

Board of Forestry Meeting Minutes

April 26, 2017

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Items listed in order heard.

Complete audio recordings from the meeting and attachments listed below are available on the web at www.oregonforestry.gov

- (1) Handout, [Change in Jobs Map](#), Agenda Item 1
- (2) Handout, [Checklist for marbled murrelet](#), Agenda Item 2
- (3) Handout, [FTLAC Tim Josi Testimony](#), Agenda Item 3
- (4) Presentation, [Inventory, Growth and Yield](#), Agenda Item 4
- (5) Handout, [Mason, Bruce & Girard Inc. Testimony](#), Agenda Item 4
- (6) Handout, [David Walter’s Testimony](#), Agenda Item 4
- (7) Handout, [Seth Barnes Testimony for OFIC](#) , Agenda Item 4
- (8) Presentation, [Fire Program Review and Secretary of State Audit](#), Agenda Item 5
- (9) Handout, [2016 Fire Program Review Committee Booklet](#), Agenda Item 5
- (10) Presentation, [Financial Dashboard](#) , Agenda Item 6
- (11) Presentation, [Riparian Rules/ SSBT Rulemaking](#), Agenda Item 7

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on April 26, 2017 at the Oregon Department of Forestry, State Forester's Headquarters Office, 2600 State Street, Salem, Oregon 97310.

Chair Imeson called the public meeting to order at 9:00 a.m.

Board Members Present:

Nils Christoffersen	Tom Insko
Cindy Deacon Williams	Mike Rose
Tom Imeson	Sybil Ackerman-Munson

CONSENT AGENDA:

[Listen to audio](#) MP3 – (28 minutes –13.2 MB)

With Board consensus, Item A was approved.

The matters under the Consent Agenda will be considered in one block. Any Board member may request removal of any item from the consent agenda. Items removed for separate discussion will be considered after approval of the consent agenda. Public comment will not be taken on consent agenda items.

A. March 8, 2017 Meeting Minutes

Action: The minutes of the March 8, 2017 Board meeting were approved.

ACTION AND INFORMATION:

3. STATE FORESTER AND BOARD MEMBER COMMENTS

State Forester Peter Daugherty provided a brief update on current issues including; budget, the hiring freeze, staff changes, and the State forest policy topic.

State Forester Daugherty recognized Administrative Professionals' Day and thanked Stacy Miller, Jenna Nelson, and all ODF's administrative staff.

He discussed the Ways and Means budget presentation, the Governor's budget and its effects on Oregon Department of Forestry's programs, and Oregon's rural economies.

Federal Forest Restoration Program has an allocation of \$4.4 million of Lottery Funds that have now become a permanent part of the base budget which increases the pace, scale, quality of restoration work on Federal Forests, and has other further reaching benefits.

Nils Christoffersen commented about how well Oregon Department of Forestry has supported the Federal Forest Restoration program. He offered, [Attachment 1](#), to show the economic prosperity that is happening in our rural counties in Oregon, potentially due to programs like this.

The Board discussed prioritization.

Governor Brown has announced a hiring freeze starting May 1, 2017 to June 30, 2017, or the date the agency's budget becomes law. Classifications and positions that provide services critical to life, health, or public safety as well as those that generate revenue or are otherwise indispensable to essential agency operations are exempt from the hiring freeze.

Liz Dent is currently being covered by Mike Totey (West Oregon district forester) filling in as acting State Forests Division Chief until May. Brian Pew is currently being covered by Marganne Allen as Deputy Chief for the State Forests program. Terry Frueh is now serving as the Monitoring and Forest Health unit manager in Marganne Allen's place.

State Forester Peter Daugherty talked about the process on the state forests' management plan and the reconstructing of the State Forests workforce.

FMP revision challenges:

-Structured-based management does not perform consistently across northwest forests.

-When structured-based management works, i.e., achieves desired outcomes, the result is older forests that can become occupied by threatened and endangered species. Occupied stands limit our future management options because of the lack of an HCP or other programmatic ESA compliance approach. These new restrictions, coupled with our riparian and leave tree strategies, are putting our forest on a trajectory of increasing encumbrances.

-Initial analysis suggests that the Land Allocation approach will not solve the long-term financial viability challenge or meet conservation outcomes. Equally or more important, the challenges of additional encumbrances make it difficult to implement.

Different districts face different constraints and so a successful FMP revision needs to accommodate this diversity of challenges.

Discussed exploration of the Habitat Conservation Plan (HCP) and how it would provide a measure of certainty, help stabilize the shifting T&E landscape through prioritization and planning, and reduce costs.

BOARD SELF-EVALUATION

The Board was reminded that Satish Upadhyay will be contacting them to conduct their annual self-evaluation of performance in meeting best practices in governance, which is also one of our agency's Key Performance Measures.

No Public Comments

2. SPECIFIED RESOURCE SITES RULEMAKING FOR MARBLED MURRELET [Listen to audio](#) MP3 – (16 minutes – 7.5 MB)

Lena Tucker, Private Forest Division chief, introduced Jennifer Weikel, who went over updates for the marbled murrelet rulemaking project. This included summaries on the required process for considering forest practices rule-making for threatened and endangered species, existing data for marbled murrelet resource sites, and evaluation of the petition. A checklist of the timeframe and data was presented.

[Attachment #2](#)

The Board asked questions about the timeline and if that was dictated by work by other agencies? Jennifer Weikel answered in the affirmative, but that they will be working while they are waiting.

The Board suggested that if there is delays with the other agencies to perhaps move forward with what information is available. Jennifer Weikel responded that they would reevaluate if that becomes the case.

Public Comment

Bill Kluting, from the Carpenter's Industrial Council, made public comment that he recommends that they Board shut down the marbled murrelet project and the funds be put into fire funding.

Information only.

3. FOREST TRUST LAND ADVISORY COMMITTEE (FTLAC) TESTIMONY

[Listen to audio](#) MP3 - (8 minutes – 3.8 MB)

[Attachment 3](#)

Tim Josi gave thanks to State Forester Peter Daugherty for his involvement and participation in the council meeting. He also thanked Mike Totey for stepping in for Liz Dent, and a thanks to Tom Imeson for letting the Technical Expert Review Group (TERG) members speak at the meeting.

Tim Josi spoke on setting up a timeline for the Forest Management Plan Revision, how they feel the Board will not be able to make a decision that will have both a financial benefit and a conservation benefit at the same time, there are concerns about the Growth and Yield modeling being done by the State Forests Division, and went over the results from the independent contractor ESSA's review of the TERG's input. FTLAC supports the Oregon Department of Forestry's implementations of ESSA's recommendations, but there is still a concern on the Division's ability to adequately invest in stand level inventory.

Tim Josi made a personal testimony, separate from FTLAC that he has concerns on the development of a Habitat Conservation Plan (HCP) and the time and money it will take to implement.

Information only.

4. INVENTORY GROWTH AND YIELD UPDATE

[Listen to audio](#) MP3 – (93 minutes 43.9 MB)

PowerPoint [Attachment 4](#)

Mike Totey, Acting State Forester Division Chief, introduced Mike Wilson, Tod Haren, and Don Robinson to give a presentation on the final report of the work to update and improve inventory, growth, and yield estimates in State Forests, including the recommendation and review developed by ESSA. Mike Wilson discussed the Oregon Department of Forestry forest inventory system. Don Robinson discussed his report, recommendations, and findings. Tod Haren discussed the implementation of the findings and the work we have been doing so far.

The Board asked for clarity and discussed the inoperable sections and core areas. Discussed optimism of Growth and Yield models and their room for error and how that is addressed, including fall down. The researchers mitigate this through looking at ranges and considering certain factors.

The Board also discussed cautious vs optimistic models and their impacts. They asked the researchers to offer them some ranges in the future.

TERG Member Comments

Hank Stander made public comment and submitted written comment ([Attachment 5](#)). He addressed a few key issues of the ESSA report and provided some perspective on topics.

David Walters made public comment and submitted written comment ([Attachment 6](#)). He talked about the ultimate goal being to put the best tools with the best data to put together a plan to operate state forests effectively.

Seth Barnes from the Oregon Forest Industries Council, made public comment and submitted written comment ([Attachment 7](#)). He addressed the table that was provided on the PowerPoint showing acres not considered operable. He specifically brought attention to the 30 percent inoperable now compared to the previous (2006) report that mentioned 14.37 percent. That is a difference of nearly 100,000 acres. This brings up what constitutes inoperable acres and what has led to that dramatic increase.

The Board asked that the Department of Forestry bring forward a plan so that they can start moving forward with things.

Information only.

5. 2016 FIRE PROGRAM REVIEW AND SECRETARY OF STATE AUDIT – IMPLEMENTATION STATUS

[Listen to audio](#) MP3 – (17 minutes 8.9MB)

Power Point ([Attachment 8](#))

Fire Program Review Committee Booklet ([Attachment 9](#))

Doug Grafe, Fire Protection Division Chief, reviewed the current status of the agency's implementation efforts addressing the recommendations from the Fire Program and the Secretary of State audit.

Fire Program Review Recommendations:

Sustainable Large Wildfire Funding

- Trust Fund
- Catastrophic Fire Insurance Policy
- Bureau of Land Management Protection Study

Sustainable Wildfire Organization

- Severity
- Improvements to the Complete and Coordinated
- Wildfire Protection System

Wildfire Policy

- Landscape Resiliency and Fuels Management
- Smoke Management and Prescribed Burning
- Rangelands
- The Wildland/Urban Interface

Secretary of State Audit Recommendations

- Reduce the impacts of fire operations on personnel and programs
- Reduce the threat of wildfire through prevention, detection and mitigation strategies

State Forester Daugherty and the Board asked about tracking the impact of the program? Doug responded that there are analyzing and planning pieces that addresses measuring the impact of the program included.

6. DEPARTMENT OF FORESTRY FISCAL REPORT

[Listen to audio](#) MP3 – (10 minutes – 4.7 MB)

Satish Upadhyay, Administrative Services Division Chief, provided an update on the Department of Forestry's financial status with reference to the Financial Dashboard Presentation ([Attachment 10](#)) summarizing the agency's biennial budget, expenditures and anticipated revenues.

The Board requested that a right hand axis be added to the Forest Development Fund graph that displays the revenues and expenditures too. There was also discussion on the Federal Funds and clarification on that subject.

Information only.

7. RIPARIAN RULES/SSBT RULEMAKING – FINAL RULE LANGUAGE

[Listen to audio](#) MP3 – (23 minutes – 7.5 MB)

Power Point Presentation ([Attachment 11](#))

Lena Tucker Private Forest Division Chief introduced Kyle Abraham, Private Forest Deputy Chief, and Donna Silverberg from DS Consulting.

Private Forests presented the final piece of the riparian rulemaking process for the Board's final decision. They covered the context and background of the rule analysis including the policy and value statements from the forest practices act and Board's guiding principles and philosophies, a brief summary of the decisions from November 5, 2015 to date, the public hearing process and a summary of the public comments including the department's response.

They also provided a reminder of the riparian rule advisory committee decisions on key policy topics, gave the recommendation to the Board of the final decision, and followed up with the next steps.

The Department recommends that the Board:

Approve the final SSBT rules and housekeeping package and direct the Department to file the final SSBT rules and housekeeping package with the Secretary of State's office.

The Board asked how the implementation of this decision overlays with the budget scenario. Lena Tucker responded that there is some concern due to potential service level, but that Oregon Department of Forestry will move forward on this with alternative avenues if needed.

Tom Imeson made a request for a motion.

Mike Rose made a motion to accept the department's recommendation; Cindy Deacon Williams Seconded the motion.

Unanimous vote in favor. Motion passed.

Action Item: The Board Approved the final SSBT rules and housekeeping package and directed the Department to file the final SSBT rules and housekeeping package with the Secretary of State's office.

8. EXECUTIVE SESSION

Chair Imeson proceeded with the formal Executive Session announcement.

The Board of Forestry entered into Executive Session for the purpose of consulting with legal counsel regarding the Board's legal rights and duties in regards to current litigation or litigation likely to be filed [ORS 192.6600(2)(h)].

No decisions were made during Executive Session.

The Board exited the Executive Session. With no further business before the Board, Chair Imeson adjourned the public meeting at 2:21pm.

Respectfully submitted,

/s/ Peter Daugherty

A handwritten signature in black ink, appearing to read "P. Daugherty", is written over a horizontal line.

Peter Daugherty, State Forester and
Secretary to the Board

JN

Meeting Minutes Approved at the June 7, 2017 Board Meeting.