ORS 527.620, or any combination thereof.

(9) Target Shooting.

(a) A Person may not:

(A) Place targets on live trees or shoot live trees for any purpose;

(B) Shoot across or along any road or trail;

(C) Shoot carelessly, recklessly, or without regard for the safety of any Person, or in a manner that endangers, or is likely to endanger, any Person or property;

(D) Shoot glass of any kind;

(E) Shoot appliances, furniture, or other materials determined by Department personnel or a law enforcement officer to be garbage;

(F) Shoot targets other than non-exploding targets commercially manufactured for the specific purpose of target shooting, except for paper targets privately manufactured by the Person or persons engaging in target shooting; or

(G) Engage in target shooting or other shooting related activity at times between one half-hour after sunset until one half-hour before sunrise.

(H) Shoot into a stream, waterfall, pond, lake, or other body of water.

(b) A Person engaged in target shooting must:

(A) Remove from State Forest Land all shell casings, targets, and other debris resulting from the target shooting activity; and

(B) Use an appropriately sized, non-flammable, natural backstop or a commercially-manufactured bullet recovery system of sufficient size to capture all projectiles.

(10) Concessions. A Person may not:

(a) Operate a concession on State Forest Land, either fixed or mobile, solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services without written permission of the Forester;

(b) Advertise any goods or services by any means whatsoever.

(11) General Conduct. A Person may not:

(a) Use a metal detector or similar device on State Forest Land without written permission of the Forester;

(b) Obstruct, harass or interfere with any Department personnel or volunteer, or any peace officer in the performance of their duties;

(c) Enter or occupy any building, facility or portion of a Designated Recreation Area or Designated Trail that has been closed to public access;

(d) Occupy or interfere with access to a structure, office, lavatory or other facility in a manner which interferes with the intended use of such a structure or facility;

(e) Engage in fighting or promoting, instigating or encouraging fighting or similar violent conduct which may threaten the physical well-being of a Person;

(f) Engage in activities or conduct which creates a public nuisance or hazard; or

(g) Engage in public indecency as defined in ORS 163.465.

(h) Excessive noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument, including, but not limited to: audio-visual equipment, televisions, radios or stereos, amplifiers, or chainsaws in such a manner that is disturbing to another Person.

(i) Discharge or cause to be discharged any firecrackers, explosives, torpedoes, rockets, fireworks, sky lanterns, or other substances which could be harmful to visitors or forest resources without written permission of the Forester.

(12) On State Forest Land, a Person must use hay, straw, and other livestock forage that is certified by The Oregon Department of Agriculture to be weed-free according to North American Weed Management Association standards. A database of certified growers in Oregon may be obtained through The Oregon Department of Agriculture Weed Free Forage Program.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

629-025-0050

Designated Recreation Areas

(1) State Forest Land designated by the Forester as "Designated Recreation Areas" may include, but are not limited to, Campgrounds, Camping Areas, Day Use Areas, trailheads, staging areas, and boat launch sites. Maps showing the Designated Recreation Areas must be kept on file at the Forester's office and the applicable District office, and must be available for public inspection during normal business hours.

(2) General Forest Recreation Rules as outlined in OAR 629-025-0040 apply to Designated Recreation Areas. In addition to those rules, the following rules apply:

(3) Occupancy and Use:

(a) At areas where Camping is permitted a Person may not camp longer than 14 days out of any 28 day period at a Designated Recreation Area.

(b) A Person must be 18 years of age or older to reserve and register for campsites in Designated Recreation Areas.

(4) Firewood: A Person may not collect firewood within the boundaries of any Designated Recreation Area.

(5) Firearms, Weapons, and Explosives: Within a Designated Recreation Area a Person may not:

(a) Hunt, pursue, trap, kill, injure, molest, or disturb the habitat of any bird or animal without first obtaining permission from the Forester;

(b) Discharge any firearm, pellet gun, bow and arrow, slingshot or other weapon capable of injuring any Person, bird, or animal; or

(6) Forest Resources and Improvements: A Person may not mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in a Designated Recreation Area.

(7) Parking: Automobiles, trailers, or other Motor Vehicles must be parked only in designated parking areas.

(8) Animals:

(a) Any dog, cat, horse, or other animal brought into or kept on State Forest Land must be kept under control at all times.

(b) An animal owner is responsible for the disposal of the animal's waste within Designated Recreation Areas.

(9) Offensive Behavior: A Person may not use abusive, threatening, boisterous, vile, obscene, or indecent language or gestures, or engage in demonstrations, disturbances, or riotous behavior in any Designated Recreation Area.

(10) Excessive Noise: A Person may not operate or use any noise-producing machine, vehicle device, or instrument in such a manner that is disturbing to another Person.

Statutory/Other Authority: ORS 530.050

Statutes/Other Implemented: ORS 530.010 - 530.040

February 14, 2023

Staff Report

Firewatch Time Requirements Summary

Prepared by: Tom Fields, Fire Prevention Coordinator, Oregon Department of Forestry

Fire statistics from 2013 to 2022

Data reflects when firewatch was required (during fire season).

Data

IT Ignition Time

DT Discovered Time (after ignition)

Level	Fires	IT<1000	IT 1000-1300	IT 1300-1700	IT>1700	DT<60	DT 60-120	DT 120-180	DT>180
IFPL 1	43	7	12	21	3	37	1	3	2
IFPL 2	59	11	26	20	2	49	2	1	7
IFPL 3	28	7	13	8	0	25	1	2	0
EOA	22	2	6	14	0	18	0	1	3
Total	152	27	57	63	5	129	4	7	12
Percent	100%	18%	38%	41%	3%	85%	3%	5%	7%

Note: Fires discovered after 3 hours represent 7 percent of the total, when a fire watch is not required. In addition, four fires were discovered after one hour during IFPL 1 and one fire was discovered after two hours under IFPL 2, times when the fire watch is typically waived.

Fires discovered after one hour.

Fire Name	District	Date	IFPL	Cause	Ignition	Discovered	Acres	Costs
Jack Springs	SWO	10/17/22	1	Track Equipment	0800	1445	.75	\$4,600
Owens	COD TD	6/18/14	1	Carriage Failure	0830	1500	21	\$164,073
Callahan	DFPA	6/18/18	1	F-Buncher	1430	1700	.01	\$136
Rasler Creek	CFPA	7/2/15	2	Power Saw	1015	1330	.01	\$11,310
Lake Creek	CFPA	8/24/22	2	Power Saw	1015	1345	.25	\$50,029
Signal Tree	CFPA	7/16/15	2	Rotary Head Saw	0845	1145	.02	\$3,986
Gate Creek	SC	7/21/15	2	Rotary Head Saw	1330	1500	.01	\$520
Table Rock	CFPA	7/26/22	2	Rotary Head Saw	12:00	0435	1.73	\$73,270

DeBerry	WL	8/31/22	2	Rotary Head Saw	0930	1450	.19	\$1,498
Lr Grave Cr.	SW	8/23/14	2	Rotary Head Saw	1300	1648	5.0	\$103,154
Middle Gulley #120	SC	9/23/14	2	F-Buncher	2000	0530	.05	\$500
Cow Creek	CFPA	8/1/18	3	Rotary Head Saw	0745	1130	.04	\$4,446
BLM Sal	SC	8/24/21	3	Rotary Head Saw	0830	1115	.01	\$0
King Louis III	Astoria	8/31/17	3	Smoldering Carriage	0100	0400	.01	\$250
Fall Creek	WO	7/30/18	3	Worker Smoking	1300	1430	35.3	\$500,000
Holcomb Peak	SWO	9/3/17	4	Electrical Wiring	2300	0530	1.94	\$12,530
Moss #138	KL	6/5/14	EO	Rotary Head Saw	1330	1545	.10	\$4,790
Chicken 255	KL	7/13/17	EO	Other??	1300	1724	.14	\$13,000
Brown	KL	8/11/14	EO	Processor	1100	1900	.01	\$244

Agenda Item No.:	6
Work Plan:	Fire Protection
Topic:	Wildfire Hazard Map and Procedural Rules
Presentation Title:	Overview of proposed rules June 6, 2024
Date of Presentation:	Chris Cline, (Interim) Chief – Fire Protection
Contact Information:	541-505-4521 Christopher.L.Cline@odf.oregon.gov Tim Holschbach, Deputy Chief – Policy & Planning 503-945-7434, Tim.J.Holschbach@odf.Oregon.gov

SUMMARY

The purpose of this agenda item is to seek approval from the Board of Forestry (Board) to hold public hearings regarding updates to the wildfire hazard map in Oregon Administrative Rule 629-044 and procedural rules in Oregon Administrative Rule 629-001.

BACKGROUND

Following the 2013-2015 fire seasons, two parallel review processes were initiated, the Secretary of State Audit and the Fire Program Review. Both efforts are aligned to help continue a highly functioning wildfire protection system for Oregon into the future. The Oregon Department of Forestry (Department) has fully embraced the findings and recommendations from both final reports. The 2017-2018 fire seasons experience reinforced the need for the agency to continue efforts on these recommendations. Additionally, the Governor issued Executive Order 19-01 creating the Governor's Council on Wildfire Response.

The Secretary of State Performance Audit offered a third-party review of the Department's ability to sustain its multiple missions, as increased demand to support the fire protection effort has been required from the entire agency.

The Fire Protection Review Committee was coordinated with all agency partners through a transparent process including legislators, governor's office, forest landowners, and cooperators to reach for continuous improvement in Oregon's complete and coordinated fire protection system.

The Governor's Council on Wildfire Response offered 37 recommendations to improve Oregon's wildfire protection system. Many of the recommendations required legislative action to be carried out.

Senate Bill (SB) 762 captured many of the recommendations of the Governor's Council on Wildfire Response, providing legislative direction to the Board regarding the wildland- urban interface; statewide fire risk mapping; prescribed fire; directed the Department to review and clarify the enforcement of rules

pertaining to forestland; and baseline standards for unprotected and under-protected lands in Oregon.

CONTEXT

The original wildfire risk map was launched in July of 2022, meeting the statutory deadline. In August, it was taken down to undergo revisions. The Department and Oregon State University received substantial feedback from the public and appeals of risk classifications. Responses were analyzed to identify themes and trends. Items that were immediately addressed were fuel components of hay and pasturelands that were showing as elevated, as well as identifying avenues to address irrigated agricultural.

Furthermore, Senate Bill 80 in the 2023 Legislative session modified the framework of the wildfire risk map in the following ways:

- Established the intent of the map;
 - o Educate Oregon residents and property owners about the residents' and property owners' wildfire exposure by providing transparent and science-based information;
 - o Assist in prioritizing fire adaptation and mitigation resources for the most vulnerable locations; and
 - o Identify where defensible space standards and home hardening codes will apply.
- Renamed the wildfire "risk" map to wildfire "hazard" map;
- Modified 5 risk classes to 3 hazard classes;
- Modified the appeals process from a Department determined process to a contest case hearing;
- Modified the notification requirements, to only those property owners within the wildland-urban interface and designated as high hazard; and
- Required the Department to meet with county commissioners and staff in 8 meetings throughout the state.

The Department, along with Oregon State University, Oregon State Fire Marshal, Building Codes Division, and the Department of Financial Regulations, met with county commissioners and staff of all 36 counties throughout September and October 2023. A summary of the discussions is in Attachment 5.

Following those meetings, the Department assembled a Rules Advisory Committee to assist with determining how to best give consideration to irrigated agricultural lands. This group was composed primarily of county personnel and commissioners, as well as the Oregon Farm Bureau and the Oregon Cattleman's Association.

ANALYSIS

This section is intended to provide a basis for the modified rules. A significant portion of the proposed modifications are directly related to the passage of Senate Bill 80.

629-001-0000 to 0057

Aligning this rule with the Administrative Procedures Act regarding notifications of rulemaking, and integration of the appeal process of the wildfire hazard map as a contested case.

629-044-1000 – Purpose

The proposed modifications are technical edits resulting from Senate Bill 80.

629-042-1005 - Definitions

The proposed modifications are technical edits resulting from Senate Bill 80. A definition for “wildfire hazard” was added.

629-042-1016 – Periodic Wildland-Urban Interface Lands Identification and Classification Added clarification that a property may be entirely or partially located within the wildland-urban interface.

629-042-1021 – Wildfire Hazard Rating

Added additional clarification regarding the description of each hazard class, as well as removing “no risk” and “extreme risk”.

629-042-1026 –Wildfire Hazard Map

The proposed modifications are technical edits resulting from Senate Bill 80. The considerations for irrigated agriculture recommend by the rules advisory committee are integrated into this rule.

629-042-1031 - Notification

The proposed modifications are technical edits resulting from Senate Bill 80.

629-042-1036 – Locally Developed Wildfire plans

The proposed modifications are technical edits resulting from Senate Bill 80.

629-042-1040 – Appeals of Wildfire Risk Assignment

The proposed modifications are technical edits resulting from Senate Bill 80, transitioning the appeals process from Department designed to a contested case hearing.

RECOMMENDATION

The Board directs the Department to proceed with the public hearing process and return in September 2024 with the final rule language for Chapter 629, Division 44.

NEXT STEPS

Pending the Board of Forestry’s direction, the Department will schedule and hold public hearings. Following public input, the Department will return to the Board requesting promulgation of the rules.

RULE REVIEW TIMELINE

June 6, 2024 – ODF presents proposed rules to BOF to seek permission to conduct public hearings.

June 15, 2024 – Notice of Proposed Rulemaking and Fiscal Impact Statement sent to Secretary of State. Notify legislators and interested parties.

July 2024 – Conduct public hearings.

September 4, 2024 – ODF submits the final rule draft language with public comments to BOF for final consideration and approval.

September 15, 2024 – Submit rule to Secretary of State and Legislative Counsel for filing. Effective date September 30, 2024.

ATTACHMENTS

1. Division 001 rule modifications – track changes
2. Division 001 rule modifications
3. Division 044 rule modifications – track changes
4. Division 044 rule modifications
5. Executive Summary – County meetings

Administrative Rule Notification

Prior to the adoption, amendment, or repeal of any rule, the State Forester shall give notice of the proposed adoption, amendment, or repeal:

1. In the Secretary of State's Bulletin referred to in ORS 183.360 at least 1521 days prior to the effective date.
- ~~2. By mailing a copy of the notice to persons on the Forester's mailing list established pursuant to ORS 183.335(8)(c), at least 3028 days prior to the effective date.~~
- ~~3. By mailing a copy of the notice to the following persons, organizations, and publications at least 3028 days prior to the effective date:~~
 - ~~State Agencies:~~
 - ~~Agriculture, Oregon Department of;~~
 - ~~Environmental Quality, Oregon Department of;~~
 - ~~Fire Marshal Division, Oregon Department of Commerce;~~
 - ~~Fish and Wildlife, Oregon Department of;~~
 - ~~Geology and Mineral Industries, Oregon Department of;~~
 - ~~Governor's Office, Assistant for Natural Resources;~~
 - ~~Health Division, Oregon Department of Human Resources;~~
 - ~~Land Conservation and Development, Oregon Department of;~~
 - ~~Lands, Division of State;~~
 - ~~Parks and Recreation Department;~~
 - ~~Revenue, Oregon Department of;~~
 - ~~Water Resources, Oregon Department of.~~
 - ~~News Media:~~
 - ~~Associated Press, Salem;~~
 - ~~United Press International, Salem;~~
 - ~~Albany — Democrat Herald;~~
 - ~~Astoria — Daily Astorian;~~
 - ~~Bend — The Bulletin;~~
 - ~~Coos Bay — The World;~~
 - ~~Corvallis — Gazette Times;~~
 - ~~Eugene — Register Guard;~~
 - ~~Forest Grove — The News Times;~~
 - ~~John Day — Blue Mountain Eagle;~~
 - ~~Klamath Falls — Herald and News;~~
 - ~~La Grande — Observer;~~
 - ~~Medford — Mail Tribune;~~
 - ~~Newport — News Times;~~
 - ~~Pendleton — East Oregonian;~~
 - ~~Portland — The Oregonian;~~
 - ~~Prineville — Central Oregonian;~~
 - ~~Roseburg — News Review;~~

~~Salem — Statesman Journal;
The Dalles — Chronicle;
Tillamook — Headlight Herald;
Oregon Administrative Law News, Tigard;
Each Regional Forest Practices Committee member.~~

4.2.

629-001-0003

Definitions

The following words, when used in this division shall mean the following unless otherwise required by context:

1. "Board" means the State Board of Forestry.
2. "State Forester" means the State Forester or the duly authorized representative of the State Forester.

629-001-0005

Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedures Act, promulgated by the Attorney General effective January 1, ~~2008~~2024 are hereby adopted as the rules of procedures of the Board of Forestry and the State Forester.

629-001-0010

Agency Representation by Officer or Employee

1. Department of Forestry officer or employee is authorized to appear (but not make legal argument) on behalf of the department in a hearing or in a class of contested hearings in which the Attorney General or the Deputy Attorney General has given written consent for such representation. A copy of the list of contested case hearings for which the Attorney General has given consent is maintained by the Department of Forestry and the Department of Justice.
2. "Legal argument" as used in ORS 183.452(3)~~0(8)~~ and this rule shall include arguments on:
 - a. The jurisdiction of the agency to hear the contested case;
 - b. The constitutionality of a statute or rule or the application of a constitutional requirement to an agency;
 - c. The application of court precedent to the facts of the particular contested case proceeding.
3. "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:
 - a. The application of the facts to the statutes or rules directly applicable to the issues in the contested case;
 - b. Comparison of prior actions of the agency in handling similar situations;

- c. The literal meaning of the statutes or rules directly applicable to the issues in the contested case;
 - d. The admissibility of evidence or the correctness of procedures being followed.
4. When an agency officer or employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

629-001-0015

Rules of Procedure for Contested Cases; Applicability

The rules of procedure in this Division, OAR 629-001-0010 to 629-001-0055, apply to all contested cases before the board and State Forester, unless otherwise provided by law, and are in addition to the procedural requirements of the Attorney General's Model Rules adopted in 629-001-0005. Contested cases covered by these rules include, but are not limited to the following:

1. Appeal of civil penalties assessed under ORS 527.687;
2. Appeal of "any finding or order" under ORS 527.610 through 527.770 and 527.992;
3. Hearings requested by persons adversely affected or aggrieved by an operation requiring a written plan under ORS 527.700(3) through (9);
4. Appeal of temporary orders to cease further activity under ORS 527.680(3) and 527.680(4);
5. Appeal of repair orders issued under ORS 527.680(2)(b) and 527.690(1);
6. Appeal of orders prohibiting new operations under ORS 527.680(5);
7. Appeal by any person adversely affected by operations to be conducted under an approved or amended stewardship agreement under ORS 527.662;
8. Review of State Forester's proposal to conduct repair work at state expense under ORS 527.690(2); and
9. Appeals of decisions on land exchanges under OAR 629-033-0055.
- 9-10. [Appeals of all property assignments on the wildfire hazard map, including high hazard zones as provided under ORS 477.4190\(7\)\(d\) \(as amended by Section 1, 2023 Oregon Law ###\).](#)

629-001-0020

Requesting Hearings

1. All requests for hearing shall be made in writing, within the time period provided by statute or rule.
2. All requests shall specifically state the issues to be addressed and the relief sought.
3. Requests for hearing involving civil penalties shall comply with OAR 629-670-0310.

4. Requests for hearing involving a finding or order of the State Forester issued under ORS 527.610 to 527.770 shall comply with OAR 629-672-0200.
5. Requests for hearing by persons adversely affected or aggrieved by an operation approved under ORS 527.670(3) shall comply with OAR 629-672-0210.
6. Requests for hearing by persons adversely affected or aggrieved by a proposed or amended stewardship agreement shall comply with ORS 527.662(12).
7. Requests for hearing involving land exchanges shall comply with OAR 629-033-0055.
- 7-8. Requests for hearing involving the wildfire hazard map shall comply with OAR 629-044-1041.

629-001-0025

Conduct of Hearings

1. Unless otherwise provided by law or order of the board or State Forester in a specific case, contested case hearings will be conducted by an administrative law judge, who shall prepare a proposed order for consideration by the board or State Forester.
2. Unaccepted proposals of settlement shall be privileged and shall not be admissible as evidence in the proceeding.
3. In civil penalty proceedings, conferences and hearings shall be held at locations which are within the forest practices region of the person being assessed the penalty, unless otherwise agreed to by the State Forester and parties.
4. The issues for hearing shall be limited to those raised by the parties or by the State Forester in a request for hearing or other pre-hearing filings.
5. Timing of hearings and orders are stated as follows, unless all parties agree to an extension of the time limits:
 - a. For appeals from orders of the State Forester under ORS 527.700(1), hearings shall be commenced within 14 days after receipt of the request for hearing, and a final order shall be issued within 28 days of the request for hearing.
 - b. For appeals by persons adversely affected or aggrieved by an operation under ORS 527.700(3), hearings shall be commenced within 21 calendar days after receipt of the request for hearing. The board's comments shall be issued within 45 days after the request for hearing was filed.
 - c. For appeals by persons adversely affected or aggrieved by a proposed or amended stewardship agreement, hearings shall be commenced within 45 calendar days after receipt of the request for hearing. A final order shall be issued within 45 calendar days of the concluded hearing.
 - ~~c.d.~~ Hearings on notices of civil penalty under ORS 527.687 shall not be held less than 45 days from the date of service of the notice of penalty. The hearing shall be held not more than 180 days following issuance of the notice.
 - ~~d.~~ Hearings on notices of civil penalty under ORS 527.687 shall not be held less than 45 days from the date of service of the notice of penalty. The hearing shall be held not more than 180 days following issuance of the notice.
6. In order to comply with statutory timelines, the administrative law judge may establish time limits different from those under OAR 137-003-0580 for making and responding to motions for

ruling on legal issues. The administrative law judge shall not consider a motion for ruling on a legal issue if the agency requests that the case proceed to a hearing on that issue.

629-001-0030

Transmittal of Questions to the Agency

1. Questions transmitted to the agency, as provided for in OAR 137-003-0635 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.
2. Response may be made by the State Forester or the State Forester's delegate.

629-001-0035

Immediate Review by Agency

1. Matters referred to the agency for immediate review, as provided for in OAR 137-003-0640 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.
- ~~2.~~ Rulings on requests for immediate review may be made by the State Forester or the State Forester's delegate.
- ~~3.~~ ~~Statutory/Other Authority: ORS 526.016(4), 527.687(3) & 527.715~~
~~Statutes/Other Implemented: ORS 183.310 – 183.550~~
- ~~4.2.~~

629-001-0040

Exceptions to Proposed Orders

1. In all cases in which the administrative law judge is to issue a proposed order, exceptions by a party or the agency must be filed in the manner and time specified by the administrative law judge, making allowance for any statutory timeline applicable to the proceeding. If no time is specified, exceptions must be filed with the administrative law judge within seven days after the proposed order is issued.
2. The exceptions shall:
 - a. be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding, and shall be based only on grounds that:
 - A. A necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence on the record;
 - B. A necessary legal conclusion is omitted or is contrary to law or the board's policy; or
 - C. Prejudicial procedural error occurred;
 - b. and be numbered and shall specify the disputed finding, opinions, or conclusions. The nature of the suggested error shall be specified and the alternative or corrective language provided.
3. A proposed order will become a final order if no exceptions are filed within the time specified, unless the agency notifies the parties and the administrative law judge that the agency will issue the final order. All proposed orders shall include a statement to this effect.

629-001-0045

Final Orders in Contested Cases

1. Following hearing, the administrative law judge will prepare the record and proposed order for filing with the board as expeditiously as possible. In the case of hearings related to orders of the State Forester pursuant to ORS 527.700, the record and proposed order shall be filed with the board within five working days of the close of hearing unless an extension has been agreed to by the parties and State Forester. Except as provided in section (2) of this rule, no less than a majority of the board shall then review and consider the proposed order and record, hold a meeting or telephone conference, and take final action as provided for in this rule.
2. If upon a determination by the board chairperson, the board cannot complete a final order within applicable statutory time limits, the chairperson may delegate authority to issue a final order to the administrative law judge.
3. After reviewing and considering the proposed order and record, the board may do any of the following:
 - a. Schedule written or oral argument from the State Forester and any party that filed exceptions to the proposed order. The board chairperson shall determine whether oral argument, written argument, or both will be permitted after consulting with the board members.
 - A. Oral argument shall be allowed only if the board determines it is necessary or appropriate to assist in the proper disposition of the case, and shall be:
 - i. Limited to matters raised in written exceptions; and
 - ii. Conducted under such time limits as the board chairperson determines are appropriate.
 - B. The board chairperson shall notify the agency and parties of the form of argument, if any, to be allowed.
 - b. Remand the matter to the administrative law judge for further hearing on such issues as the board specifies, and to prepare a revised proposed order as appropriate, under OAR 137-003-0655(2).
 - c. Enter a final order adopting the recommendation of the administrative law judge.
 - d. Enter an amended proposed order or final order that modifies or rejects the recommendation of the administrative law judge. If the board decides to modify or reject the proposed order, the board must comply with OAR 137-003-0655 and 137-003-0665.

4.—Final orders regarding the wildfire hazard map will be issued in accordance with OAR 629-044-1041.

5.4.

629-001-0050

Reconsideration and Rehearing

As a condition of judicial review, a party must file a petition for reconsideration or rehearing with the person or body which rendered the final order in the proceeding. The petition must state with specificity the grounds for objection to the order, and the remedy sought.

629-001-0055

Delegation of Authority to State Forester

In addition to any duties and responsibilities conferred upon the State Forester by law or delegation of authority from the Board of Forestry, the State Forester may, with regard to the administration of contested cases:

1. Execute any written order, on behalf of the board, which has been consented to in writing by the person or persons adversely affected by the order;
2. Prepare and execute written orders, on behalf of the board, implementing any action taken by the board on any matter;
3. Prepare and execute orders, on behalf of the board, upon default where:
 - a. The adversely affected party or parties have been properly notified of the time and manner in which to request a hearing and have failed to file a proper, timely request for a hearing; or
 - b. Having requested a hearing, the adversely affected person or persons have failed to appear at the hearing.
4. Prepare and execute written orders related to OAR 629-044-1041.

629-001-0057

Delegation of Authority to State Forester — Responding to Claims under ORS ~~195.305197.352~~

1. This rule delegates to the State Forester certain duties and responsibilities to carry out the authorities of the Board of Forestry and the Department in responding to claims under ORS ~~195.305197.352~~ (Formerly Chapter 1, Oregon Laws 2005, 2004 Ballot Measure 37). This rule further provides for review and modification by the Board of Forestry of certain actions taken by the State Forester pursuant to this delegation of authority.
2. The State Forester is vested by the Board of Forestry with authority to respond to claims under ORS ~~195.305197.352~~ by:
 - a. Reviewing claims;
 - b. Denying claims;
 - c. Recommending approval of claims by modifying, removing, or not applying the statute(s) or rule(s) that are the basis of the claim; or
 - d. Recommending payment of claims. These actions shall be done in compliance with Department of Administrative Services administrative rules relating to ORS ~~195.305197.352~~.
3. The State Forester shall submit to the Board any recommendation made under paragraph (2)(c) or (d) of this rule. The Board may accept or modify the State Forester's recommendation.
4. The State Forester shall establish procedures to provide notice of any action on a claim under ORS ~~195.305197.352~~ as required by Department of Administrative Services administrative rules relating to ORS ~~195.305197.352~~.

5. Actions by the Board of Forestry or State Forester on claims under this rule are actions under ORS ~~195.305-197.352~~, and are not orders under ORS 527.700.

DRAFT

629-001-0000

Administrative Rule Notification

Prior to the adoption, amendment, or repeal of any rule, the State Forester shall give notice of the proposed adoption, amendment, or repeal:

1. In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date.
2. By mailing a copy of the notice to persons on the Forester's mailing list established pursuant to ORS 183.335(8)(c), at least 28 days prior to the effective date.

629-001-0003

Definitions

The following words, when used in this division shall mean the following unless otherwise required by context:

1. "Board" means the State Board of Forestry.
2. "State Forester" means the State Forester or the duly authorized representative of the State Forester.

629-001-0005

Model Rules of Procedure

The Model Rules of Procedure under the Administrative Procedures Act, promulgated by the Attorney General effective January 1, 2024 are hereby adopted as the rules of procedures of the Board of Forestry and the State Forester.

629-001-0010

Agency Representation by Officer or Employee

1. Department of Forestry officer or employee is authorized to appear (but not make legal argument) on behalf of the department in a hearing or in a class of contested hearings in which the Attorney General or the Deputy Attorney General has given written consent for such representation. A copy of the list of contested case hearings for which the Attorney General has given consent is maintained by the Department of Forestry and the Department of Justice.
2. "Legal argument" as used in ORS 183.452(3) and this rule shall include arguments on:
 - a. The jurisdiction of the agency to hear the contested case;
 - b. The constitutionality of a statute or rule or the application of a constitutional requirement to an agency;
 - c. The application of court precedent to the facts of the particular contested case proceeding.
3. "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:
 - a. The application of the facts to the statutes or rules directly applicable to the issues in the contested case;

- b. Comparison of prior actions of the agency in handling similar situations;
 - c. The literal meaning of the statutes or rules directly applicable to the issues in the contested case;
 - d. The admissibility of evidence or the correctness of procedures being followed.
- 4. When an agency officer or employee represents the agency, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change applicable law on waiver or the duty to make timely objection. Where such objections involve legal argument, the presiding officer shall provide reasonable opportunity for the agency officer or employee to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.

629-001-0015

Rules of Procedure for Contested Cases; Applicability

The rules of procedure in this Division, OAR 629-001-0010 to 629-001-0055, apply to all contested cases before the board and State Forester, unless otherwise provided by law, and are in addition to the procedural requirements of the Attorney General's Model Rules adopted in 629-001-0005. Contested cases covered by these rules include, but are not limited to the following:

- 1. Appeal of civil penalties assessed under ORS 527.687;
- 2. Appeal of "any finding or order" under ORS 527.610 through 527.770 and 527.992;
- 3. Hearings requested by persons adversely affected or aggrieved by an operation requiring a written plan under ORS 527.700(3) through (9);
- 4. Appeal of temporary orders to cease further activity under ORS 527.680(3) and 527.680(4);
- 5. Appeal of repair orders issued under ORS 527.680(2)(b) and 527.690(1);
- 6. Appeal of orders prohibiting new operations under ORS 527.680(5);
- 7. Appeal by any person adversely affected by operations to be conducted under an approved or amended stewardship agreement under ORS 527.662;
- 8. Review of State Forester's proposal to conduct repair work at state expense under ORS 527.690(2); and
- 9. Appeals of decisions on land exchanges under OAR 629-033-0055.
- 10. Appeals of all property assignments on the wildfire hazard map, including high hazard zones as provided under ORS 477.490(7)(d) (as amended by Section 1, 2023 Oregon Law ###).

629-001-0020

Requesting Hearings

- 1. All requests for hearing shall be made in writing, within the time period provided by statute or rule.
- 2. All requests shall specifically state the issues to be addressed and the relief sought.
- 3. Requests for hearing involving civil penalties shall comply with OAR 629-670-0310.
- 4. Requests for hearing involving a finding or order of the State Forester issued under ORS 527.610 to 527.770 shall comply with OAR 629-672-0200.

5. Requests for hearing by persons adversely affected or aggrieved by an operation approved under ORS 527.670(3) shall comply with OAR 629-672-0210.
6. Requests for hearing by persons adversely affected or aggrieved by a proposed or amended stewardship agreement shall comply with ORS 527.662(12).
7. Requests for hearing involving land exchanges shall comply with OAR 629-033-0055.
8. Requests for hearing involving the wildfire hazard map shall comply with OAR 629-044-1041.

629-001-0025

Conduct of Hearings

1. Unless otherwise provided by law or order of the board or State Forester in a specific case, contested case hearings will be conducted by an administrative law judge, who shall prepare a proposed order for consideration by the board or State Forester.
2. Unaccepted proposals of settlement shall be privileged and shall not be admissible as evidence in the proceeding.
3. In civil penalty proceedings, conferences and hearings shall be held at locations which are within the forest practices region of the person being assessed the penalty, unless otherwise agreed to by the State Forester and parties.
4. The issues for hearing shall be limited to those raised by the parties or by the State Forester in a request for hearing or other pre-hearing filings.
5. Timing of hearings and orders are stated as follows, unless all parties agree to an extension of the time limits:
 - a. For appeals from orders of the State Forester under ORS 527.700(1), hearings shall be commenced within 14 days after receipt of the request for hearing, and a final order shall be issued within 28 days of the request for hearing.
 - b. For appeals by persons adversely affected or aggrieved by an operation under ORS 527.700(3), hearings shall be commenced within 21 calendar days after receipt of the request for hearing. The board's comments shall be issued within 45 days after the request for hearing was filed.
 - c. For appeals by persons adversely affected or aggrieved by a proposed or amended stewardship agreement, hearings shall be commenced within 45 calendar days after receipt of the request for hearing. A final order shall be issued within 45 calendar days of the concluded hearing.
 - d. Hearings on notices of civil penalty under ORS 527.687 shall not be held less than 45 days from the date of service of the notice of penalty. The hearing shall be held not more than 180 days following issuance of the notice.
6. In order to comply with statutory timelines, the administrative law judge may establish time limits different from those under OAR 137-003-0580 for making and responding to motions for ruling on legal issues. The administrative law judge shall not consider a motion for ruling on a legal issue if the agency requests that the case proceed to a hearing on that issue.

629-001-0030

Transmittal of Questions to the Agency

1. Questions transmitted to the agency, as provided for in OAR 137-003-0635 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.
2. Response may be made by the State Forester or the State Forester's delegate.

629-001-0035

Immediate Review by Agency

1. Matters referred to the agency for immediate review, as provided for in OAR 137-003-0640 in the Attorney General's Model and Uniform Rules, shall be transmitted to the State Forester.
2. Rulings on requests for immediate review may be made by the State Forester or the State Forester's delegate.

629-001-0040

Exceptions to Proposed Orders

1. In all cases in which the administrative law judge is to issue a proposed order, exceptions by a party or the agency must be filed in the manner and time specified by the administrative law judge, making allowance for any statutory timeline applicable to the proceeding. If no time is specified, exceptions must be filed with the administrative law judge within seven days after the proposed order is issued.
2. The exceptions shall:
 - a. be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding, and shall be based only on grounds that:
 - A. A necessary finding of fact is omitted, erroneous, or unsupported by the preponderance of the evidence on the record;
 - B. A necessary legal conclusion is omitted or is contrary to law or the board's policy; or
 - C. Prejudicial procedural error occurred;
 - b. and be numbered and shall specify the disputed finding, opinions, or conclusions. The nature of the suggested error shall be specified and the alternative or corrective language provided.
3. A proposed order will become a final order if no exceptions are filed within the time specified, unless the agency notifies the parties and the administrative law judge that the agency will issue the final order. All proposed orders shall include a statement to this effect.

629-001-0045

Final Orders in Contested Cases

1. Following hearing, the administrative law judge will prepare the record and proposed order for filing with the board as expeditiously as possible. In the case of hearings related to orders of the State Forester pursuant to ORS 527.700, the record and proposed order shall be filed with the

board within five working days of the close of hearing unless an extension has been agreed to by the parties and State Forester. Except as provided in section (2) of this rule, no less than a majority of the board shall then review and consider the proposed order and record, hold a meeting or telephone conference, and take final action as provided for in this rule.

2. If upon a determination by the board chairperson, the board cannot complete a final order within applicable statutory time limits, the chairperson may delegate authority to issue a final order to the administrative law judge.
3. After reviewing and considering the proposed order and record, the board may do any of the following:
 - a. Schedule written or oral argument from the State Forester and any party that filed exceptions to the proposed order. The board chairperson shall determine whether oral argument, written argument, or both will be permitted after consulting with the board members.
 - A. Oral argument shall be allowed only if the board determines it is necessary or appropriate to assist in the proper disposition of the case, and shall be:
 - i. Limited to matters raised in written exceptions; and
 - ii. Conducted under such time limits as the board chairperson determines are appropriate.
 - B. The board chairperson shall notify the agency and parties of the form of argument, if any, to be allowed.
 - b. Remand the matter to the administrative law judge for further hearing on such issues as the board specifies, and to prepare a revised proposed order as appropriate, under OAR 137-003-0655(2).
 - c. Enter a final order adopting the recommendation of the administrative law judge.
 - d. Enter an amended proposed order or final order that modifies or rejects the recommendation of the administrative law judge. If the board decides to modify or reject the proposed order, the board must comply with OAR 137-003-0655 and 137-003-0665.
4. Final orders regarding the wildfire hazard map will be issued in accordance with OAR 629-044-1041.

629-001-0050

Reconsideration and Rehearing

As a condition of judicial review, a party must file a petition for reconsideration or rehearing with the person or body which rendered the final order in the proceeding. The petition must state with specificity the grounds for objection to the order, and the remedy sought.

629-001-0055

Delegation of Authority to State Forester

In addition to any duties and responsibilities conferred upon the State Forester by law or delegation of authority from the Board of Forestry, the State Forester may, with regard to the administration of contested cases:

1. Execute any written order, on behalf of the board, which has been consented to in writing by the person or persons adversely affected by the order;
2. Prepare and execute written orders, on behalf of the board, implementing any action taken by the board on any matter;
3. Prepare and execute orders, on behalf of the board, upon default where:
 - a. The adversely affected party or parties have been properly notified of the time and manner in which to request a hearing and have failed to file a proper, timely request for a hearing; or
 - b. Having requested a hearing, the adversely affected person or persons have failed to appear at the hearing.
4. Prepare and execute written orders related to OAR 629-044-1041.

629-001-0057

Delegation of Authority to State Forester — Responding to Claims under ORS 195.305

1. This rule delegates to the State Forester certain duties and responsibilities to carry out the authorities of the Board of Forestry and the Department in responding to claims under ORS 195.305. This rule further provides for review and modification by the Board of Forestry of certain actions taken by the State Forester pursuant to this delegation of authority.
2. The State Forester is vested by the Board of Forestry with authority to respond to claims under ORS 195.305 by:
 - a. Reviewing claims;
 - b. Denying claims;
 - c. Recommending approval of claims by modifying, removing, or not applying the statute(s) or rule(s) that are the basis of the claim; or
 - d. Recommending payment of claims. These actions shall be done in compliance with Department of Administrative Services administrative rules relating to ORS 195.305.
3. The State Forester shall submit to the Board any recommendation made under paragraph (2)(c) or (d) of this rule. The Board may accept or modify the State Forester's recommendation.
4. The State Forester shall establish procedures to provide notice of any action on a claim under ORS 195.305 as required by Department of Administrative Services administrative rules relating to ORS 195.305.
5. Actions by the Board of Forestry or State Forester on claims under this rule are actions under ORS 195.305, and are not orders under ORS 527.700.

DIVISION 44

Wildland-Urban Interface and ~~Statewide~~ Wildfire ~~Risk-Hazard~~ Mapping

629-044-1000

Purpose

- (1) The purpose of OAR 629-044-1000 to 629-044-1040 is to implement the provisions of ORS 477.027 and ORS 477.490.
- (2) The purpose of OAR 629-044-1010 to 629-044-1015 is to establish criteria by which the wildland-urban interface shall be identified and classified pursuant to ORS 477.027
- (3) The purpose of OAR 629-044-1020 to 629-044-1026 is to set forth the criteria by which a ~~statewide~~ wildfire ~~risk-hazard~~ map must be developed and maintained pursuant to ORS 477.~~027~~490.
- (4) The purpose of OAR 629-044-1030 is to set forth the process for notification to property owners pursuant to ORS 477.~~027~~490.
- (5) The purpose of OAR 629-044-1035 is to set forth the process of integrating public input into the ~~statewide~~-wildfire ~~risk-hazard~~ map pursuant to ORS 477.~~027~~490.
- (6) The purpose of OAR 629-044-1040 is to set forth the process of how a property owner or local government may appeal the assignment of wildfire ~~risk-hazard~~ pursuant to ORS 477.~~027~~490.

629-044-1005

Definitions

- (1) The definitions set forth in ORS 477.001, shall apply.
- (2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-1040, shall mean the following:
 - (a) "Geographical area" means an area of land with similar characteristics that can be considered as a "unit" for the purposes of classification of the wildland-urban interface.
 - ~~(b) "Hazard rating" is a numerical value describing the likelihood and intensity of a fire, based on specific factors or conditions including weather, climate, topography, and vegetation.~~
 - ~~(c)~~ (b) "Intermingles with wildland or vegetative fuels" means a minimum of 50% coverage of wildland or vegetative fuels.
 - ~~(d)~~ (c) "Meets with wildland or vegetative fuels" means located within a 1.5-mile buffer from the edge of an area greater than 2 square mile with a minimum of 75% cover of wildland or vegetative fuels.
 - ~~(e)~~ (d) "Occluded geographical area" means an area with a minimum of one structure or other human development per 40-acres within 1.5 miles of an area greater than 1 square mile but less than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels
 - ~~(f)~~ (e) "Other human development" means essential facilities, special occupancy structures, or hazardous facilities as defined in ORS 455.447 that support community functions, public communication, energy, or transportation.
 - ~~(g)~~ (f) "Structure" means any building that is at least 400 square feet.
 - ~~(h)~~ (g) "Unincorporated community" has the meaning provided in OAR Chapter 660, Division 22.
 - ~~(i)~~ (h) "Urban growth boundary" has the meaning provided in OAR Chapter 660, Division 15.
 - ~~(j)~~ (i) "Vegetative fuels" means plants that constitute a wildfire hazard.

(jk) "Wildland fuels" means natural vegetation that occurs in an area where development is essentially non-existent, including grasslands, brushlands, rangelands, woodlands, timberlands, or wilderness. Wildland fuels are a type of vegetative fuels.

(k) "Wildfire Hazard" is a numerical value describing the likelihood and intensity of a wildfire, based on specific factors or conditions of weather, climate, topography, and vegetation, as modeled for a given pixel.

(l) "Wildfire Risk" means the wildfire impacts to values based on scientifically modeled wildfire frequency and wildfire intensity.

(m) "Wildland-Urban Interface" means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

629-044-1011

Wildland-Urban Interface Identification Criteria

(1) The Wildland-Urban Interface is a geographic area comprised of tax lots, or portions of tax lots that includes:

(a) an average density of one structure or other human development per 40 acres and either:

(A) meets with wildland or vegetative fuels; or

(B) intermingles with wildland or vegetative fuels; or

(C) is an occluded geographical area.

(2) The Wildland-Urban Interface also includes:

(a) lands identified within an urban growth boundary or unincorporated community boundary by local comprehensive plans that meet the criteria in (1)(a); or

(b) a planned development, within the urban growth boundary or unincorporated communities, that is not identified in 1(a) but that is approved for development that meets the criteria in 1(a).

(3) If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development.

(4) Each tax lot in the State of Oregon shall be assigned a wildfire ~~risk-hazard classification zone~~ in accordance with 629-044-~~1020~~1021.

629-044-1016

Periodic Wildland-Urban Interface Lands Identification and Classification

Tax lots wholly or partially identified as within the Wildland-Urban Interface shall be reviewed in conjunction with updates to the ~~statewide~~ wildfire risk-hazard map in accordance with OAR 629-044-1026.

629-044-1021

Wildfire Risk Classification and Wildfire Hazard Rating

1. Wildfire ~~risk-hazard classifications zones~~ are established ~~by a range of wildfire hazard factors that determine a net value change that illustrates likely wildfire consequences. Each net value change range is identified as a wildfire risk class~~ as follows:

a. ~~No Wildfire Risk. A net value change of zero. Typically characterized as non-burnable areas.~~

- ~~b-a.~~ Low Wildfire RiskHazard. A net_hazard value less than change from greater than 0.00 to 0.001911. Typically characterized as having the capacity to generate a wildfire which produces a flame length of less than 4 feet, a wildfire that exhibits little to no spotting, torching, or crowning
 - ~~c-b.~~ Moderate Wildfire RiskHazard. A net-value change of greater between than 0.001911 to 0.137872. Typically characterized as having the capacity to generate a wildfire which produces a flame length of 4 to 6 feet, and that occasionally exhibits spotting, torching, or crowning.
 - ~~d-c.~~ High Wildfire RiskHazard. A net-value change of greater than 0.137872 to 0.522288. Typically characterized as having the capacity to generate a wildfire which produces a flame length of 6 to 8 feet, and frequently exhibits spotting, torching, or crowning.
 - ~~e.~~ Extreme Wildfire Risk. A net-value change greater than 0.522288. Typically characterized as having the capacity to generate a wildfire which produces a flame length of over 8 feet, and exhibits frequent spotting, torching, or crowning.
2. It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (1) of this rule may not always accurately reflect expected wildfire behavior, due to variations in local species and vegetation conditions. Therefore, consistent with peer reviewed methods, modifications may be made to the hazard rating, net value change, and risk classification as necessary to ensure accuracy.
 3. Each wildfire risk_hazard class_zone assignment shall be based on the average pixel-level wildfire hazard valuesrating of within each tax lot.
 4. Each wildfire risk_hazard class_zone shall consist of a net-value change range. The net-value change ranges that correlate to a given wildfire risk_hazard class_zone shall be determined using a statistically objective methodology.

629-045-1026

Statewide Wildfire Risk-Hazard Map

1. Oregon State University shall develop and maintain the Statewide Wildfire Risk-Hazard Map in a publicly accessible format. The map shall be developed:
 - a. Using current, peer reviewed data sets when calculating wildfire riskhazard;
 - b. calculating wildfire risk_hazard as a combined hazard-rating-value incorporating how often wildfires occurannual burn probability and wildfire burn-intensity;
 - c. toand utilize fuel loading measured at the time of year when large wildfires generally occurthe most representative fuel characteristics practical; and
 - d. shall to include a layer that geospatially displays the locations of socially and economically vulnerable communities; and-
 - ~~d-e.~~ to include adjustments for irrigated agricultural, in locations identified as irrigated at least one of five years within the most recent IrrMapper dataset, prior to updates in accordance with Section 2 of this rule.
2. The State ForesterOregon State University shall update the map and other publicly available web-based tools shall be updated, in consultation with Oregon State Universitythe State Forester and other agency partners, within 12 months after updates to the most current wildfire risk assessment data sets are available.

629-044-1031

Notification

1. The State Forester shall provide written notice ~~of to the owners of~~ properties ~~classified-designated~~ as ~~high hazard zone-high or extreme wildfire risk~~ that are also within the Wildland-Urban Interface.
2. The written notice shall be sent to the property owner address included in the county assessor records.
3. The written notice shall include:
 - a. the wildfire risk-hazard class-zone assignment;
 - b. where a map of the property can be found in the publicly accessible mapping portal; ~~including the average wildfire hazard value of the property;~~
 - c. information regarding what the wildfire hazard assignment means for the property owner;
 - ~~c.d. information regarding available wildfire related resources and programs available to address wildfire risk; and~~
 - d. information regarding what the wildfire risk assignment means for the property owner; and
 - e. information about how a property owner may appeal the assignment of wildfire risk-hazard classzone, ~~including the specific elements that may be appealed.~~
4. Prior to the effective date of updates to the ~~Statewide~~ Wildfire Risk-Hazard Map, the Department shall hold regional public meetings.
5. The Department shall provide a notice of the times and places of all statewide and regional meetings, and the other ways by which comments may be submitted, using a variety of notice methods designed to reach diverse audiences, both statewide and within each region.
6. The Department, in consultation with Oregon State University, shall present anticipated changes to the Wildland-Urban Interface boundary and Wildfire Risk-Hazard Classification-Zone assignments at a county scale.
7. The meeting shall allocate time to receive input from any interested persons relating to the proposed wildfire risk-hazard class-zone assignments.
8. The Department shall establish and publicize a place where electronic and written comment may be received.
9. Following the public meeting the Department, in consultation with Oregon State University, may make changes in the proposed wildfire risk-hazard classification-zone assignments, hold additional meetings, and thereafter shall make final wildfire risk-hazard class-zone assignments.

629-044-1036

Locally Developed Wildfire Plans

1. The following types of locally developed wildfire plans may be integrated into the wildfire risk hazard mapping portal if the local jurisdiction chooses.
 - a. Community Wildfire Protection Plans developed under the Healthy Forests Restoration Act;
 - b. Natural Hazard Mitigation Plans developed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or
 - c. Firewise USA Action Plans developed under the Firewise USA Program administered by the National Fire Protection Association.
2. Information in the types of locally developed wildfire plans identified in subsections (1)(a) thru (c) above, may complement, but does not supplant or supersede the ~~Statewide~~ Wildfire Risk-Hazard Map.z

629-044-1041

Appeal of Wildfire Risk-Hazard Assignment

Any affected property owner or local governments may appeal the assignment of properties to the wildfire hazard zones. All appeals of the assignment classification of wildfire hazard to a property

~~shall be considered as a referred for a contested case hearing in accordance with ORS Chapter 183, OAR Chapter 629 Division 1. Hearings will be conducted in accordance with OAR 629-001-0025-0003 to OAR 629-001-0045-0055.~~

1. ~~, and this rule. The Administrative Law Judge assigned the matter shall be authorized to issue a Proposed Order. The State Forester shall issue the Final Order.~~
2. ~~The notification described under OAR 629-044-1031 shall serve as a Notice of Proposed Agency Action for property owners in the high hazard zone and also within the Wildland-Urban Interface. The posting of the hazard map on the Oregon Explorer Map Viewer website shall serve as the agency's Notice of Proposed Agency Action for all other property owners who have a right to appeal under ORS 477.490.~~
3. ~~An affected property owner may appeal the assignment of a wildfire hazard zone to property by submitting a written hearing request to the Department in writing, requesting a hearing. Such request must be made within 60 days of the following events, whichever is later:~~
 - a. ~~The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or~~
 - b. ~~The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the affected property owner, whichever is later.~~
- 1.4. ~~A local government may appeal the assignment of a wildfire hazard zone to property under its ownership by submitting a written hearing request to the Department, in writing, submitting an appeal in writing requesting a hearing. Such request must be made within 60 days of the following events, whichever is later:~~
 - a. ~~The date that the wildfire risk-hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or~~
 - b. ~~The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the affected property owner local government, whichever is later.~~
- 2.5. ~~The In the written hearing appeal request for hearing under in section (13) and (4) of this rule, the property owner the hearing request must specifically state:~~
 - a. ~~the objections to the wildfire risk class assignment issues to be addressed;~~
 - a.b. ~~The criteria of the hazard map being contested; and~~
 - b. ~~the change in wildfire risk assignment relief sought; and~~
 - c. ~~any pertinent facts that may justify a change in the wildfire risk class assignment, in accordance with ORS 477.490.~~
 - d. ~~Additionally, the appeal must include the following contact information for referral:~~
 - (A) ~~Property owner name;~~
 - (B) ~~Mailing address;~~
 - (C) ~~Property address and tax lot number; and~~
 - (D) ~~Phone number~~

~~This specific response is required based on the agency's determination that, due to the complexity of the program and category of cases involved, a more specific response is warranted. The requester may amend their response, except when doing so would be unduly prejudicial. Failure to raise an issue as provided in this rule shall constitute a waiver of the opportunity to raise the issue in a contested hearing.~~

- 3.—Upon receipt of a written request for hearing pertaining to the appeal of wildfire risk hazard assignment under this section, the State Forester~~Department~~:
- a.—~~shall review the appeal to determine whether the appellant has standing and whether the appeal addresses the issues in subsection (2)(c). shall provide a Notice of Opportunity for Hearing to the appellant, in accordance with Chapter ORS 183; and may contact the property owner or local government to seek additional information and attempt to informally resolve the appeal. clarify any pertinent facts identified in subsection (2)(c) questions or logistics; and~~
Prepare a report describing the issue and reach a final decision of the matter by:
 - (A) reviewing whether the wildfire risk assignment and map were developed and maintained according to these rules and the most current wildfire assessment.
 - (B) reviewing for any error in the data that was used to determine the wildfire risk class assignment;
 - (C) reviewing any pertinent facts that may justify a change in the assignment; and
- 4.6. ~~(D) providing the report to the appellant.~~
- 5.7. ~~d. T~~e Department shall provide information to the public describing changes to the map that result from based on approved appeals. The information shall be posted on the Department's public website.
- 1.—The State Forester will issue a Final Order resolving appeals under this section, based on the record established through the contested case hearing. The Forester's Hearings will be conducted in accordance with OAR 629-001-0025 to OAR 629-001-0045.
- 6.8. A final Final Order decision of the matter issued under section (38) of this rule shall be a final order, and is subject to appeal as prescribed by ORS 183.484482.

DIVISION 44

Wildland-Urban Interface and Wildfire Hazard Mapping

629-044-1000

Purpose

- (1) The purpose of OAR 629-044-1000 to 629-044-1040 is to implement the provisions of ORS 477.027 and ORS 477.490.
- (2) The purpose of OAR 629-044-1010 to 629-044-1015 is to establish criteria by which the wildland-urban interface shall be identified and classified pursuant to ORS 477.027
- (3) The purpose of OAR 629-044-1020 to 629-044-1026 is to set forth the criteria by which a wildfire hazard map must be developed and maintained pursuant to ORS 477.490.
- (4) The purpose of OAR 629-044-1030 is to set forth the process for notification to property owners pursuant to ORS 477.490.
- (5) The purpose of OAR 629-044-1035 is to set forth the process of integrating public input into the wildfire hazard map pursuant to ORS 477.490.
- (6) The purpose of OAR 629-044-1040 is to set forth the process of how a property owner or local government may appeal the assignment of wildfire hazard pursuant to ORS 477.490.

629-044-1005

Definitions

- (1) The definitions set forth in ORS 477.001, shall apply.
- (2) The following words and phrases, when used in OAR 629-044-1000 to 629-044-1040, shall mean the following:
 - (a) "Geographical area" means an area of land with similar characteristics that can be considered as a "unit" for the purposes of classification of the wildland-urban interface.
 - (b) "Intermingles with wildland or vegetative fuels" means a minimum of 50% coverage of wildland or vegetative fuels.
 - (c) "Meets with wildland or vegetative fuels" means located within a 1.5-mile buffer from the edge of an area greater than 2 square mile with a minimum of 75% cover of wildland or vegetative fuels.
 - (d) "Occluded geographical area" means an area with a minimum of one structure or other human development per 40-acres within 1.5 miles of an area greater than 1 square mile but less than 2 square miles with a minimum of 75% cover of wildland or vegetative fuels
 - (e) "Other human development" means essential facilities, special occupancy structures, or hazardous facilities as defined in ORS 455.447 that support community functions, public communication, energy, or transportation.
 - (f) "Structure" means any building that is at least 400 square feet.
 - (g) "Unincorporated community" has the meaning provided in OAR Chapter 660, Division 22.
 - (h) "Urban growth boundary" has the meaning provided in OAR Chapter 660, Division 15.
 - (i) "Vegetative fuels" means plants that constitute a wildfire hazard.

(j) "Wildland fuels" means natural vegetation that occurs in an area where development is essentially non-existent, including grasslands, brushlands, rangelands, woodlands, timberlands, or wilderness. Wildland fuels are a type of vegetative fuels.

(k) "Wildfire Hazard" is a numerical value describing the likelihood and intensity of a wildfire, based on specific factors or conditions of weather, climate, topography, and vegetation, as modeled for a given pixel. (l) "Wildland-Urban Interface" means a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

629-044-1011

Wildland-Urban Interface Identification Criteria

(1) The Wildland-Urban Interface is a geographic area comprised of tax lots, or portions of tax lots that includes:

- (a) an average density of one structure or other human development per 40 acres and either:
 - (A) meets with wildland or vegetative fuels; or
 - (B) intermingles with wildland or vegetative fuels; or
 - (C) is an occluded geographical area.

(2) The Wildland-Urban Interface also includes:

- (a) lands identified within an urban growth boundary or unincorporated community boundary by local comprehensive plans that meet the criteria in (1)(a); or
- (b) a planned development, within the urban growth boundary or unincorporated communities, that is not identified in 1(a) but that is approved for development that meets the criteria in 1(a).

(3) If multiple structures or other human developments are located on a single tax lot, then the totality will be considered a single structure or other human development.

(4) Each tax lot in the State of Oregon shall be assigned a wildfire hazard zone in accordance with 629-044-1021.

629-044-1016

Periodic Wildland-Urban Interface Lands Identification and Classification

Tax lots wholly or partially identified as within the Wildland-Urban Interface shall be reviewed in conjunction with updates to the wildfire hazard map in accordance with OAR 629-044-1026.

629-044-1021

Wildfire Hazard Rating

1. Wildfire hazard zones are established as follows:
 - a. Low Wildfire Hazard. A hazard value less than 0.001911.
 - b. Moderate Wildfire Hazard. A value between 0.001911 to 0.137872.
 - c. High Wildfire Hazard. A value greater than 0.137872 .
2. It is recognized that natural vegetation is highly variable and that the fuel models used in subsection (1) of this rule may not always accurately reflect expected wildfire behavior, due to variations in local species and vegetation conditions. Therefore, consistent with peer reviewed methods, modifications may be made to the hazard rating as necessary to ensure accuracy.

3. Each wildfire hazard zone assignment shall be based on the average pixel-level wildfire hazard values within each tax lot.
4. Each wildfire hazard zone shall consist of a value range. The value ranges that correlate to a given wildfire hazard zone shall be determined using a statistically objective methodology.

629-045-1026

Wildfire Hazard Map

1. Oregon State University shall develop and maintain the Wildfire Hazard Map in a publicly accessible format. The map shall be developed:
 - a. using current, peer reviewed data sets when calculating wildfire hazard;
 - b. calculating wildfire hazard as a combined value incorporating annual burn probability and wildfire intensity;
 - c. and utilize the most representative fuel characteristics practical;
 - d. to include a layer that geospatially displays the locations of socially and economically vulnerable communities; and
 - e. to include adjustments for irrigated agricultural, in locations identified as irrigated at least one of five years within the most recent IrrMapper dataset, prior to updates in accordance with Section 2 of this rule.
2. Oregon State University shall update the map and other publicly available web-based tools, in consultation with the State Forester and other agency partners, within 12 months after updates to the most current wildfire risk assessment data sets are available.

629-044-1031

Notification

1. The State Forester shall provide written notice to the owners of properties designated as high hazard zone within the Wildland-Urban Interface.
2. The written notice shall be sent to the property owner address included in the county assessor records.
3. The written notice shall include:
 - a. the wildfire hazard zone assignment;
 - b. where a map of the property can be found in the publicly accessible mapping portal;
 - c. information regarding what the wildfire hazard assignment means for the property owner;
 - d. information regarding available wildfire related resources and programs; and
 - e. information about how a property owner may appeal the assignment of wildfire hazard zone.
4. Prior to the effective date of updates to the Wildfire Hazard Map, the Department shall hold regional public meetings.
5. The Department shall provide a notice of the times and places of all statewide and regional meetings, and the other ways by which comments may be submitted, using a variety of notice methods designed to reach diverse audiences, both statewide and within each region.
6. The Department, in consultation with Oregon State University, shall present anticipated changes to the Wildland-Urban Interface boundary and Wildfire Hazard Zone assignments at a county scale.
7. The meeting shall allocate time to receive input from any interested persons relating to the proposed wildfire hazard zone assignments.
8. The Department shall establish and publicize a place where electronic and written comment may be received.

9. Following the public meeting the Department, in consultation with Oregon State University, may make changes in the proposed wildfire hazard zone assignments, hold additional meetings, and thereafter shall make final wildfire hazard zone assignments.

629-044-1036

Locally Developed Wildfire Plans

1. The following types of locally developed wildfire plans may be integrated into the wildfire hazard mapping portal if the local jurisdiction chooses.
 - a. Community Wildfire Protection Plans developed under the Healthy Forests Restoration Act;
 - b. Natural Hazard Mitigation Plans developed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or
 - c. Firewise USA Action Plans developed under the Firewise USA Program administered by the National Fire Protection Association.
2. Information in the types of locally developed wildfire plans identified in subsections (1)(a) thru (c) above, may complement, but does not supplant or supersede the Wildfire Hazard Map.

629-044-1041

Appeal of Wildfire Hazard Assignment

1. Any affected property owner or local governments may appeal the assignment of properties to the wildfire hazard zones. All appeals of the assignment shall be referred for a contested case hearing in accordance with ORS Chapter 183, OAR 629-001-0003 to OAR 629-001-0055, and this rule. The Administrative Law Judge assigned the matter shall be authorized to issue a Proposed Order. The State Forester shall issue the Final Order.
2. The notification described under OAR 629-044-1031 shall serve as a Notice of Proposed Agency Action for property owners in the high hazard zone and also within the Wildland-Urban Interface. The posting of the hazard map on the Oregon Explorer Map Viewer website shall serve as the agency's Notice of Proposed Agency Action for all other property owners who have a right to appeal under ORS 477.490.
3. An affected property owner may appeal the assignment of a wildfire hazard zone to property by submitting a written hearing request to the Department. Such request must be made within 60 days of the following events, whichever is later:
 - a. The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or
 - b. The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the affected property owner.
4. A local government may appeal the assignment of a wildfire hazard zone by submitting a written hearing request to the Department. Such request must be made within 60 days of the following events, whichever is later:
 - a. The date that the wildfire hazard map or an update to the hazard map is posted on Oregon Explorer Map Viewer website; or
 - b. The date that a correctly addressed notice, issued in accordance with OAR 629-044-1031(2), is deposited with the postal service for mailing to the local government.
5. The written hearing request must specifically state:
 - a. the issues to be addressed;
 - b. The criteria of the hazard map being contested; and
 - c. the relief sought.
 - d. Additionally, the appeal must include the following contact information for referral:

- (A) Property owner name;
- (B) Mailing address;
- (C) Property address and tax lot number; and
- (D) Phone number

This specific response is required based on the agency's determination that, due to the complexity of the program and category of cases involved, a more specific response is warranted. The requester may amend their response, except when doing so would be unduly prejudicial. Failure to raise an issue as provided in this rule shall constitute a waiver of the opportunity to raise the issue in a contested hearing.

6. Upon receipt of a written request for hearing under this section, the Department may contact the property owner or local government to seek additional information and attempt to informally resolve the appeal.
7. The Department shall provide information to the public describing changes to the map that result from appeals. The information shall be posted on the Department's public website.
8. The State Forester will issue a Final Order resolving appeals under this section, based on the record established through the contested case hearing. The Forester's Final Order is subject to appeal as prescribed by ORS 183.482.

Key Issues Identified in Review of Wildfire Risk Map Feedback



PURPOSE

This document summarizes the public input received following the release of the statutorily mandated statewide wildfire risk map in June 2022, along with key issues identified based on that input and actions planned to address those issues prior to release of the updated map in October 2023.

BACKGROUND

Climate change has brought hotter, drier summers and historic levels of drought to Oregon over the past several years. These factors are a key driver of the rapid changes to Oregon's wildfire environment over the past decade—longer fire seasons and more challenging, costlier and destructive wildfires. At the same time, Oregon's population continues to grow and increasing numbers of people are living in or near the wildland-urban interface. This convergence of factors puts the state of Oregon—along with federal, local and tribal government partners and Oregonians generally—at a critical juncture. Bold actions are necessary to mitigate the catastrophic impacts of wildfire experienced by Oregonians, communities and our state's natural resources over the past several years. Senate Bill 762 laid the foundation for that bold action.

The bill passed in 2021 with bipartisan support and made investments in fire-adapted communities, wildfire response and resilient landscapes. Eleven state agencies are tasked with implementing the various components of SB 762. Several of those components are related to fire-adapted communities, including the creation and use of a "statewide wildfire risk map." Oregon Department of Forestry is responsible for overseeing development and maintenance of that map and establishing the risk classification categories to be assigned to properties based on criteria provided in law. Oregon State University is responsible for the actual development and maintenance of the map, making it publicly available and providing technical assistance.

The map's core function is as a planning tool. Having a central source for information on hazards and vulnerability promotes consistency and alignment in wildfire-related planning and decision making at all levels of government in Oregon. It also helps ensure the most vulnerable locations—those in fire-prone regions that are also in or around homes and communities (wildland-urban interface)—are prioritized for fire adaptation and mitigation investments, including:

- » Defensible space requirements for properties that are both in the wildland-urban interface and classified as high or extreme (Office of the State Fire Marshal).
- » Wildfire hazard mitigation building code standards (home hardening) for properties that are both in the wildland-urban interface and classified as high or extreme (Department of Consumer and Business Services).
- » Fuels mitigation grant programs for forestlands and communities (ODF and the Higher Education Coordinating Commission's Oregon Conservation Corps Program) and community risk reduction (OSFM).

Building the wildfire risk map from scratch has been a massive and complex technical and policy development effort; however, there is also a considerable information and outreach aspect to successful implementation of the map and SB 762 as a whole. The scope and scale of local-level communication and engagement necessary for Oregonians to genuinely understand the intent of SB 762 was far more than what initial deadlines allowed for.

Approximately five weeks after the map was unveiled—which was also the first major milestone in the implementation of SB 762—ODF withdrew the map for revisions. In that time, ODF fielded approximately 3,000 calls, conducted four information sessions that were attended by approximately 1,700 people, and received nearly 2,200 risk classification appeals from property owners. Further details of the inputs, main themes identified and potential actions to address issues are provided below.

The withdrawal of the map has given ODF and OSU an opportunity to make technical refinements based on the considerable input received, but it also provides state agencies with an opportunity that wasn't previously available: the time for in-depth and locally focused collaboration and information sharing.

Key Issues Identified in Review of Wildfire Risk Map Feedback



SCOPE OF IMPACT

There are 1.8 million tax lots in Oregon, all of which were assigned a risk classification. Of those, 170,000 were classified as high or extreme (9.8% of total tax lots). Approximately half of those properties are in one of three counties: Jackson, Josephine or Deschutes. The notices required by law were sent to the mailing address for the tax lot owner provided in county records.

Of those receiving the notice, about 30% were outside the wildland-urban interface and, while defensible space and home hardening measures are encouraged because of the level of risk, those measures are not currently required under state law. The remaining 70% (~120,000 tax lots) were within the wildland-urban interface. It was further estimated that approximately 88,000 of these tax lots had a structure present and would potentially be subject to future regulation related to defensible space and home hardening, if that structure was a residence.

It is important to note that the figures provided above are the number of tax lots impacted, which isn't equivalent to the number of distinct property owners impacted, as one person may own multiple tax lots. Initial mailing refinement efforts resulted in identification of approximately 85,000 property owners for those 170,000 tax lots. The number of property owners may actually be smaller still, as mailing refinement efforts haven't yet addressed data inconsistencies, such as misspellings of individual or street names or differences in road designations (ex: "Drive" vs. "Dr."). Those further refinements will likely result in identification of additional duplicate individuals or addresses.

INPUTS RECEIVED

Input was received from property owners, local governments and elected officials in a variety of ways. The majority of ODF's contacts with Oregonians were via **phone calls** and the **appeals process**. The department also received a number of emails and written letters with questions and comments. To date, OSU has also received a few hundred email inquiries, the majority of which were received between the map's release on June 30 and its withdrawal on August 5. Details on the focus of the phone calls and appeals received by ODF and the emails received by OSU are provided below.

Additionally, ODF & OSU representatives provided opportunities for questions and comments from the public during four information sessions held in late July and early August. These sessions were held in the parts of the state with a high concentration of properties classified as being in areas of high or extreme risk. The virtual session for Jackson and Josephine counties had approximately 1,300 attendees. The other sessions were in person and had more than 400 attendees total (75—La Grande, 90—The Dalles and 250—Redmond).

The virtual session for Jackson and Josephine counties was originally scheduled as two separate in-person sessions; however, ODF leadership made the decision to combine the meetings and shift to a virtual platform due to logistics in Jackson County and a public safety threat related to the Josephine County session.

Phone Calls

ODF staff responded to approximately 3,000 calls related to the wildfire risk map, half of which were received by ODF's Southwest Oregon District (Jackson and Josephine counties). The reasons for the calls were varied, but the vast majority were seeking assistance or additional information. Of the more than 1,200 calls received at ODF's Salem Headquarters through the main help line set up for the map, just over 20% were requests for ODF to **send a copy of their homeowner's report**. This report is available to download from the Oregon Explorer, but ODF directed those who didn't have the ability to access the report on their own to call the department for assistance. Some of the request volume is likely related to occasions where access to the report was removed to help the Oregon Explorer platform cope with high user volumes. A similar number of people called for **assistance or additional information about filing an appeal**.

Key Issues Identified in Review of Wildfire Risk Map Feedback



The final key category of calls were those needing help understanding the notices received. Examples of common inquiries included:

- » What's the purpose of the notice I've received?
- » What do I need to do?
- » How will this impact my homeowner's insurance? What about my property value?
- » How was my property's risk calculated? What does it mean?
- » I'm no longer the owner of this tax lot, so why am I receiving this notice?
 - This problem is due to data issues with the tax lot owner mailing information on record with the county.
- » Why did I receive so many different notices?
 - This problem is because the notices are generated by tax lots, but one individual may own several tax lots.

Emails

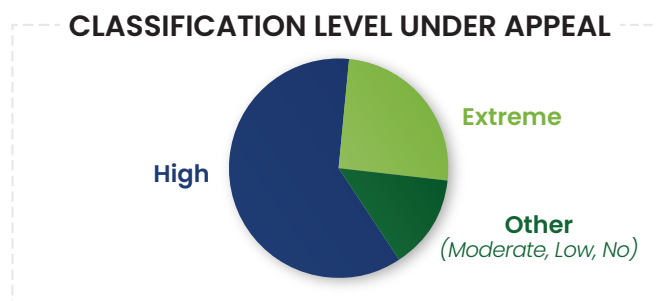
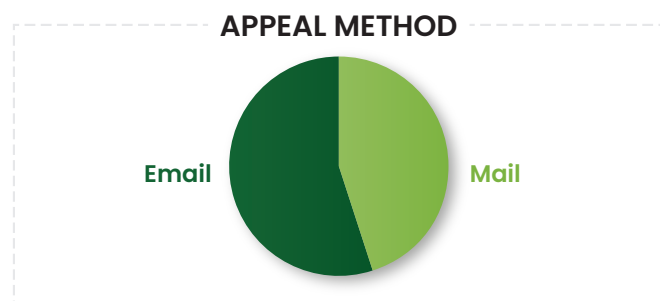
OSU has received a total of 343 email inquiries to date. Most emails included multiple questions. OSU tried to record and summarize all questions received. The most common inquiries were those requesting **more information about how risk was calculated** (20%), which included questions about modeling, mapping, criteria in legislation and more specific questions about datasets and classifications. Additional email subjects included:

- » Requests:
 - To download risk data
 - For Oregon Explorer technical support
 - For additional resources, such as speakers or information about public meetings
 - For site visits from ODF and/or OSU
- » Disagreement with risk classification
- » Risk not accounting for investments in defensible space and/or home hardening
- » Questions about:
 - Risk differing between neighbors
 - How irrigated land was accounted for
 - How to appeal
 - Defensible space and/or home hardening codes
 - Insurance impacts
 - Financial support for code compliance
- » Calls to repeal SB 762, many of which copied state agencies and legislators

Appeals

The most robust and detailed source of input about the map has been the documentation and contextual information submitted through the formal classification and/or wildland-urban interface designation appeals process. The law requires ODF to provide a way for property owners to appeal the risk classification assigned to their property. When the initial map was withdrawn, the appeals period ended and any appeals submitted were rendered moot, as the classification and/or designation being appealed no longer existed. However, the department read through all appeals received and looked for recurring concerns in order to identify areas of focus for potential refinements to the map.

ODF received nearly 2,200 appeals, representing 1.3% of the 1.8 million tax lots in Oregon, all of which were designated with one of the five risk classifications. As would be expected, the majority of appeals came from the four counties with the highest number of tax lots classified as high or extreme: Jackson, Josephine, Deschutes and Klamath.



Key Issues Identified in Review of Wildfire Risk Map Feedback



The reasons for submitting appeals were far more specific and focused than the reasons for calling the department. Nearly half of all appeals fell into two categories: **the lot is irrigated** in some manner (28%) or the lot **already has defensible space and/or hardened buildings** (21% and consistent with one of the top categories from emails received by OSU). The other half fell into one or more of a wide variety of categories, including those who were appealing:

- » For a lower classification to protect their **ability to insure their properties** (concerns about being able to get or keep insurance if classified as high or extreme risk).
- » Because of the **uncertainty about defensible space and home hardening codes** and what would be required for compliance, as those were still under development at the time.
- » Due to concerns about future expansion of regulations connected to risk classifications.

MOVING FORWARD

1. Communication, outreach and conversation are the focus of ODF's planning efforts for development and delivery of the next iteration of the map, including:

- » Developing educational materials on wildfire hazards and fire behavior, in partnership with subject matter experts.
- » Completely overhauling the classification notification letter and homeowner's report with a focus on providing what homeowners want and need to know in a way that's easy to understand. There will also be an emphasis on ensuring both items are designed to help people easily connect to information about defensible space, home hardening, insurance and grants.
- » The same customer-focused, plain language approach will also be applied to ODF's public information materials related to the map.

Additionally, the department is looking into ways to address two key **mailing-related issues** that resulted in considerable confusion and frustration: incorrect recipients and receipt of multiple letters. As mentioned earlier in this report, the department is actively exploring ways to efficiently refine ownership and mailing data received from counties to limit the number of letters going to the same person.

Finally, there are ongoing discussions related to changing the name of the map to clearly articulate what the map depicts. Based on the requirements to base the classifications on weather, climate, fuels and topography, which better reflect hazard or exposure levels to wildfire rather than risk. Hazards are largely immutable characteristics of the area. Changing the name of the map decouples the idea that an individual can reduce their exposure through defense measures. While those measures can increase the likelihood a home will survive a wildfire, they don't change the factors that the fire will occur in the first place.

ODF recommends **"Wildfire Vulnerability Map,"** which not only reflects the vulnerability due to the hazards present, but also highlights the social and economic vulnerability layer of the map developed by OSU. Combining awareness and consideration of the **environmental, social and economic factors** that make particular areas more vulnerable to the devastating impacts of wildfires, thus driving limited resources to the areas of greatest need.

2. Local and statewide involvement in discussions

County level: ODF—with its map partners—is planning to initiate **small workgroups** comprised of **elected and wildfire leaders** in the counties with the highest numbers of tax lots classified as high and extreme on the initial version of the map. Jackson, Josephine, Deschutes, Klamath and Harney counties account for nearly 70% of high or extreme classifications (115,574 tax lots). The primary objectives of the workgroups are to:

1. Build a local leadership group that understands the purpose of the map and the science that was used to develop it to effectively advocate for community needs related to the map and associated downstream regulation.
2. Ensure consistent, accurate information sharing.
3. Reassure communities that their leaders are involved in the process and have a forum to share concerns.
4. Engage in review of draft maps and provide input related to potential issues or anomalies.

Key Issues Identified in Review of Wildfire Risk Map Feedback



The workgroups will likely start meeting at least once monthly in February 2023 and continue through the end of the next appeal period, which is tentatively December 2023. The plan is to keep the groups small to promote relationship building and encourage dialogue and would ideally be comprised of local representatives from ODF and other implementation agencies, local city and/or county elected officials (no more than one county commissioner to avoid a quorum), local fire service representation and others as identified by local leadership.

ODF will be reaching out to those identified above in late December and early January to gauge interest and, if interested, determine who specifically will be participating. While efforts will be focused on the five counties listed above for these small workgroups, there are also plans for multiple **town halls throughout the state** to provide forums for information and questions in far more counties (tentatively scheduled for April through June). Additionally, representatives from the commissions of counties that neighbor the five listed above may attend the workgroup meetings if they're interested in more information.

Statewide: ODF is exploring the concept of a similar **workgroup at the statewide level** comprised of **legislators** from the districts with the highest number of tax lots classified as high and extreme and representatives from the **tribes** in those areas, along with representatives of ODF executive leadership and the Wildfire Programs Director.

ODF leadership will be reaching out to legislators and tribes in the districts described above to gauge interest in participation.

3. Clear communications related to wildfire hazards, vulnerability, risk & mitigation

There is a clear need to increase Oregonians' awareness and understanding of key foundational concepts related to wildfire, including:

- » Local wildfire hazards and how those hazards influence fire behavior.
- » The differences between hazards and risk and what that means for them in relation to wildfire preparedness.
- » Community and property-level risk factors, best practices for mitigating those risks, and resources available to assist with mitigation efforts.

4. Technical refinements

The department and Oregon State University are identifying verified, statewide data sets that accurately reflect irrigation and can be integrated into the risk modeling. Additionally, while concerns about fluctuations in risk classifications across adjacent parcels and "speckling"—one tax lot showing up as a different classification than all others around them—weren't among the top categories of concerns or issues expressed, ODF and OSU will be looking into both of those as well.

5. Policy changes

The initial map rollout surfaced a few considerations where law and/or rule changes would improve the accuracy, understanding and acceptance of the map. ODF continues to work closely with the Wildfire Programs Director in the Governor's Office on identifying opportunities for improvements or enhancements to the laws governing the map specifically, and for advancing wildfire protection in Oregon generally.

STAFF REPORT

Agenda Item No.:	7
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 6, 2024
Contact Information:	Tim Holschbach, Deputy Chief of Policy & Planning – Fire Protection 503-480-9756 Tim.J.Holschbach@odf.oregon.gov Levi Hopkins, Wildfire Prevention & Policy Manager 503-949-3572, Levi.A.Hopkins@odf.oregon.gov

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 Jefferson 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 Jefferson 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 1 landowner in Jefferson County.

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 Jefferson County Forestland Classification Committee completed their work and filed their final order with the Jefferson County Clerk on January 24, 2024. 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 no appeals of the forestland classification final orders filed with the Jefferson 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 Bruce L. Byerly.

ATTACHMENTS

- (1) Letter Requesting a hearing before the Board of Forestry
- (2) Proposed Final Order

BRUCE BYERLY
byerly6317@msn.com
503 522 5421;
PO Box 434
Camp Sherman, Oregon

March 25, 2024.

To: Department of Forestry
3501 N.E. Third Street
Prineville, OR 97754

Re: Notice of Appeal contesting the Department of Forestry letter of February 27, 2024. Copy attached.

Certified Mail:

The February 27, 2024 letter does not constitute an enforceable order. It is an information letter, anticipating future action, not an order. There are no detailed findings of fact. It does not provide an adequate explanation of appeal rights and jurisdiction. I request a hearing to set aside the findings and conclusions expressed in the letter.

I request discovery of all information relied on to support the assertions in the February 27, 2024 notice.

Bruce L. Byerly



Oregon

Tina Kotek, Governor

Department of Forestry

Prineville Unit
3501 NE 3rd Street
Prineville, OR 97754
541-447-5658
Fax: 541-447-1469
www.ODFcentraloregon.com



"STEWARDSHIP IN FORESTRY"

February 27, 2024

BYERLY, BRUCE
26479 SW TAMARACK LN
CAMP SHERMAN, OR 97730-9707

Re: Forest Patrol Assessment

The Oregon Department of Forestry (ODF) provides fire protection on privately owned forestland within the Central Oregon Forest Protection District in Jefferson County. Forestland owners contribute to the cost of this service by paying a Forest Patrol Assessment with their property taxes each fall. This Forest Patrol Assessment is based on a Forestland Classification process that evaluates all the land within the county and identifies that land which meets 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." Oregon Revised Statutes (ORS) 477.001(9).

This letter is to inform you that a review of the Jefferson County classification maps and Forest Patrol Assessment records has been conducted in an effort to uniformly and equitably apply Forest Patrol Assessments for wildfire protection to all owners of forestland within the Central Oregon Forest Protection District. In accordance with Oregon Revised Statutes (ORS) 477.210(4) and 477.250(2), the State Forester has determined that the tax lot(s) located on the second page of this letter will be added to the Forest Patrol Assessment Roll beginning July 1, 2024.

The Central Oregon District has two "classes" of forestland within Jefferson County. Forestland suitable for joint use of timber production and grazing of livestock is classified as Class 2. Forestland suitable for grazing or other agricultural use is classified as Class 3. 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.

THIS IS NOT A BILL

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 forest fire prevention and suppression system. Last year, the assessment rate for the Central Oregon District was \$3.0951 per acre for Class 1 and 2 forestland (timber or timber and grazing) and \$1.4465 per acre for Class 3 forestland (agricultural). These per acre assessments will vary 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. 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 2024/2025 property tax statement and is paid to Jefferson County in the same manner as any other property tax or assessment.

If you have questions, or if you want to have a review of this proposed assessment, please contact your local ODF representative, Gordon Foster, Unit Forester, at the following address and telephone number as soon as possible:
P.O. Box 670, Prineville OR, 97754 phone: 541-447-5658

Continued on page 2...

Please be aware that any owner of grazing land or timberland within the boundary of the 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 forest lands. 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.

Sincerely,
Rob Pentzer
Central Oregon District Forester

Tax Lot	Timber Acres (Class 1 and 2)	Grazing Acres (Class 3)
130916A001500	1.80	0.00

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 Jefferson County, ODF personnel of the Central 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 timber acres within the county from 84,359.3 to 85,513.6 acres and grazing acres increased from 42,962.1 to 83,048.1 acres, with a net increase of 1,154.33 timber acres and 40,086.1 grazing acres. A total of 1,359 additional tax lots were added which resulted in 1,334 owners newly added to the Forest Patrol Assessment.

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 district forester 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 Byerly is the owner of property account 130916A001500 in Jefferson County as shown in the records of the Jefferson County Assessor.
2. The Jefferson County Forestland Classification Committee classified property accounts 130916A001500 as Forestland in its final order, as filed with the County Clerk in January of 2024.

3. The Department of Forestry believes that the Jefferson County Forestland Classification Committee classified property account 130916A001500 in a manner consistent with law, and that property account 130916A001500 is forestland.
4. Once property account 130916A001500 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 Byerly 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.
5. Bruce Byerly has not provided a bona fide forest protection plan approved by the Board.
6. Bruce Byerly is not a member in good standing with a forest protective association. Property account 130916A001500 in Jefferson County is within the boundary of the East Oregon Forest Protective Association. 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 East Oregon Forest Protective Association. Bruce Byerly is not a member of that association.
7. Since property account 130916A001500 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.
8. Costs for fire protection of property account 130916A001500 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.
9. The State Forester notified Bruce Byerly of the proposed addition of property account 130916A001500 to the forest protection assessment roll in Jefferson County, as required by ORS 477.250.
10. Bruce Byerly 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.
11. The State Forester attempted to contact Bruce Byerly through a letter to address the concerns raised in the hearing request. No response was received from Mr. Byerly. The State Forester is obligated to protect forestland under ORS 477.210.

Conclusions of Law

ORS 477.210 requires the State Forester to provide fire protection to the forestland owned by Bruce Byerly in Jefferson 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 130916A001500 in Jefferson County, owned by Bruce Byerly shall be added to the Jefferson 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 6th day of June, 2024,

Jim Kelly, Chair

Oregon Department of Forestry

STAFF REPORT

Agenda Item No.:	8
Work Plan:	State Forests Work Plan
Topic:	State Forests Management
Presentation Title:	Western Oregon State Forests Draft Forest Management Plan
Date of Presentation:	June 6, 2024
Contact Information:	Tyson Wepprich, Adaptive Management Specialist Tyson.M.Wepprich@odf.oregon.gov Michael Wilson, State Forests Division Chief Michael.Wilson@odf.oregon.gov

CONTEXT

Forest Management Plans provide the overarching management direction for State Forests. These plans are developed pursuant to Oregon Administrative Rule and are adopted by the Board of Forestry to codify the Board's finding that management direction meets Greatest Permanent Value (OAR 629-035-0030).

The draft FMP under consideration by the Board is implemented under an adaptive management framework in which the monitoring of outcomes enables learning and improvement of management strategies. To this end, an Adaptive Management Plan (AMP) will accompany the FMP as stated in the implementation guidelines in the FMP (Attachment 1).

The draft AMP and the accompanying performance measures were presented to the Board at the September 2023 meeting as part of the Forest Management Plan update (Attachment 2).

Draft Adaptive Management Plan and Performance Measures

As written in the draft FMP guidelines, the draft AMP offers direction and administration for (1) facilitating decision analysis and adaptive management; (2) designing monitoring; (3) reporting monitoring results, analyses, and decisions; and (4) identifying and integrating information and decision needs within state forest lands. The need for an AMP comes from the expanded scope of this FMP that includes adaptive management as a key tenet of its management approach, a companion HCP with extensive monitoring requirements, and a commitment to accountability to the Board and all Oregonians. Monitoring, reporting, and decision-making support will be continuously updated in the AMP and reported in a more nimble and integrative manner that enables timely management responses to new information.

A new set of performance measures will also accompany the FMP (Attachment 3). Performance measures are a select set of metrics that the Board will use to evaluate management outcomes with respect to the objectives and intent expressed through the FMP guiding principles, management approach, and goals. The ten performance measures listed below have component metrics that will be monitored and reported under the process described in the AMP. While performance measures do not encompass all aspects of the Division's monitoring and reporting, their purpose is to provide an up-to-date

dashboard for the Board and others to track management outcomes and commitments readily across a broad range of ecosystem services provided by State Forests.

Quantifiable targets and acceptable ranges designated by the Board for performance measures' components can indicate whether FMP strategies are working as intended to provide Greatest Permanent Value (GPV). Targets are intended to inform the Board, the Division, and others of potential over- and under-performance but are not considered as hard constraints on management activities in isolation. The Division is tasked with considering all the goals and strategies, addressing trade-offs, and meeting GPV when implementing the FMP and responding to performance measures.

Performance Measures (arranged alphabetically)

- Adaptive Capacity of Forests
- Aquatic Habitat
- Carbon Storage
- Community Engagement and Public Support
- Cultural Resources (new from September version)
- Division Finances
- Economic Opportunities
- Financial Support for Counties
- Harvest and Inventory
- Recreation, Education, and Interpretation Opportunities
- Terrestrial Habitat

RECOMMENDATION

Information only.

NEXT STEPS

Over the next several months, the Division will:

1. Take feedback received from the Board and Forest Trust Lands Advisory Committee (FTLAC) at the June 6th, 2024, meeting and return with revised final performance measures for Board Approval.
2. Work with the Board and FTLAC through facilitated work sessions to generate scenarios for FMP implementation that Division staff can model to generate a range of potential performance measure outcomes.
3. Work with the State Forests Advisory Committee and public to gather feedback on the draft scenarios.
4. Obtain approval from the Board on the final scenarios and move forward with modeling the range of scenarios.
5. Work with the Board and FTLAC through facilitated work sessions to review and discuss tradeoffs associated with draft performance measure outcomes from the modeled scenarios.
6. Obtain final performance measure targets or thresholds from the Board to guide development of initial Implementation Plans for the new FMP.

ATTACHMENTS

1. Draft Western Oregon State Forests Management Plan Implementation Guidelines
2. September 2023 Forest Management Staff Report to the Board of Forestry
3. Draft Performance Measures

CHAPTER 4

Guidelines

This chapter describes the processes for implementation and revision of the Western Oregon State Forests Management Plan (FMP).

4.1

Asset Management Guidelines

Assets,¹ as they are discussed in this section, are the tangible resources and infrastructure (e.g., parcels of land, forest products, forest roads and related improvements, trails, campground facilities) on state forest lands. Maintaining or enhancing value of assets described in this plan is fundamental to long-term sustainability of resources described in the greatest permanent value (GPV) rule (Oregon Administrative Rule [OAR] 629-035-0020) such as timber, revenue, aquatic and wildlife habitat, and recreation. The asset management guidelines discussed in this section align with the Oregon Revised Statutes (ORS), OAR, and Oregon Department of Forestry (ODF) policy.

Implementation of the FMP will be consistent with these guidelines to ensure that the asset value of the forest is maintained or enhanced. The guidelines are influenced by the following implementation priorities under which the State Forests Division (Division) is operating.

- Conserve forest lands by maintaining the state forest land base.
- Maintain a land exchange and acquisition program to consolidate state forest lands for management efficiencies, economic values, or enhanced stewardship.
- Implement marketing strategies that increase the value of forest products.
- Prioritize and invest in stand management activities that increase quality and quantity of timber and enhance other ecosystem services.
- Maintain, develop, and protect investments in infrastructure such as roads, bridges, and facilities, while recognizing that in some cases investments may need to be moved, removed, or decommissioned.
- Maintain existing assets that support recreation, education, and interpretation activities, while recognizing that in some cases investments may need to be moved, removed, or decommissioned.
- Maintain investments in forest inventory, geographic information system (GIS) technologies, and timber harvest-tracking technologies that support planning and implementation processes and contribute to adaptive management.
- Prioritize and undertake investments in research and monitoring consistent with Section 4.3, *Decision-Making, Adaptive Management, Monitoring, and Research Guidelines*.
- Maintain a budgeting and financial management system that tracks revenues and expenses and aids in financial decision-making.
- Implement and maintain accountability strategies and systems that ensure the state and other beneficiaries receive anticipated financial and other benefits from the forest.

¹ Terms underlined in this document are defined in the Glossary. Defined terms are underlined at the first instance in each chapter.

4.1.1

Implementation Priorities

Funding levels for plan implementation vary with cyclical economic trends. FMP implementation is primarily funded through timber harvest revenues. There may be periods where revenues limit funding.

Annual budget instructions for developing fiscal budgets reflect the Forest Development Fund (FDF) balance and the projected FDF balance. The highest level of implementation and investment occurs when the FDF balance exceeds 12 months of operating expenses, and the balance is forecast to be relatively steady or increasing. The lowest level occurs when the FDF balance is less than 6 months of operating expenses, and the balance is forecast to decrease (**Table 4-1**). To avoid service level decreases, ODF may seek external federal, state, and non-governmental organization (NGO) funding sources, such as grants or legislative funding through policy option packages or legislative concepts. **Table 4-1** shows the forest management investment levels based on the revenue forecast and FDF balance. External funding sources

should be considered at investment level 2 and pursued if the investment level is projected to be at level 3 or level 4.

4.2

Implementation Guidelines

The FMP, approved by the Board of Forestry (BOF), identifies the resource management goals and strategies that are intended to achieve an appropriate blend of resources. GPV is achieved through integration of forest management activities through ecologically sustainable management and using an adaptive framework across western Oregon state forests. The FMP does not focus on a single objective, but considers several key social, environmental, and economic goals at different scales. Land managers are tasked with considering all of the goals and strategies, identifying and addressing trade-offs, and meeting GPV when implementing the FMP. The process for implementing the FMP relies on the following set of tools and processes presented in **Figure 4-1**.

TABLE 4-1

Forest Management Investment-Level Guidance Based on Revenue Forecast and FDF Balance

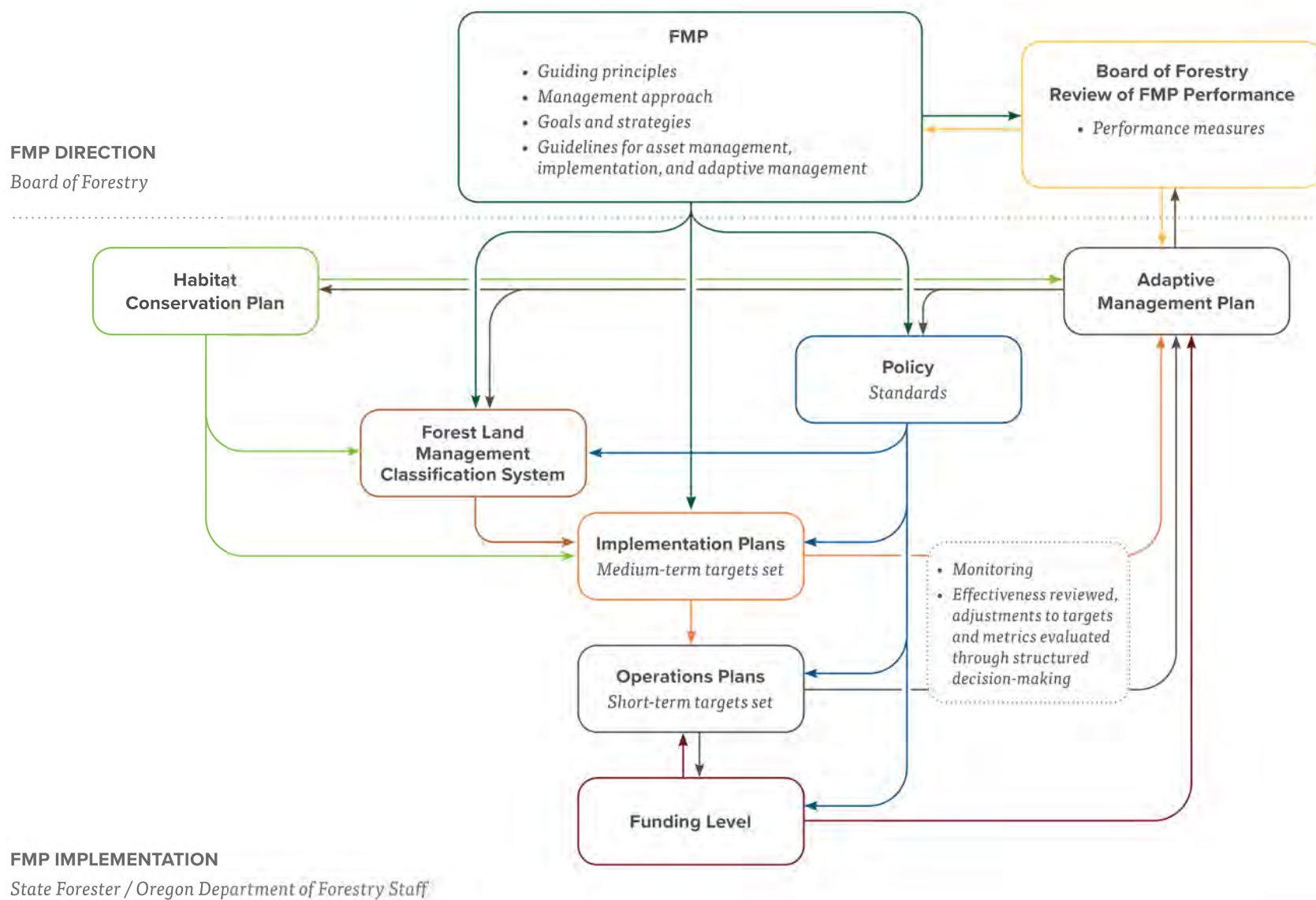
	Increasing 3-year Revenue Forecast	Decreasing 3-year Revenue Forecast
FDF Contains Greater than 12 Months of Operating Expenses	Level 1: Maintain or expand existing investments and fund new strategic investments	Level 2: Maintain or expand existing investments and explore additional strategic investments
FDF Contains 6 to 12 Months of Operating Expenses	Level 2: Maintain or expand existing investments and explore additional strategic investments	Level 3: Invest in deferred maintenance and maintain select strategic investments
FDF Contains Less than 6 Months of Operating Expenses	Level 3: Invest in deferred maintenance and maintain select strategic investments	Level 4: Maintain core business and meet legal obligations; no new investments

Note

Level 1 is the highest level of investment, while level 4 is the lowest.

FIGURE 4-1

Links among the FMP and Other Plans and Policy Guidance



FMP implementation is supported by the following elements.

- **Western Oregon State Forests Habitat Conservation Plan (HCP).** The HCP enables ODF to comply with the federal Endangered Species Act (ESA) for certain covered species while conducting land management activities on state forest lands west of the Cascade crest. During the development of the HCP, land managers, and partners identified and provided feedback on trade-offs. The HCP biological goals and objectives document these decisions, which are implemented through Implementation Plans (IPs) and Operations Plans (OPs).
- **Performance measures.** Performance measures and their targets are developed with direct input from the BOF. Performance measures are monitored and enable the BOF and others to track progress toward FMP goals and to maintain accountability for management commitments.
- **Operational policies.** While the FMP sets certain management standards, primarily associated with resource protection, there are many instances where different management options may achieve FMP goals and IP objectives. Operational policies guide decisions within this range of options by defining specific procedures and best management practices that allow for management flexibility, while ensuring sound management and resource protection. Operational standards describe quantitative measures tied to laws and regulations and FMP and HCP goals and strategies, such as minimum leave trees. These policies and standards enable forest managers to develop IPs and OPs and to evaluate trade-offs. Operational policies are developed within the Division at the direction of the State Forests Division Chief.
- **Modeling.** Modeling is used as a decision-support tool to evaluate trade-offs and objective levels at various spatial and temporal scales, and the costs and outputs associated with each scenario. Modeling aids forest managers in evaluating potential effects and making decisions about allocation of resources across uses.
- **Implementation Plans.** IPs quantify shorter time periods (for example 8–12 years) associated with objectives for each resource at the district or multiple district-level. IPs describe the management approaches and activities designed to achieve the FMP goals and the HCP goals and objectives. IPs provide linkages among the FMP, HCP, operational policies, and on-the-ground activities that are described in OPs. Trade-offs are assessed and considered at the landscape level and are then incorporated into the IPs.
- **Forest Land Management Classification System (FLMCS).** As codified in OAR 629-035-0050, the FLMCS is a method of describing the management emphasis of parcels of state forest lands. The FLMCS is recorded as a GIS layer. The management emphasis identifies the extent to which a parcel of land can be managed for a variety of forest resources. It also identifies when a particular forest resource may need a more focused approach in its management, or possibly an exclusive priority as designated by this FMP, the HCP, and other laws or commitments. This information is used in the development of IPs and during operational planning.
- **Operations Plans.** OPs describe individual projects for achieving expected FMP and HCP outcomes, over the near term (for example 1 to 2 years), that align with fiscal budgets and IPs. OPs prioritize activities and investments in the forests (e.g., inventory, young stand management, recreation development) on the basis of implementation levels as described in Section 4.1, *Asset Management Guidelines*.
- **Adaptive Management Plan (AMP).** The AMP describes the adaptive management process used to monitor outcomes, evaluate trade-offs, determine if the strategies are meeting the goals of the FMP and HCP, determine if assumptions used in developing the strategies need to be updated, and inform management decisions.

4.2.1

Implementation Responsibilities

The State Forests Division Chief and Area Directors provide guidance for implementing the FMP and HCP through IPs and OPs. They review IPs, which are approved and signed by the State Forester. District Foresters implement the FMP and HCP within their districts through the oversight of OPs. The tasks and responsibilities for IP and OP development are described in **Table 4-2**.

TABLE 4-2

Roles and Responsibilities of Decision-Makers in the Implementation, Operations, and Revision Approval Process

Task	Responsible Party
Approves IPs and major revisions	State Forester
Approves OPs	District Forester
Implements IPs and OPs	District Forester

4.3

Decision-Making, Adaptive Management, Monitoring, and Research Guidelines

Meeting the goals of the FMP in a changing environment requires adaptive management within a decision-making framework. Adaptive management is “the process of implementing plans in a scientifically based, systematically

ADAPTIVE MANAGEMENT Adaptive management is “the process of implementing plans in a scientifically based, systematically structured approach that tests and monitors assumptions and predictions in management plans and uses the resulting information to improve the plans or management practices used to implement them.” (OAR 629-035-0000(2))

structured approach that tests and monitors assumptions and predictions in management plans and uses the resulting information to improve the plans or management practices used to implement them (OAR 629-035-0000(2)).”

These guidelines describe how adaptive management informs decisions, determines whether strategies are meeting FMP goals, and tests if the assumptions used in the development of the strategies need updating.

The land manager's dedication to learning from management, applying new findings, and acknowledging uncertainty is key to maintaining the social, economic, and environmental benefits of forests (Bormann et al. 2017). While the language of adaptive management is widespread in natural resource management, it is often difficult in practice to change course or evaluate whether an alternative will improve management. More monitoring or greater scientific understanding may not translate into improved management—the uncertainty of outcomes and diversity of values and objectives hinder decision-makers (Gregory et al. 2012). Adaptive management needs to be tailored to the agency's mandate and the social decision-making processes within the institution (Minkova and Arnold 2020). Adaptive management, which includes monitoring and research, supports a decision-making framework that guides the use of new information within the agency.

The guidelines for decision-making, adaptive management, monitoring, and research are presented in this section. They are followed by an outline of the accompanying AMP, which describes how ODF integrates new information, designs monitoring projects, reports on metrics, and facilitates decision-making. The AMP may be changed as we learn how to improve the process to work more effectively.

4.3.1

Decision-Making Framework

ODF will improve its management by applying decision analysis, a process used to simplify decisions by breaking them down into key parts to work through in sequence (Hemming et al. 2022). The ProACT acronym (Problem, Objectives, Alternatives, Consequences, and Trade-offs) is a popular ordering of the components that go into making a decision (Hammond et al. 2002). These steps for decision analysis have been adapted to many disciplines, and

structured decision-making (SDM) is the predominant process in natural resource management for making complex, multi-objective decisions that emphasize deliberation, estimating outcomes of alternative actions, and clarifying choices upon which the decision-maker can act (**Figure 4-2**) (Gregory et al. 2012). One benefit of SDM is that it scales to the decision's complexity, proving useful for a single person or small group brainstorming management alternatives, for a facilitated process with public input at the level of an IP, or for the BOF evaluating the FMP success through performance measures.

The decision-making framework assesses management questions and trade-offs across multiple objectives for different forest resources; addresses adaptive management needs described in the FMP, HCP, and other policy documents; and updates the learning process following advances in forest management and decision science.

The SDM process (**Figure 4-2**), whether conducted with ODF staff or external interested parties, has six steps. Previous steps can be revisited during the process to make refinements as needed.

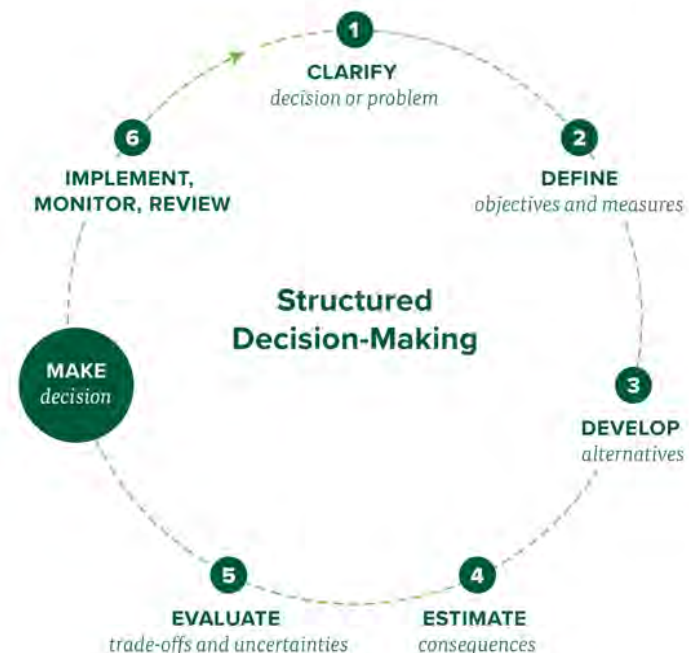
- **Step 1.** Clarify the decision by determining its scope, the relevant management objectives, and the decision-makers.
- **Step 2.** Define the objectives (i.e., "what matters") and the measures that will be assessed if the objectives are met.
- **Step 3.** Develop meaningful management alternatives that approach the problem from different angles that may prioritize different objectives.
- **Step 4.** Estimate the potential consequences, including the uncertainty, of each alternative using technical analysis or expert judgment.
- **Step 5.** Evaluate the trade-offs across multiple objectives and select the preferred alternatives, which may differ among participants, to present to the decision-maker.
- **Step 6.** Monitor the outcomes after the decision is implemented to inform the next iteration of the decision-making process.

FIGURE 4-2

Structured Decision-Making Process

The process supports multi-objective decision-making based on deliberation, estimated outcomes of alternative actions, and clear choices upon which decision-makers can act.

ADAPTED FROM GREGORY ET AL. 2012 FIGURE 11.



Engagement in the SDM process depends on the scope and impact of the decision, with greater public outreach for more significant decisions. Public and Tribal participation provides feedback to the technical working group on objectives, alternatives, consequences and trade-offs.

Adaptive Management

Adaptive management is most relevant to decision-making when management has a high impact on the resource objective, the consequences of management alternatives are uncertain, and resolution of uncertainty affects management decisions (Williams et al. 2009). In this case, the time dedicated to learning from different management treatments reaps benefits that outweigh the potential delay in meeting the resource objective. In a situation where the uncertainty about the effects of management is low or has little effect on decision-making, adaptive management is not as useful. Assessing the potential costs and benefits of engaging in adaptive management can be part of the SDM process. In other words, SDM addresses a wider variety of decision-making situations than adaptive management (Gregory et al. 2012).

Adaptive management can vary in effort and experimental design, but the key component is learning from alternative management treatments (Williams et al. 2009). Generally, active adaptive management is for cases with high uncertainty and a need for learning about the cause-and-effect relationship of management on the resource objective. Active adaptive management uses a statistically robust experimental design to evaluate alternative management approaches. In passive adaptive management, monitoring data are collected to evaluate the effects of management on a resource. The experiment may not include controls, replicates, or randomized application of management prescriptions, so it is more difficult to establish cause and effect (Williams 2011).

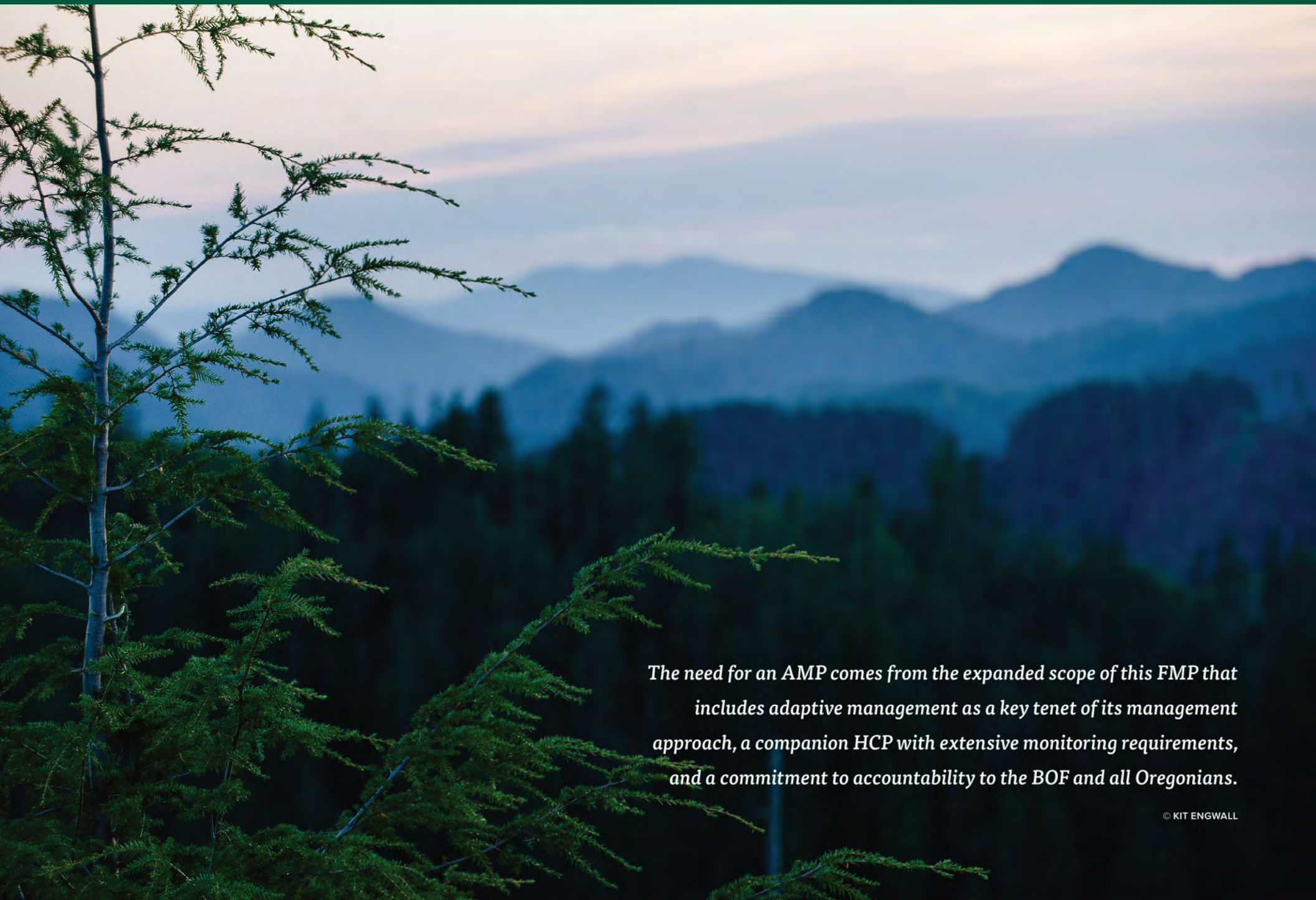
Monitoring

There are a variety of monitoring approaches the Division uses depending on the objectives. Compliance monitoring (i.e., implementation monitoring) involves gathering information to determine whether rules, regulations, or requirements are being followed. Effectiveness monitoring assesses whether

the implementation of management actions has the intended outcomes, such as tracking whether forest treatments increase occupied habitat of a species of concern. Effectiveness monitoring may require status monitoring or trend monitoring to judge management success. Status monitoring involves determining the state of a resource (e.g., spotted owl occupancy, snag density) at a point in time. Trend monitoring is an extension of status monitoring, where the change in status over time is examined. Trend monitoring can be used to assess whether management thresholds are being breached (e.g., spread of invasive weeds increased beyond a target density) or whether there appears to be a pattern of change across time (e.g., habitat quality is increasing) (Hilton et al. 2022).

Decision-making processes such as SDM may include a monitoring component to evaluate the effects of the decision and the state of the resource. The outcomes of monitoring inform the next iteration of decision-making. The ideal monitoring approach may change with time. As resource objectives, monitoring technology, and the understanding of the system change over time, the accompanying monitoring efforts also need to adjust to continue providing reliable and relevant information. Adaptive monitoring is a framework that reassesses monitoring questions and protocols in light of these changes while maintaining the integrity of long-term records (Lindenmayer and Likens 2009).

As an example of how new monitoring may be planned, a snapshot estimate (status monitoring) of a resource is compared with the desired state of the resource to determine if a problem exists (Nichols and Williams 2006). Before monitoring begins, hypotheses are developed about how the larger system affects the resource. The differences among the hypotheses capture the range of possibilities about how the system functions. The hypotheses can also affect where and how frequently data are collected. This thoughtful approach helps ensure that the monitoring provides useful information—both an estimate of the resource condition and a test of which hypothesis is best supported. The resource estimate allows the condition of the resource to be evaluated in the absence of temporal data demonstrating a trend, thereby helping to determine whether a management intervention or more targeted monitoring is needed.



The need for an AMP comes from the expanded scope of this FMP that includes adaptive management as a key tenet of its management approach, a companion HCP with extensive monitoring requirements, and a commitment to accountability to the BOF and all Oregonians.

Research

Research in the context of the FMP is intended to generate reliable scientific information to guide management actions. New research performed by the agency would be designed within a decision framework. The agency supports and relies on several research cooperative partnerships to advance scientific understanding in strategic areas important for achieving management objectives. ODF offers planning support and special use permitting for research performed on state forest lands by scientists outside of the agency.

The decision-making framework describes the process for incorporating new information to ensure that the FMP is using the best available science. Peer-reviewed, published research may change the credibility or applicability of the assumptions that were used to develop the FMP strategies. New information fits into the SDM cycle when assessing the management alternatives, consequences, trade-offs, and uncertainty. Revisiting prior steps in the decision-making cycle is expected when new information is incorporated.

4.3.2

Adaptive Management Plan

The AMP offers direction and administration for (1) facilitating decision analysis and adaptive management; (2) designing monitoring; (3) reporting monitoring results, analyses, and decisions; and (4) identifying and integrating information and decision needs within state forest lands.

The AMP is a separate document from the FMP that provides a current roadmap for monitoring that supports the implementation of the FMP and improves management over time (*see box at right*). The need for an AMP comes from the expanded scope of this FMP that includes adaptive management as a key tenet of its management approach, a companion HCP with extensive monitoring requirements, and a commitment to accountability to the BOF and all Oregonians. Monitoring, reporting, and decision-making support will be continuously updated in the AMP and reported in a more nimble and integrative manner that enables timely management responses to new information.

Vision for the Adaptive Management Plan

- ✓ **Transparent.** Interested parties and ODF staff can easily access current work plans and planning documents for decision-making processes and anticipated timelines for delivering results.
- ✓ **Understood.** Interested parties and ODF staff know about the AMP and understand its mission and purpose, and the AMP is written in plain language.
- ✓ **Effective.** State Forests manages its lands to achieve Greatest Permanent Value and can make changes to management practices based on new information.
- ✓ **Inclusive.** The AMP integrates interested and affected parties and ODF staff into its processes and incorporates their feedback.
- ✓ **Efficient and timely.** The AMP focuses on informing planning and management via developing monitoring efforts that deliver usable results as quickly as possible.
- ✓ **Responsive.** When State Forests detects issues through monitoring, it works to address management problems creatively, transparently, and effectively.
- ✓ **Valued.** Interested parties and State Forests recognize the social and technical benefit that AMP products provide to State Forests and all Oregonians.
- ✓ **Reliable.** Decision analysis and monitoring design use the best available science to produce reliable metrics.



Workflows for Decision Analysis, Monitoring, and Assessment of Information Needs

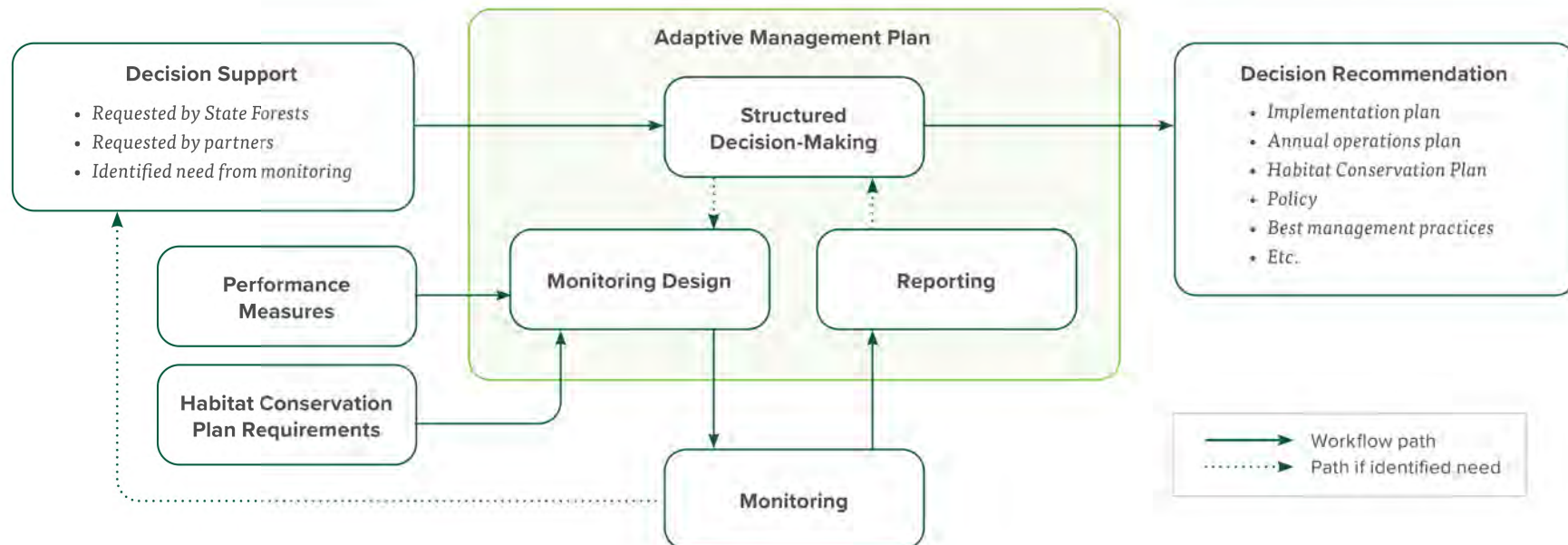
The AMP serves as a hub for information gathering and decision support across other policies and plans that incorporate adaptive management in their objectives. With support from the AMP, decisions are made by individuals or groups at the relevant planning level. For example, if monitoring shows the need for a fundamental change in FMP strategies, the decision would be made by the BOF after a formal public involvement process and codified through OARs. A smaller change, for instance in operational policy or management standards, could be made by the State Forests Division Chief after engaging interested parties through the decision-making process, which may suggest monitoring or adaptive management be included.

In the examples shown in the workflow diagram (**Figure 4-3**), a need for decision support may be identified by State Forests, interested parties, or metrics falling outside a range of acceptable targets identified in the HCP or performance measures adopted by the BOF. The AMP guides the SDM process (**Figure 4-2**) to develop recommendations for the decision-maker to consider. As shown by the dashed lines in **Figure 4-2**, SDM may include designing new monitoring and reporting results as needed for decision support. Decisions may affect IPs and OPs through the process described in Section 4.2, *Implementation Guidelines*.

FIGURE 4-3

Adaptive Management Plan Workflow

This workflow shows key AMP roles and how they can affect FMP implementation through decision support, monitoring, and reporting.



Key Monitoring Needs

The AMP designs monitoring, provides reporting, and responds to needs for additional decision support. Monitoring will include HCP compliance and effectiveness monitoring, BOF performance measures, monitoring of FMP strategies, and adaptive management monitoring recommended through potential SDM processes. These measures are called reporting metrics in the AMP, which describes the strategy for developing new metrics and tracks how data are collected, analyzed, and reported for each metric. Many reporting metrics will have quantifiable targets and acceptable ranges designated to assess whether management is meeting the desired outcomes that were monitored (i.e., lagging indicators) or that are predicted from modeling (i.e., leading indicators). Monitoring and reporting for the HCP and BOF-adopted performance measures are two major commitments addressed in the AMP (**Figure 4-3**).

Implementation of the HCP requires a detailed program of monitoring and adaptive management to ensure compliance and verify progress toward achieving the biological goals and objectives (HCP Chapter 6, *Monitoring and Adaptive Management*). The AMP serves as the structure for the adaptive management program required by the HCP to assess data gaps and scientific uncertainty that could affect how species are managed and monitored over time. The HCP Administrator at ODF serves as the key coordinator to initiate the process when triggers for action are identified from either over- or under-accomplishment of biological goals and objectives, or when alternative conservation practices are available. The HCP adaptive management process fits well within the decision-making framework described in Section 4.3.1, *Decision-Making Framework*, with additional regulatory considerations and involvement with the federal permitting agencies.

The performance measures assess the impact state forest lands have on social, economic, and environmental wellbeing. Performance measures adopted by the BOF will include targets and acceptable ranges that will increase the likelihood of progress toward FMP goals. Some performance measures may be supported through new or existing monitoring programs, which will be organized through the AMP. The AMP develops reporting dashboards to track performance measures for the BOF and public and Tribal engagement.

Project Prioritization and Timeline

The AMP contains a broad suite of monitoring and reporting needs to implement, which may be dependent on the Division's resources. Multiple sources (public and Tribal engagement, the Division's business needs, the HCP, and the BOF) identify needs for decision analysis, adaptive management, or monitoring that will be integrated and prioritized for efficiency.

The AMP sets priorities to develop workplans based on the following criteria comparing potential projects.

- + Regulatory requirements, such as HCP compliance monitoring.
- + Potential impact on GPV.
- + Likelihood of influencing future management decisions.
- + Degree of uncertainty or knowledge gap.
- + Capacity or feasibility of getting answers in reasonable time and at a reasonable cost.
- Efficient integration with ongoing or planned monitoring.
- Potential for research partnerships.

The timeline for reporting decision analysis products and monitoring results aims to complement IP revisions and comprehensive reviews of HCP implementation. The IP is the key opportunity for the decision-making process, public and Tribal engagement, and adaptive management changes based on monitoring. The AMP workflow focuses on IP information needs in the 2 years leading up to planned IP revisions. New information needs will occur outside of the IP and HCP cycles; the AMP is responsive to opportunities to integrate decision analysis into other Division needs.

4.3.3

Performance Measures

Performance measures are a select set of metrics that the BOF will use to evaluate management outcomes with respect to the objectives and intent

Performance Measures

(listed alphabetically)

- Adaptive Capacity of Forests
- Aquatic Habitat
- Carbon Storage
- Community Engagement and Public Support
- Division Finances
- Economic Opportunities
- Financial Support for Counties
- Harvest and Inventory
- Recreation, Education, and Interpretation Opportunities
- Terrestrial Habitat

expressed through the FMP guiding principles, management approach, and goals (**Figure 4-1**). The ten performance measures listed below (see *box*) have specific components that will be monitored and reported under the process described in the AMP. Quantifiable targets and acceptable ranges designated by the BOF for performance measures' components will indicate whether FMP strategies are working as intended to provide GPV. While performance measures do not encompass all aspects of ODF monitoring and reporting, their purpose is to provide an up-to-date dashboard for the BOF and the public to track management outcomes readily across a broad range of key ecosystem services provided by State Forests.

4.4

Revision Guidelines

As the environment changes, revisions to plans and processes may be necessary to implement adaptive management and to incorporate new information.

4.4.1

Forest Management Plan

The BOF reviews the management focus of the FMP no less than every 10 years in light of current social, economic, scientific, and silvicultural considerations (OAR 629-035-0020). It may require 10 years or more for monitoring to establish trends. As new information becomes available, it is evaluated in the context of the guiding principles, goals, and strategies of the FMP. If implementation of the FMP is not achieving desired results, as indicated by the performance measures, the Division will revise operational policies.

If poor performance cannot be corrected through revised operational policies, or if research or monitoring shows the need for a fundamental change in FMP strategies, the BOF and the State Forester will weigh the scientific, operational, Tribal, and public input in a transparent and formal public process to determine if changes are needed to the FMP. Any changes will then be codified through OARs.

4.4.2

Habitat Conservation Plan

The HCP modification process is described in HCP Chapter 8, *Implementation*. HCP or permit modifications are expected to be rare and informed by the adaptive management process as outlined in HCP Chapter 6, *Monitoring and Adaptive Management*. The U.S. Fish and Wildlife Service and National Oceanic Atmospheric Administration Fisheries are key decision-makers in the modification process.

4.4.3

Operational Policy

Changes to operational policy occur as needed, in response to information from the adaptive management process, changing laws or conditions, new technology, improved management strategies, or new direction from the BOF or ODF leadership. Key decision-makers depend on the policy.

4.4.4

Implementation Plan

As new information becomes available, the IP may be revised in response to changing conditions or development of new or better implementation strategies identified through adaptive management. Revisions made at the IP level may include the types or amounts of management opportunities and their spatial arrangement. Key decision-makers are outlined in **Table 4-2**.

4.4.5

Forest Land Management Classification System

Revisions may be needed to the FLMCS when there is a change to the management emphasis on a parcel of land. Examples of such changes include the development of a new campground, a new wild and scenic river designation, or the removal of a research area after completion of a project. Definitions of minor and major revisions can be found in OAR 629-035-0060.

4.5

Engagement Guidelines

The goals for public involvement in forest land planning are outlined in OAR 629-035-080 and include providing information, seeking insight, building understanding, and providing public comment opportunities. The goals for Tribal engagement are outlined in Chapter 3, *Forest Resource, Goals, and Strategies*.

The purpose of engagement is to create a relationship that provides meaningful opportunities to contribute to planning decisions. Engagement is most beneficial during the IP process, when input can have the most influence on the levels and types of planned management activities. Input may contribute to setting priorities and identifying general locations of management activities. Input provided at the Operations Plan level would focus on small changes, refinements, or clarification of the plan. **Table 4-3** shows the engagement opportunities by plan level.

TABLE 4-3
Engagement Opportunities and Examples

Engagement Areas	Topic	Example Comment
AMP		
<ul style="list-style-type: none"> Feedback and participation in the SDM process with regard to objectives, alternatives, consequences, and trade-offs Performance measures adopted for the BOF to assess the FMP 	<ul style="list-style-type: none"> SDM public engagement 	<ul style="list-style-type: none"> Our user group would like XYZ objectives included in the decision analysis, and this is how the impact of management alternatives on our user group could be measured.
	<ul style="list-style-type: none"> BOF public meeting 	<ul style="list-style-type: none"> The BOF should request an evaluation of the trend in the XYZ Performance Measure reported on the public dashboard because objectives for XYZ resource are not being met and management may need to change. The BOF should promote the development and implementation of Tribal engagement policies to ensure ongoing consultation and coordination regarding potential impacts from forest management activities at every level.
	<ul style="list-style-type: none"> Monitoring prioritization 	<ul style="list-style-type: none"> Recreational surveys should be prioritized during this IP to gather information that may be used to reduce conflict between user groups. Integrate Tribal Partners' priorities and practices to ensure protection and proliferation of cultural and natural resources.

Table continues on following page

TABLE 4-3 (CONTINUED)

Engagement Areas	Topic	Example Comment
IP		
<ul style="list-style-type: none"> Harvest levels, harvest types, priorities, and general locations Recreation, education, and interpretation development/ activity levels, types, priorities, and general locations Stream enhancement levels, types, priorities, and general locations Road project levels, types, priorities, and general locations Monitoring and adaptive management priorities 	<ul style="list-style-type: none"> Management activity type and location 	<ul style="list-style-type: none"> I would like more mountain biking trails, preferably built inside HCAs to reduce potential conflicts with harvesting. Work with Tribal Partners to integrate culturally important plant and animal species (such as bear grass, camas, and spruce root). Work with Tribal Partners to encourage access and co-management opportunities, including cultivation techniques that promote culturally significant attributes, and sharing native seed sources and native seedlings. Coordinate with Tribal Partners to identify sales that may affect ancestral lands, level significance, and potential measures that may be needed to protect culturally significant resources.
	<ul style="list-style-type: none"> Stream enhancement/ road project priority and location 	<ul style="list-style-type: none"> I propose the "generic" watershed as a high priority for stream enhancement and road improvement projects to align with work being done by the "Generic" Watershed Council in the next 5 years to replace non-fish-passable culverts and enhance 5 miles of the "generic" stream. Engage Tribal Partners in prioritizing and identifying partnership opportunities to protect culturally significant aquatic species, such as salmonids and lamprey.
OP		
<ul style="list-style-type: none"> Ensured consistency with the IP and/or FMP Improved efficiency or effectiveness Clarified description of planned operations Additional information or correction of an error Solution-oriented comments to increase the probability of achieving GPV goals and objectives 	<ul style="list-style-type: none"> Efficiency/ effectiveness 	<ul style="list-style-type: none"> The boundary of XYZ sale could be extended to the southwest where the terrain flattens out. Extending the boundary would eliminate the need to work through young stands while harvesting the timber during future sales. The XYZ sale includes a culturally significant site that requires coordination with XYZ Tribes to implement XYZ protection measures.
	<ul style="list-style-type: none"> Clarification 	<ul style="list-style-type: none"> I don't understand the terminology being used in this plan. Can you include definitions for BA, shelterwood and MBF in the document? XYZ Tribe did not have awareness of this sale and has potential concerns and would like more information.
	<ul style="list-style-type: none"> Solutions-oriented 	<ul style="list-style-type: none"> The XYZ sale area will affect approximately one mile of the existing trail. I realize that the forest is a working forest and ask for the following considerations: Limit the timing so the harvest operation is not active during prime horse riding season (July–Sept). If this is not possible then: Fall trees away from the trail whenever possible. Have all slash removed from the trail so the trail is in equal or better shape than pre-harvest conditions. Have trails open for use on weekends if possible.

STAFF REPORT

Agenda Item No.:	7
Work Plan:	State Forests Work Plan
Topic:	State Forests Management
Presentation Title:	Western Oregon State Forests Draft Forest Management Plan
Date of Presentation:	September 6, 2023
Contact Information:	Ron Zilli, Deputy State Forests Division Chief (503) 741-1098 Ron.F.Zilli@odf.oregon.gov Tyson Wepprich, Adaptive Management Specialist Tyson.M.Wepprich@odf.oregon.gov Nick Palazzotto, Resource Support Unit Manager (503) 945-7366, Nick.Palazzotto@odf.oregon.gov

CONTEXT

Forest Management Plans provide the overarching management direction for State Forests. These plans are developed pursuant to Oregon Administrative Rule and are adopted by the Board of Forestry to codify the Board's finding that management direction meets Greatest Permanent Value (OAR 629-035-0030).

FMP Development

In October 2020, the Board of Forestry (Board) directed the Division to develop a draft Western Oregon State Forests Management Plan (FMP) that would use the draft Western Oregon State Forests Habitat Conservation Plan (HCP) as its mechanism for compliance with the federal Endangered Species Act (ESA). The FMP (Attachment 1) provides an overall high-level forest management approach and goals and strategies for a broad spectrum of forest resources. The HCP provides biological goals and objectives specifically for covered species to ensure compliance with the federal Endangered Species Act. The HCP establishes long-term (70-year) commitments to conservation and provides long-term assurances that forest management will continue under a set of agreed upon conservation measures throughout the life of the HCP. The draft FMP is needed to articulate the complete integrated forest management approach for state forest lands in western Oregon. Together, the FMP, HCP, and other policies guide Implementation Plans, which specify management activity targets to be accomplished over a planning horizon of approximately 10 years.

The Division presented the draft FMP goals and strategies for Board consideration in November 2021 and March 2022 respectively.

Process

Activities since the March 2022 Board meeting:

- Goals and strategies revised according to public and other interested party feedback, including the Board.
- Goals and strategies streamlined by staff resource specialists.
- Project Leadership Group alignment on management approach to clarify how the FMP, HCP, and other operational policies work together to deliver Greatest Permanent Value.

- Internal reviews and revision based on District field staff review.
- Science review and revision of all FMP chapters, with special attention to climate resilience and mitigation, and diversity, equity, and inclusion.

Engagement

FMP engagement activities since the last Board meeting on March 9, 2022, are summarized in the FMP Appendix A. They include:

- State Agency Meetings – approximately monthly through August 2023
- Meetings Open to the Public – 2 meetings
- Forest Trust Land Advisory Committee – 3 meetings
- State Forests Advisory Committee – 4 meetings

Tribal Sovereign Nations Coordination

Oregon Department of Forestry (ODF) recognizes that the Tribes have applied their management practices across the landscape that ODF currently manages since time immemorial. ODF values this rich traditional ecological knowledge and seeks to incorporate Tribal perspectives and management practices into the stewardship of State Forests. To date, the State Forests Division has hosted six Tribal workgroup meetings, open to the nine federally recognized Tribes of Oregon, to develop the Cultural Resources Goals and Strategies for the FMP. Collaboration is ongoing and the Division will continue working with Tribal Partners in the Government-to-Government forum to integrate their interests in ODF's planning and implementation processes at every level.

Draft Adaptive Management Plan and Performance Measures

The draft FMP under consideration by the Board is implemented under an adaptive management framework in which the monitoring of outcomes enables learning and improvement of management strategies. To this end, an Adaptive Management Plan (AMP) will accompany the FMP as stated in the implementation guidelines in the FMP.

The draft AMP (Attachment 2) offers direction and administration for (1) facilitating decision analysis and adaptive management; (2) designing monitoring; (3) reporting monitoring results, analyses, and decisions; and (4) identifying and integrating information and decision needs within state forest lands. The need for an AMP comes from the expanded scope of this FMP that includes adaptive management as a key tenet of its management approach, a companion HCP with extensive monitoring requirements, and a commitment to accountability to the Board and all Oregonians. Monitoring, reporting, and decision-making support will be continuously updated in the AMP and reported in a more nimble and integrative manner that enables timely management responses to new information.

A new set of performance measures will also accompany the FMP (Attachment 3). Performance measures are a select set of metrics that the Board will use to evaluate management outcomes with respect to the objectives and intent expressed through the FMP guiding principles, management approach, and goals. The ten performance measures listed below have component metrics that will be monitored and reported under the process described in the AMP. While performance measures do not encompass all aspects of the Division's monitoring and reporting, their purpose is to provide an up-to-date

dashboard for the Board and others to track management outcomes and commitments readily across a broad range of ecosystem services provided by State Forests.

Quantifiable targets and acceptable ranges designated by the Board for performance measures' components can indicate whether FMP strategies are working as intended to provide Greatest Permanent Value (GPV). Targets are intended to inform the Board, the Division, and others of potential over- and under-performance but are not considered as hard constraints on management activities in isolation. The Division is tasked with considering all the goals and strategies, addressing trade-offs, and meeting GPV when implementing the FMP and responding to performance measures.

Performance Measures (arranged alphabetically)

- Adaptive Capacity of Forests
- Aquatic Habitat
- Carbon Storage
- Community Engagement and Public Support
- Division Finances
- Economic Opportunities
- Financial Support for Counties
- Harvest and Inventory
- Recreation, Education, and Interpretation Opportunities
- Terrestrial Habitat

RECOMMENDATION

Information only.

NEXT STEPS

Over the next several months, the Division will:

1. Continue working with the Board to revise the FMP per Board direction.
2. Continue working on modeling a range of temporal and spatial timber harvest scenarios that could be achieved by implementing the FMP. Timber volume and value, carbon storage, and other outcomes from this modeling will be presented to the Board in late fall 2023, with a more detailed socioeconomic analysis of those scenario outcomes to follow.
3. Revise the draft AMP and performance measures in response to feedback and to maintain alignment with the draft FMP and draft HCP. It is anticipated that modeled outcomes of FMP scenarios presented to the Board will include relative comparisons of these performance measures to aid in their decision-making.

Provided that the HCP policy work is on schedule, the FMP will be brought back to the Board to begin the process of adopting the FMP in early 2024.

ATTACHMENTS

1. Draft FMP (link to document, available online at <https://www.oregon.gov/odf/board/documents/fmp-hcp/western-oregon-state-forests-management-plan-draft-july2023.pdf>)
2. Draft Adaptive Management Plan
3. Draft Performance Measures

Appendix 3: Performance Measures for the Board of Forestry

Table of Contents (Performance Measures ordered alphabetically)

Summary	1
Adaptive Capacity of Forests	2
Aquatic Habitat	4
Carbon Storage.....	6
Community Engagement and Public Support	6
Division Finances.....	9
Economic Opportunities	10
Financial Support for Counties	11
Harvest and Inventory	12
Recreation, Education, and Interpretation Opportunities.....	13
Terrestrial Habitat	13

Summary

Performance measures are a select set of metrics that the Board of Forestry (Board) will use to evaluate management outcomes with respect to the objectives and intent expressed through the draft Western Oregon State Forests Management Plan (FMP) guiding principles, management approach, and goals. The ten performance measures listed below have component metrics that will be monitored and reported biennially to the Board under the process described in the Adaptive Management Plan. A background description, method of data collection, component metrics and targets, and related State Forests monitoring are provided for each performance measure. Targets or ranges of acceptable values would be set in the future as part of the FMP modeled outcomes and the draft Habitat Conservation Plan (HCP) commitments presented to the Board.

Adaptive Capacity of Forests

Background

Adaptive capacity is one of the key tenets of the FMP management approach so that State Forests maintain ecological function and productivity in response to stressors like climate change or drought and disturbance events such as fires, insect damage, or extreme weather. The proposed components to measure adaptive capacity will include forest attributes that increase forest diversity and complexity at stand and landscape scales.¹ Management influences adaptive capacity through harvest and thinning prescriptions, reforestation, retention of biological legacies, and landscape design. Management to increase adaptive capacity will vary by forest land management class (i.e., emphasis areas) to meet different objectives.

Methods

Data for this measure will be gathered through the Enhanced Forest Inventory (EFI), with updates every five years. The EFI uses a densified network of USFS Forest Inventory and Analysis (FIA) systematic monitoring as its field-based data. Estimates from FIA data can be summarized at larger spatial extents, such as by district or emphasis area class. Finer-scale estimates (e.g., stands or watershed) can be modeled by lidar-based products in the EFI.

Metrics and Targets

Four components (tree size distribution, tree species composition, stand structure, and tree growth rates) are proposed for two emphasis areas: general stewardship and habitat conservation areas (HCAs) (Table 1). Potential targets will be presented with modeled FMP outcomes to the Board.

Related Monitoring

- The Forest Health Unit in the ODF Forest Resources Division provides updates to the Board and State Forests on invasive species, disturbances by insect and disease, and climate change vulnerability (e.g., western redcedar mortality).
- Wildfire risk on State Forests will be assessed in partnership with the ODF Fire Protection Division to provide an all-lands approach to strategic planning and monitoring.
- Retention of biological legacies (leave trees, snags, and downed wood) will be reported for the HCP and as a component of the Terrestrial Habitat performance measure.
- Management to improve or restore stands is reported in Operation Plans and for the HCP (e.g., harvests and replanting to reduce Swiss needle cast impacts).

¹ D'Amato, A. W., & Palik, B. J. (2021). Building on the last “new” thing: exploring the compatibility of ecological and adaptation silviculture. *Canadian Journal of Forest Research*, 51(2), 172-180.

Table 1: Adaptive Capacity of Forests performance measure component metrics and targets

Component	General stewardship		Habitat Conservation Area		Data source	Notes
	Metrics	Targets	Metrics	Targets		
Size class distribution	Frequency across size classes	TBD: evenness across sizes desired	Frequency across size classes	TBD: evenness not necessarily desired	EFI: lidar-derived tree height classes	Alternative: age classes, but height is more accurate for uneven-age stands
Composition	Proportional basal area by tree species & stocking species proportions	Current & desired condition vary by district, report trends	Proportional basal area by tree species, stocking species proportions	Current & desired condition vary by HCA, report trends	FIA, EFI, and stocking surveys	Alternative: diversity indices
Stand structure	Canopy stratification (foliar height diversity)	TBD: tradeoff of stand complexity versus fire risk & other objectives	Canopy stratification (foliar height diversity)	TBD: increasing trend desired for HCP covered species habitat	EFI: lidar derived height diversity by stand	Alternative: heterogeneity indices
Growth rates to gauge species responses to climate change (i.e., drought & temperature stress)	Periodic annual increment for tree species	Stable or increasing trends desired	Periodic annual increment for tree species	Stable or increasing trends desired	Rolling mean of FIA tree size remeasurements summarized by species and region ²	Lagging indicator, could consider ways to incorporate species responses to future climate conditions

² Stanke, H., Finley, A. O., Domke, G. M., Weed, A. S., & MacFarlane, D. W. (2021). Over half of western United States' most abundant tree species in decline. Nature Communications, 12(1), 451.

Aquatic Habitat

Background

For aquatic species covered in the HCP, the primary conservation action for achieving the biological goals of population persistence and resilience is expanding riparian management areas along streams. Passive management of these Riparian Conservation Areas (RCAs) will allow forests to mature over time to address limiting factors for covered species, including wood and gravel recruitment, stream shading, stream temperature, nutrient input, and streambank integrity. Implementing stream enhancement projects, including the promotion of natural beaver colonization, is another HCP conservation action targeting habitat improvement for covered species. Monitoring commitments in the HCP will track trends of aquatic habitat conditions for covered species based on field data to measure the effectiveness of these actions.

Conservation actions and associated monitoring in the HCP also focus on the impact of the transportation network on water quality and fish passage. Roads management can reduce hydrological connectivity by following best-management practices for design, construction, and maintenance to disconnect roads from stream systems. Barriers to fish passage can be reduced through culvert repair and are often prioritized based on fish presence and the miles of habitat upstream that are reconnected for access.

Methods

HCP compliance and effectiveness monitoring would provide most of the data summarized in this performance measure. State Forests, in collaboration with ODFW, the research community, and federal services, will design HCP sampling efforts to select key watersheds to detect changes in aquatic habitat conditions for covered species. State Forests would conduct assessments of the transportation network to prioritize improvements according to HCP commitments.

Metrics and Targets

Five components (physical habitat, riparian forest shading of streams, water temperature, transportation assessment, and beaver colonization) derived from HCP monitoring commitments are proposed (Table 2). Targets would be established in the future once baseline conditions are assessed in the initial years of the HCP.

Related Monitoring

- State Forests has implemented stream enhancement projects with timber sales since the adoption of the Oregon Plan for Salmon and Watersheds. Restoration activities are reported annually to the Oregon Watershed Enhancement Board.

Table 2: Aquatic Habitat performance measure component metrics and targets

Component	Metrics	Targets	Data Source	Notes
Aquatic habitat conditions for covered species	Physical attributes in streams (channel complexity, wood, substrates)	Report trends from HCP effectiveness monitoring	Collaboration with ODFW Aquatic Inventories Project (AIP)	Attributes may be synthesized via a salmonid habitat limiting factors model. ³
Channel shading from riparian forests	Modeled annual sun exposure	Report trends from HCP effectiveness monitoring	EFI models of shade from lidar surveys	
Water temperature	Average annual temperature within HCP permit area	Report trends from HCP effectiveness monitoring	Collaboration with ODFW statewide water temperature monitoring	A 3.5°F increase during the HCP permit term would be an unforeseen circumstance.
Transportation assessment in HCP permit area	Hydrological connectivity and fish passage barriers	Complete initial analysis so that improvements can be prioritized	HCP monitoring commitments	Roads and OHV trails would be included.
Beaver effects on aquatic habitat	Species occurrence and dam abundance	Report trends from HCP effectiveness monitoring	Collaboration with ODFW AIP to include beaver monitoring in key watersheds	

³ Nickelson, T. E., & Lawson, P. W. (1998). Population viability of coho salmon, *Oncorhynchus kisutch*, in Oregon coastal basins: application of a habitat-based life cycle model. *Canadian Journal of Fisheries and Aquatic Sciences*, 55(11), 2383-2392.

Carbon Storage

Background

Carbon sequestration and storage in forests are key climate change mitigation strategies in Oregon.⁴ The FMP carbon resource goal is to contribute to carbon storage on state forest lands and in harvested wood products. State Forests management impacts carbon sequestration and storage in the forest through timber harvest rotation age, no-harvest buffers, retention of biological legacies (i.e., large live trees, snags, and downed wood), and reforestation. Carbon storage in harvested wood products depends on the product type and timber harvest volume. Other sources of emissions, such as those required for operations and manufacturing, and the impact of substituting wood products for nonrenewable products are often included in full lifecycle carbon accounting but are beyond the means of our current data collection.

Methods

Data for carbon pools within the forest will be gathered through the Enhanced Forest Inventory (EFI), with updates every five years. The EFI uses a densified network of USFS Forest Inventory and Analysis (FIA) systematic monitoring as its field-based data. Estimates from FIA data can be summarized at larger spatial extents, such as by district and emphasis area class. Carbon in harvested wood products will use models of long-term storage and decomposition by different product types.⁵

Metrics and Targets

Three components (aboveground live tree carbon, carbon in harvested wood products, and carbon in other forest pools) are proposed for two emphasis areas: general stewardship and habitat conservation areas (HCAs) (Table 3). Targets will be determined in the process of modeling the outcomes of different FMP scenarios presented to the Board.

Related Monitoring

- Statewide and regional carbon monitoring programs by other agencies also use FIA data to report on carbon trends over time by different pools. While these efforts report on different forest ownerships, they have not separated ODF-managed lands from the State/Local ownership category.

⁴ Oregon Global Warming Commission. 2021. Natural & Working Lands Proposal. <https://www.keeptoregoncool.org/natural-working-lands>

⁵ Morgan, T.A. et al. (2020). Oregon Harvested Wood Products Carbon Inventory 190-2018. Report prepared for USA Forest Service and Oregon Department of Forestry. www.oregon.gov/odf/forestbenefits/Documents/oregon-harvested-wood-products-carbon-inventory-report.pdf

Table 3: Carbon Storage performance measure component metrics and targets

Component	General stewardship		Habitat Conservation Area		Data source	Notes
	Metrics	Targets	Metrics	Targets		
Live tree carbon storage	Aboveground carbon per acre	TBD	Aboveground carbon per acre	TBD	FIA field data summarized by emphasis area	
Harvested wood product carbon storage	Carbon stored in products minus carbon released via decomposition	TBD	Carbon stored in products minus carbon released via decomposition	TBD	Storage modeled from annual cutout volume by district and emphasis area	
Other carbon pools (soil, dead wood)	Carbon per acre by pool	TBD	Carbon per acre by pool	TBD	FIA field data summarized by emphasis area	

Community Engagement and Public Support

Background

State Forests attained meaningful engagement and feedback with many groups while developing the FMP, including with the nine federally recognized Tribes of Oregon through the Government-to-Government framework (FMP Appendix A). This performance measure aims to continue this engagement to hear whether the public and Tribes believe we are meeting our FMP goals and providing GPV. The process to do so effectively and specifically for State Forests is under development.

The Board has gauged public values surrounding forest management through representative surveys of Oregonians and plans to continue this work through their update to the Forestry Plan for Oregon. At this time, State Forests will rely on the Board's survey efforts to listen to public values and support for forest management. Future investments in surveys may aim for repeatable analyses to demonstrate trends over time, but recently performed surveys provide an adequate baseline for current public views on forest management.⁶

⁶ Oregon Values and Beliefs Center. 2022. State Forest Management. <https://oregonvbc.org/state-forest-management/>

Division Finances

Background

Funding levels for FMP implementation vary with cyclical economic trends because State Forests is primarily funded through timber harvest revenues. There may be periods where revenues limit funding. Annual budget instructions for developing fiscal budgets reflect the Forest Development Fund (FDF) balance and the projected balance based on a 3-year revenue forecast (FMP, 4.1.1 Implementation Priorities).

Methods

The Asset Management Unit reports fiscal metrics quarterly and forecasts State Forests revenue, expenses, and FDF balance with a range of projections annually.

Metrics and Targets

The FDF balance in terms of the months of operating expenses will be the reported metric. The proposed target is to maintain a prudent FDF balance of 6-12 months of operating expenditures, which considers the cyclical nature of the timber markets and permits State Forests to adjust their services to maintain financial viability.

Economic Opportunities

Background

The FMP recognizes the importance of the economic benefits of forests to local communities through the Timber Production and Special Forest Products goals. Historically State Forests has tracked timber harvest volume as a surrogate measure of economic support for local communities, without modeling different components such as direct effects of jobs and wages from harvests, indirect effects from supporting industries, and induced effects from wages being spent. A socioeconomic outcomes analysis of modeled FMP scenarios will be presented to the Board that includes these components of timber harvest income and employment, as well as non-timber income and employment (e.g., recreation, hunting, special forest products, and other uses).

Methods

To measure the benefits of State Forests to economic opportunities, economic impact models will be developed. For timber jobs, projected harvest levels would be used to estimate direct employment and income and the secondary effects that would be supported by the initial harvests. For non-timber jobs, the economic impact is less readily quantifiable and would rely on a literature assessment to estimate relative differences in FMP outcomes.

Metrics and Targets

The socioeconomic outcomes analysis will provide a baseline understanding of the direct and indirect employment and income supported by State Forests. Appropriate targets will be set based on the Board's decision on the FMP.

Related Monitoring

- Statewide reports on the timber industry with State Forests grouped together with the State/Local ownership category.⁷

⁷ Oregon Forest Resources Institute. (2019). The 2019 Forest Report. <https://theforestreport.org/wp-content/uploads/2019/07/OFRI-2019-Forest-Sector-Economic-Report-Web.pdf>

Financial Support for Counties

Background

This performance measure tracks the financial support provided by State Forests to counties through revenue sharing. There is volatility in annual revenue due to log prices and harvest timing by operators. While schools and local taxing districts also are recipients of these funds, distributions are administered by the counties and not easily tracked by State Forests.

Methods

The Asset Management Unit reports revenue transferred from State Forests to counties annually and provides forecasts for expected transfers. These are reported in annual reports for the Council of Forest Trust Land Counties.

Metrics and Targets

Revenues depend on the harvest planning decisions set during Implementation Planning rather than a Board decision. State Forests management is based on sustainable harvest targets rather than revenue targets. An even flow of timber volume may not translate to an even flow of annual revenue for counties. Trends or a range of acceptable values, averaged over several years due to inherent volatility, may be set from the FMP modeling outcomes.

Harvest and Inventory

Background

This performance measure is based on the FMP timber production goal to provide a sustainable and predictable supply of timber for economic opportunity, jobs, and availability of forest products. Harvest levels are the primary source of revenue for State Forests and will impact our ability to meet other integrated resource goals. The intent of this performance measure is to demonstrate how the planned harvest volume targets, cutout volume, and inventory growth accumulate over the course of decadal-scale Implementation Plans. Over time inventory growth should meet or exceed harvest volume. Management choices such as rotation age, harvest method, thinning, and stand improvement investments impact harvest volumes and inventory growth.

Methods

Data sources include annual district reports based on Operations Plans for harvests and the EFI for inventory growth. Inventory changes and forecasts are generally modeled for Implementation Plans or FMP outcomes. Harvests and inventory changes will be reported both by emphasis area (i.e., general ground and HCAs) and in total for the plan area.

Metrics and Targets

Harvest volume is reported annually, with a comparison to even-flow targets set by the Implementation Plans. Harvest levels targets are not set by the Board but developed through Implementation Plans approved by the State Forester. Inventory does not have a current target, but potential targets will be presented with FMP modeled outcomes to the Board.

Recreation, Education, and Interpretation Opportunities

Background

The FMP goal for the Recreation, Education, and Interpretation (REI) program is to create meaningful and enjoyable experiences that foster appreciation and understanding of state forest lands and contribute to community health, sustainable working forests, and economic wellbeing. The program has traditionally relied on visitor counts to track annual use and will continue to report these metrics for the performance measure. However, this metric does not fully capture the diversity of users and activities on State Forests as reflected in the FMP strategy to conduct new visitor use research and monitoring when strategic funding is obtained. New approaches to monitoring would offer more granular location and demographic data than annual counts that could be used to tailor REI resource allocations to visitors' interests.

Methods

Data sources comes from the REI program's annual reporting. New visitor use monitoring would be developed with the consultation of social scientists and subject matter experts when strategic investments are made.

Metrics and Targets

Annual visitor counts at campgrounds and at the Tillamook Forest Center (TFC) will be reported to show trends over time. The intent of a target is not necessarily that the annual number of visitors is increasing, but that the REI program resources are well-spent toward meaningful programs and targeted towards visitors' interests.

Related Monitoring

- Visitor use surveys, community science observations, and trail counters were used to assess the Black Rock Mountain Biking Area for a year as a pilot study for a popular recreation site on State Forests.⁸

⁸ D'Antonio, A., Winder, S., Wood, S., & White, E.M. (2023). Characterizing Visitor Use at Oregon Department of Forestry Recreation Sites: A Pilot Case Study at Black Rock Mountain Biking Area. Report prepared for ODF.

Terrestrial Habitat

Background

The FMP wildlife goal has strategies to promote a diversity of forest types, functional landscapes, structural complexity of stands, and habitat for endangered species and species of concern. The intent of this performance measure is to illustrate trends in forest structure and landscape connectivity that would benefit many wildlife species across forest seral stages (i.e., structure-based biodiversity indicators⁹) even as species distributions shift with climate change.

The commitments in the HCP would differ by emphasis area with the expectation that wildlife strategies would be met across the landscape. For example, timber harvests with retention of trees, snags, and downed wood and RCAs would increase structural complexity in early seral stands. Active and passive management in HCAs would produce higher quality habitat for covered species with greater connectivity between late seral patches as forests within RCAs and HCAs mature over time.

Methods

Data for this measure will be gathered through the EFI, with updates every five years. The EFI uses a densified network of FIA monitoring plots as a systematic sample of various forest metrics across the plan area. Trends over time would be based on rolling means of FIA plot metrics summarized by emphasis area. Landscape metrics or finer-scale estimates (i.e., large trees) are provided by lidar-based model predictions for the point in time of lidar data collection.

Metrics and Targets

Four components (large trees, dead wood, hardwood trees and understory diversity, late seral forest connectivity, and habitat development for covered species) are proposed for two emphasis areas: general stewardship and HCAs (Table 4). Targets will be set to align with HCP commitments.

Related Monitoring

- Compliance and effectiveness monitoring in the HCP provides more detailed information about habitat for covered species.
- Other wildlife monitoring would be included in district Implementation Plans and the Adaptive Management Plan.

⁹ Lindenmayer, D. B., Margules, C. R., & Botkin, D. B. (2000). Indicators of biodiversity for ecologically sustainable forest management. *Conservation biology*, 14(4), 941-950.

Table 4: Terrestrial Habitat performance measure component metrics and targets

Component	General stewardship		Habitat Conservation Area		Data source	Notes
	Metrics	Targets	Metrics	Targets		
Large trees	Occurrence of >30" DBH trees at multiple spatial scales	TBD: expected to increase over time with HCP leave tree prescriptions	Occurrence of >30" DBH trees at multiple spatial scales	TBD: expected to increase over time as restored stands mature	EFI: lidar-derived large tree presence	Trees of this size and larger are components of habitat models for covered species.
Dead wood (large downed wood and snags)	Basal area of snags and volume of downed wood	HCP compliance, expected that retention would be greater than before HCP.	Basal area of snags and volume of downed wood	TBD: increasing trend desired in management for diverse habitat	FIA and HCP compliance monitoring	Trends from FIA across plan area, estimates of change with HCP compliance monitoring
Hardwood trees and understory diversity	Proportional basal area of hardwoods and percent cover of native understory plants	TBD: expected to be maintained through retention and RCAs within harvest units	Proportional basal area of hardwoods and percent cover by native understory plants	TBD: increasing trend desired through HCA management for diverse habitat	FIA for tree basal area and understory species cover.	Elk nutritional models would be a potential synthetic metric for plants monitored by FIA
Connectivity between late seral forest patches	Northern Spotted Owl dispersal habitat by sub-geographic area	HCP compliance, 40% in each area measured at 5-year intervals	Habitat patch sizes by suitability category	Increasing proportion of larger habitat patches within HCAs	EFI: lidar-derived landscape map of late seral forests and dispersal habitat	Landscape resistance to Northern Spotted Owl movement would be a potential synthetic metric
Covered species habitat meets stay-ahead provision in HCP	Acres of habitat harvested versus ingrowth of habitat over time	Set in HCP	Acres of habitat harvested versus ingrowth of habitat over time	Set in HCP	HCP 5- and 10-year monitoring reports, habitat models based on EFI lidar-derived maps	

Agenda Item 9 Placeholder: Oregon State University's College of Forestry
Dean's Report

This item will be distributed electronically in advance of the meeting, and physical copies will be provided at the meeting on June 6, 2024.

This is an information item.

Board Meeting Wrap-Up and Closing Comments

This item allows the Board of Forestry and State Forester to reflect, discuss, and mop up any meeting items for the good of the order.

This is an information item.