

Board of Forestry Meeting Minutes

March 7, 2018

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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, [PNW Drinking Water](#), Agenda Item 1
- (2) Handout, [2017 Drinking Water Provider Partnership](#), Agenda Item 1
- (3) Handout, [Public Comments – John Sweet](#), Agenda Item 1
- (4) Handout, [Public Comments – Kathleen Sullivan](#), Agenda Item 1
- (5) Presentation, [EOA Sisk Board Streamside Protections](#), Agenda Item 2
- (6) Handout, [Public Comments – Local Landowners on EO/Siskiyou](#), Agenda Item 2
- (7) Handout, [Public Comments – Stacey Detwiler on EO/Siskiyou](#) Agenda Item 2
- (8) Handout, [Public Comments – John Peel on EO/Siskiyou](#), Agenda Item 2
- (9) Handout, [Public Comments – Eric Farm on EO/Siskiyou](#), Agenda Item 2
- (10) Handout, [Public Comments – OSPC Scurlock on EO/Siskiyou](#), Agenda Item 2
- (11) Handout, [Public Comments – OSPC memo on EO private forestlands](#), Agenda Item 2
- (12) Handout, [Public Comments – Memo on EO/Siskiyou](#), Agenda Item 2
- (13) Handout, [Public Comments – CRITFC on EO/Siskiyou](#) Agenda Item 2
- (14) Handout, [Public Comments – CRITFC \(referenced\) on EO/Siskiyou](#), Agenda Item 2
- (15) Handout, [Public Comments – Candace Bonner on EO/Siskiyou](#), Agenda Item 2

- (16) Handout, [Public Comments – WSC on EO/Siskiyou](#), Agenda Item 2
- (17) Presentation, [OPFA Illustrated Manual 3rd Edition – What’s New](#), Agenda Item 3
- (18) Presentation, [2017 Operator of the Year Award](#), Agenda Item 5
- (19) Presentation, [Monitoring Unit Report](#), Agenda Item 6
- (20) Presentation, [State Forests Annual Report](#), Agenda Item 7
- (21) Handout, [Public Comments – WSC on State Forest Annual Report](#), Agenda Item 7
- (22) Presentation, [Compliance Audit](#), Agenda Item 4

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on March 7th, 2018 at the Oregon Department of Forestry Headquarters on 2600 State Street Salem, OR 97310.

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

Board Members Present:

Sybil Ackerman Munson
 Nils Christoffersen
 Tom Imeson
 Tom Insko
 Cindy Deacon Williams
 Mike Rose (left after lunch)

Absent:

Chair Imeson stated that before he proceeds with the consent agenda, he would be pulling Item E, Habitat Conservation Plan Status Update from the consent agenda to have a brief discussion to clarify and put on the record the Department’s approach to moving forward with this policy topic

CONSENT AGENDA:

Mike Rose motioned for approval of the consent agenda. Cindy Deacon Williams seconded the motion. Voting in favor of the motion: Nils Christoffersen, Tom Imeson, Tom Insko, and Sybil Ackerman Munson. Against: none. With Board consensus, Items A through D and F through H were approved.

A. **JANUARY 3, 2018 MEETING MINUTES**

Approval of Board Meeting Minutes

Action: The Board approved the January 3, 2018 Board meeting minutes.

B. **INCLUSION OF THE HIGH DESERT RFLPA**

Approve the inclusion of rangeland in portions of northern Lake County into a rangeland protection association and direct the Department to assist with the formation of the High Desert Rangeland Protection Association, pursuant to ORS 477.320

Action: The Board approved the inclusion of rangeland portions of northern Lake County into a rangeland association and directed the Department to assist with the

formation of the High Desert Rangeland Protection Association, pursuant to ORS 477.320.

C. **APPROVAL OF AGENCY DIRECTOR FINANCIAL TRANSACTIONS, FISCAL YEAR 2017**

Approval of travel expense transactions

Action: The Board approved the travel expense transactions and the leave usage transactions submitted by the former State Forester, Doug Decker, and current State Forester, Peter Daugherty, for Fiscal Year 2017, as summarized in Attachment 1, State Forester's Travel Claims Summary, and Attachment 2, State Forester's Leave Usage Summary.

D. **FOREST PRACTICE ANNUAL RULE REVIEW MEETING REPORT**

Forest Practice Annual Rule Review Meeting Report

Information Only.

F. **APPROVAL OF BOARD WORK PLANS**

Action: The Board approved all board work plans

G. **LONE PINE RANGELAND ASSOCIATION EXPANSION**

Action: The Board approved the expansion of the boundaries of the Lone Pine Rangeland Protection Association, pursuant to ORS 477.320.

H. **2019 LEGISLATIVE CONCEPT APPROVAL**

Action: The Board approved the Forest Products Harvest Tax Legislative Concept and directed the Department to proceed with submitting the concept to the Department of Administrative Services.

ACTION AND INFORMATION:

E. **HABITAT CONSERVATION PLAN STATUS UPDATE**

Liz Dent, State Forests Division Chief, came to the table. Chair Imeson asked Liz Dent if there was enough staff time to pursue the Habitat Conservation Plan (HCP). Liz Dent explained that while the division is short staffed, they are continuing to explore an HCP, following the Board direction. The HCP process will start with the convening of a multi-agency sponsor group. This

approach will allow sponsors to efficiently work through the questions that arise and gain alignment by working side by side with the involved agencies. It is still unknown if the grant will be awarded.

The Board applauded the effort and felt it is a good thing, but noted that moving forward with limited staff will require that a checks and balance process at a future meetings.

Information Only.

1. STATE FORESTER AND BOARD MEMBER COMMENTS

[Listen to audio](#) MP3 – (39 minutes – 55.3 MB)

State Forester Daugherty commented on

- Fire Insurance Policy,
- Cultivating Change Foundation,
- And 2018 Legislative Session
 - Clean Energy Jobs bill, Oregon’s version of a Carbon Cap and Invest program
 - Good Neighbor Authority
 - ODF’s Sudden Oak Death program
 - One time General Fund increase for emergency firefighting costs
 - Eastside Rate Relief

1A. PUBLIC COMMENTS:

[Listen to audio](#) MP3 – (8 minutes – 11 MB)

John Sweet, Coos County Commissioner, provided written and oral testimony that responded to the Boards question at the January Board meeting about a lack of advice received from the Forest Trust Land Advisory Committee (FTLAC) on the Forest Management Plan (FMP) and the Habitat Conservation Plan (HCP). In [attachment 3](#) you will see the email exchange between the state and counties legal counsels.

Kathleen Sullivan, Clatsop County Commissioner and member of FTLAC, stated in her public comment ([attachment 4](#)) that she has concerns that FTLAC testimony do not reflect Clatsop County point of view, while Clatsop County is the largest timber producing county. Kathleen also stated that Clatsop county citizens prioritize the balance of active logging, restoring endangered species, as well as recreation opportunities for the long term with a strong focus on habitat restoration and timber securities. Clatsop County does support the HCP, supporting the HCP is not anti-timber, rather it states that conservation shares equal priority with timber.

The Board asked Commissioner Sullivan if Clatsop County is able to discuss FMP matters. Commissioner Sullivan stated she would be happy to discuss the FMP matters.

2. EASTERN OREGON/SISKIYOU MONITORING STREAMSIDE PROTECTIONS

[Listen to audio](#) MP3 – (56 minutes – 52.5 MB)

Lena Tucker, Private Forest Division Chief, introduced Marganne Allen, Private Forest Manager for Forest Health and Monitoring, and Terry Frueh, Monitoring Coordinator. Lena Tucker stated that today's presentation is to bring the remaining information as follow up from the November 2016 Board of Forestry meeting where the Board requested the Private Forest Division to work on the review of the riparian protections in Eastern Oregon and the Siskiyou region.

Terry Frueh walked the Board through the results of the information tally that places considerations in context of question alternatives presented to the Board in January. The purpose of this science tally is to illustrate for the Board how much science might be potentially relevant. A review of this literature has not been done, since the division needed to first have the question on which the review would be based. Studies included in the tally had to meet a certain criteria. Meeting the criteria was determined by the title, abstract, or skimming through over 1400 studies, of which 91 were included. Marganne Allen stated that the Board expressed interest in hearing how ODF would generate monitoring questions options and what would ODF recommend. Marganne Allen stated ODF would look to the current monitoring strategy, the past year of targeted stakeholder outreach, and direction from the Board. Outlined below are the two options.

Option 1: Implementation Monitoring Focus

- Significant expansion of compliance audit
- Finish remaining RipStream analyses

Once the work is complete, initiate an eastern Oregon/Siskiyou study. This was the direction the monitoring unit was headed at the November 2016 Board meeting.

Option 2: Modified Siskiyou

- Siskiyou-focused effectiveness monitoring project with the goal of healthy streamside forests and water quality. Specifically, small and medium sized fish streams, achieving the Desired Future Condition (DFC) for healthy streamside vegetation, and linkages between stream side vegetation, shade, and stream temperature.
- The product would be a literature or systematic review and contextual information from:
 - Peer-reviewed scientific articles
 - Unpublished "gray" or "white" literature
 - Total Maximum Daily Load (TMDL) analyses by Oregon Department of Environmental Quality (ODEQ)
 - Watershed council summarized data or analyses
 - Streamside and fish habitat data
 - Voluntary measures on non-federal lands
 - Status and trend data on fish populations.

The review will not directly address the impact of forest practices on fish. The unit proposes to collaborate with appropriate partner agencies (e.g., Oregon Department of Fish and Wildlife) and characterize fish status and trends in the Siskiyou geographic region, thereby provide the context of fish use.

Marganne Allen recommended that the Board approve moving forward with option two. It would take the department approximately one year to complete the literature review.

PUBLIC COMMENTS:

Eric Farm with the Southwest Oregon Regional Forest Practice Committee provided oral and written comments ([attachment 9](#)) where he recommends Staff Option 1. Any effectiveness monitoring project should take a holistic approach. Any forest practices act rule change should be science based, and if cost is an issue the department should look to legislators for additional funds.

John Peel Eastside Forest Representative Committee on Forestlands provided oral and written comments ([attachment 8](#)) strongly supporting option two, and is concerned with the holistic approach and the ability to answer the questions that may arise.

Mary Scurlock with Oregon Stream Protection Coalition provided oral and written comments ([attachment 10](#)) supporting option two, but urging the Board to recognize that there is a reason to be concerned about whether the Board is meeting their obligation to protect and monitor aquatic resources in Eastern Oregon. Mary also submitted two memorandums with her testimony ([attachment 11](#) and [attachment 12.](#))

Stacey Detwiler with Rouge Riverkeeper provided oral and written comments ([attachment 7](#)) supporting option two.

Bob Van Dyke with the Wild Salmon Center provided oral and written comments following along his presentation ([attachment 16](#)) where he supported option two. Bob also focused on enhancement of stream buffers for salmon and wanted to make sure climate change was included in the review.

Clark Lock with Clackamas Water Conservation and Lock Farm, gave oral testimony in support of option two, but would support option one if the financial backing was available. The research is focused on fish bearing streams and would like to emphasis that source water for fish and drinking water all come from non-fish bearing streams and should be included in to the Forest Practices Act.

Jamie Pinkham, Executive Director of the Columbia River Inter-Tribal Fish Commission, submitted written testimony ([attachment 13](#)) as well as referenced previous testimony submitted by Paul Lumley ([attachment 14](#)).

Candace Bonner, small woodland owner and public member of NWRFP, submitted written testimony ([attachment 15](#)).

Williams Community Forest Project, Claudia Beausoleil with the Southern Oregon Mediation Center, Jonathan Major with Still Moon Farm, Jo Ferneau and Rosie Demmin with Rise Up ! Artisan Bread, and Daniel Bish with Plant Oregon, submitted written testimony ([attachment 6](#)).

Chair Imeson asked the division to explain what was meant by the holistic and the amount of resources that would involve. Marganne Allen explained that the holistic approach is analogous to the recent and ongoing paired watershed studies (Asea, Trask, etc.), very long

term and resource intensive studies. The division would have to reach out to a range of partners taking a large amount of time. With option two, the Division is looking at the relationship between streamside forests and water quality, stream temperature, and shade outcomes while trying to maximize use of existing information. With the existing information a decision can be made about narrowing down the gaps and identifying where the division could do something more expansive. With choosing option two, if additional study is warranted it would start with a literature review as described. Lena Tucker stated that they would like to finish the Siskiyou region, before taking a look at other regions. Other regions will be looked at in the future.

The Board emphasized the literature review component and how it was characterized as field light, and asked if it could be expanded to Eastern Oregon. The division stated that the literature would be the first step and if every aspect was covered it could double or triple the cost. If the review was contracted out it would still put work on the division's plate. Lena stated that with choosing option two the first aspect would be a literature review. State Forester Daugherty stated if we expand the literature review to Eastern Oregon it will also expand the public outreach process occupying too much of the time of the staff.

The Board stressed that not only is a literature review important but so is talking with people and providing outreach, it is not just a science question it's a people question. Remaining work also includes completing the Ripstream large wood debris and desired future condition analyses, and completing the small expansion of the compliance audit.

Mike Rose made a motion for the Board to direct the department to implement Option 2 (Modified Siskiyou Alternative).

Cindy Deacon Williams seconded the motion. Voting in favor of the motion: Nils Christoffersen, Tom Imeson, Tom Insko, and Sybil Ackerman Munson. Against: none.

Action: The Board directed the department to implement Option 2 (Modified Siskiyou Alternative)

3. OFPA ILLUSTRATED MANUAL – 3RD EDITION – WHAT'S NEW?"

[Listen to audio](#) MP3 – (22 minutes – 31.2 MB)

Presentation ([Attachment 17](#))

Mike Cloughesy, Director of Forestry for Oregon Forest Resources Institute, went through the changes of the Forest Protection laws including:

- Forestry Activity Electronic Reporting and Notification System (FERNS)
- Type Salmon Stealhead or Bull Trout (SSBT) stream Prescription Requirements
- Down log minimum length and diameters
- Bald Eagle as protected under the Federal Eagle Protection Act
- Doing a Timber Harvest – Choosing the right logger
- Fire and Chemicals – Choosing the right chemical applicator

- Industrial Fire Precaution Levels
- Summary of key fire season requirements
- Spray Buffers
- Assistance for Family Forest Landowners

The Board asked if the manual will be an app or ebook? Mike Cloughsey stated that it was available [here](#) where the chapters were available as PDF documents. State Forester Daugherty thanked Mike Cloughsey for the long term partnership.

Information Only.

4. FOREST PRACTICES ACT COMPLIANCE MONITORING UPDATE

[Listen to audio](#) MP3 - (30 minutes – 41.8 MB)

Presentation ([attachment 22](#))

Marganne Allen, Private Forests Forest Health and Monitoring Manager, and Terry Frueh, Private Forest Monitoring Coordinator, discussed the results from the 2016 effort, the 2017 compliance audit work, completing the contract, and the next direction for the compliance audit.

The Goal of the Compliance Audit is to assess state-wide compliance with the Forest Practices Act. The audit is assessed based on ownership in the three ODF Areas, and is an ongoing study from 2013 to the present with 4 years of data spread over 5 years, looking at 57 rules in 6 rule divisions. The audit has an external review team that provides an outside perspective. Getting family forest landowner permission is a challenge that takes a significant amount of time. In 2016, for the 100 sites and 57 rules examined, compliance was 97% overall. Moving forward, the rules that need focused attention for education and training include:

- Small water bodies:
- Properly removing temporary stream crossings
- Treating skid trails (BMPs)
- Road drainage and filtration near stream crossings
- Road maintenance
- Culverts: 50 year flows
- Sediment delivery

The focus of the next audit phase will be the rule set pertaining to Reforestation.

State Forester Daugherty asked about improvement on certain measures, does that correlate to the training outreach and education. Terry stated that it is too early to tell. State Forester Daugherty also asked about the budget cuts associated with the compliance audit. Marganne Allen stated the unit plans on doing an annual, scaled back, compliance audit. The Board noted the number of units surveyed in Eastern Oregon were less, and if that was based on the number of permits that were issued. Terry explained that acres of harvest were used to determine sample size. The Board also asked if the different regions had anything to do with the landowner's willingness to participate, the division has it only broken down to landowner type. The Board

mentioned working with cooperators to build more support for the audit, the division strives not to link compliance audit with enforcement. The non-response is different from denial, only nine percent of landowners outright denied access

The Board also asked if increased training and education is contributing to the written plan and compliance improvement, and if the contact the landowners had with the stewardship foresters accounts for the compliance rating. The Board inquired about what the follow up process will be for the identified list of areas that need attention. The Private Forest Training and Compliance Coordinator will be working with Public Affairs on the outreach to address the items. Based on the desired trend line it is unknown how many audits it will take to have the data to conclude that an annual audit is not needed.

Public Testimony: None

Information Only.

5. **2017 FOREST PRACTICES OPERATOR OF THE YEAR AWARDS**

[Listen to audio](#) MP3 – (28 minutes – 39.2 MB)

Presentation ([Attachment 18](#))

Operators of the Year were presented awards for going above and beyond the requirements of the Forest Practices Act, by Josh Barnard, Private Forest Division’s field support manager and Jasen McCoy, stewardship forester serving the Tillamook and Astoria Districts.

2017 Merit Award recipients.

Southern Oregon Area:

Zuber and Sons Logging out of Gold Beach

Awards were presented to the 2017 Operators of the Year:

Lane Parry Forestry Consulting

Lane Parry Forestry Consulting earned the Eastern Oregon Operator of the Year award for helping landowners after the 2015 wildfires, particularly the Cornet-Windy Ridge Fire. Lane’s team worked with 14 landowners in Baker County and multiple operators to perform salvage harvests. His leadership ensured both successful harvesting and replanting.

Lane Parry Forestry Consulting: https://www.youtube.com/watch?v=p_akKepy_Kw

Morisse Logging

Morisse Logging earned the 2017 Northwest Oregon Area Operator of the Year award for protecting streams and improving fish habitat. Morisse’s extra effort included coordinating work to improve safety along Highway 26 during and after the harvest. His team also brought civic groups to the harvest site to share about forestry and stream improvements.

Morisse Logging: <https://www.youtube.com/watch?v=WDgLuMBh2Bk>

Denali Logging

Denali Logging earned the Southwest Operator of the Year award for its diligent planning and harvest. While doing forestry work, Denali protected streams, stream buffers and fish habitat.

Denali Logging: <https://www.youtube.com/watch?v=U723vLHHOSw>

Award recipients were presented with plaques and pictures were taken.

Information Only.

Break for Hors D 'Oeuvres and lunch.

6. ANNUAL PRIVATE FORESTS DIVISION MONITORING UPDATE

[Listen to audio](#) MP3 – (13.2 minutes – 18.8 MB)

Marganne Allen, Private Forest Manager for Forest Health and Monitoring, and Terry Frueh, Monitoring Coordinator outlined monitoring results and status for the following areas:

- Implementation Monitoring
 - Voluntary measures project
- Effectiveness Monitoring
 - RipStream
 - Trask Paired Watershed
- Monitoring Strategy
- Upcoming Monitoring Work
 - Interagency water-monitoring
 - Support to Committee for Family Forestlands, 3 Regional Forest Practices Committees

The Board asked if the division had a target percentage number of forest operation activity that they hope to cover with compliance audits. Marganne Allen stated that they have not calculated the sample size, the goal is to assess a compliance rate with certainty. Certainty will be determined by an estimate of the variance from previous work and completion of a sample design. State Forester Daugherty stated how impressive the amount of publications that have come out of the Monitoring unit.

Public Testimony: None

Information Only.

7. STATE FOREST ANNUAL REPORT

[Listen to audio](#) MP3 – (59 minutes – 48.6 MB)

Liz Dent, Division Chief of State Forests introduced herself, Ty Williams, Astoria District Assistant District Forester, and Robbie Lefebvre, Seedling and Reforestation Coordinator for State Forests. They presented the 2017 State Forests Fiscal year Accomplishments and Significant Events Report ([attachment 20](#)).

Overview

State Forest covered:

- Financial outcomes.
- Economic benefits on working forests.
 - Record revenue to the trust counties in the last thirty years.
- Met obligations to the Forest Trust Land Counties.
- Implement strict conservation measures for streams, wetlands, aquatic habitat, threatened and endangered species, and native wildlife habitat.
- Direct impact to the division:
 - Linn County Lawsuit.
 - Forest Management Plan (FMP) Revision Process.
 - Exploration of Habit Conservation Plan.
 - No increase in budget.
 - Recreation.
 - Support of the Fire Militia.
- Reforestation:
 - Ensuring genetically appropriate seed.
 - Secure growing space.
 - Increased seedling cost.
 - Uncertain contract labor market.
 - Increased acres that require planting.
 - Planting cost per acre increase.
 - Business Improvement Success – working with nurseries directly.
- Increased public demand while working under the 2011 direction to limit new development and solely maintain current infrastructure.
- Social benefits in a working forest:
 - Tillamook Forest Center.
 - South Fork Prison Camp.
- Environmental benefits in working forests:
 - Northern Goshawks surveys
 - Band four Northern Spotted Owls (NSO)
 - NSO Density Surveys
 - Northrup Creek Watershed Health Project
- Work force Futuring efforts.

In conclusion the State Forest Division was able to deliver on all aspects of Greatest Permeant Value, but still faces a number of challenges and issues that need to be addressed in order to create long-term solutions specific to financial viability.

The board asked about the metrics relative to the economics of the county contribution and how they matched with the planned goals. State Forest Division Chief, Liz Dent said that the plan does not set forth harvest levels or explicit financial outcomes. The board asked about the implementation success, how is ODF doing under the metrics of the current plan. Liz responded by pointing to the research and monitoring projects that have been taking place over the last decade, ranging from young stand management to fertilizing diseased stands, Trask River

Watershed and RipStream studies all indicate to a positive record for all stream sizes and young stand managements. The Board asked if the division is making progress on the current goals with the current metrics. Liz stated that it would be healthy to get back into the routine of coming back to the board with the findings from the research and monitoring unit on an every other year basis, this work had previously been taken out of the work plan due to workload and prioritization.

The Board mentioned that the dollar and cents has changed to where the economics have fundamentally shifted the dynamic, even with the high log prices, the revenue to cost is tight, and something has changed. Liz stated that is why the FMP is being looked at, the cost associated with T&E species, stumpage, and understanding the expenses of managing the forest today and if the division could be more successful if they managed it a different way. Chair Imeson agreed that this question will set the context to move forward and look at the FMP. The Board stated high harvest levels will only last for a certain amount of years, where is the division in the context of harvest levels. Liz ensured that the division is harvesting high value timber sales, while making sure the FMP and harvest levels are sustainable. Ty Williams ensured the Board that the division is not running out, old cohorts become the new cohorts, state forests is growing the landscape design, high value timber may be harder to find off the road, but it still exists. The Board also stated the HCP and FMP projects will help to sustain these efforts. Chair Imeson asked if the quick turnaround of the timber sales allow them to be paid off sooner than the three years in the contracts. Ty stated the collecting the funds would still take the three years. State Forester Daugherty appreciated the field staff participating in the delivery of the Board presentation.

Public Comment

Bob Van Dyk from the Wild Salmon Center gave oral comments with a presentation ([attachment 21](#)) focusing on the State Forests labor cost and the need for future contribution as well as that public investment is critical. Bob encouraged the Board to look back at the performance measures and metrics.

Information Only.

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 3:22 pm.

Respectfully submitted,

/s/ Peter Daugherty



Peter Daugherty, State Forester and
Secretary to the Board

ME

Meeting Minutes Approved at the April 25, 2018 Board Meeting.