

# Board of Forestry Meeting Minutes

July 24, 2019

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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](http://www.oregonforestry.gov).

- (1) Handout, [Oral and Written Testimony by Gray for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (2) Handout, [Oral and Written Testimony by Rippey for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (3) Handout, [Oral and Written Testimony by Mackie for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (4) Handout, [Oral and Written Testimony by Haladay for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (5) Handout, [Oral and Written Testimony by J.Price for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (6) Handout, [Oral and Written Testimony by G.Price for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (7) Handout, [Oral and Written Testimony by Arkin for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (8) Handout, [Written Testimony by Felley for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (9) Handout, [Written Testimony by Hofler for State Forester, Board Member, and Public Comments](#), Agenda Item 1
- (10) Presentation, [2019 Fire Season Update](#), Agenda Item 2
- (11) Handout, [Oral and Written Testimony by Yamamoto for Forest Trust Lands Advisory Committee](#), Agenda Item 3
- (12) Handout, [Oral and Written Testimony by Sullivan for Forest Trust Lands Advisory Committee](#), Agenda Item 3

- (13) Handout, [Oral and Written Testimony by Neugebauer for Forest Trust Lands Advisory Committee](#), Agenda Item 5
- (14) Presentation, [Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (15) Handout, [Oral and Written Testimony by Butt for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (16) Handout, [Oral and Written Testimony by Mikell for Forest Practices Act Rule Enforcement](#), Agenda Item 6
- (17) Handout, [Oral and Written Testimony by Van Dyk for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (18) Handout, [Oral and Written Testimony by Scurlock for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (19) Handout, [Oral and Written Testimony by Corbin for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (20) Handout, [Oral and Written Testimony by Light for Forest Practices Act Rule Enforcement](#), Agenda Item 6
- (21) Handout, [Oral and Written Testimony by Storm for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (22) Handout, [Oral and Written Testimony by Barsotti for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (23) Handout, [Oral and Written Testimony by James for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (24) Handout, [Oral and Written Testimony by Tuttle for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (25) Handout, [Written Testimony by Pope for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (26) Handout, [Written Testimony by Youren for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (27) Handout, [Written Testimony by Detwiler for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (28) Handout, [Written Testimony by Cafferata for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (29) Handout, [Written Testimony by DePaolis for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 5
- (30) Handout, [Written Testimony by Reject Unnecessary Petition for Oregon Coastal Coho Salmon Campaign for Forest Practices Act Rule Enforcement Policy Review](#), Agenda Item 6
- (31) Presentation, [Agency Financial Dashboard and Budget Update](#), Agenda Item 7

In accordance with the provisions of ORS 526.016, a meeting of the Oregon Board of Forestry was held on July 24th, 2019 at the Oregon Department of Forestry Headquarters on 2600 State Street Salem, OR 97310.

Chair Imeson called the public meeting to order at 9:04 a.m.

Board Members Present:

Nils Christoffersen  
 Joe Justice  
 Jim Kelly  
 Brenda McComb

Absent:

Cindy Deacon Williams (Majority of Day)

Mike Rose  
Tom Imeson  
Cindy Deacon Williams (On phone 1:00 to 3:30 pm)

**CONSENT AGENDA:**

- A. JUNE 5, 2019 MEETING MINUTES  
Approval of Board Meeting Minutes.

**Action: The Board approved minutes from the June 5, 2019 Board meeting.**

- B. COMMITTEE FOR FAMILY FORESTLAND APPOINTMENT  
Approval for the appointment of Barret Brown to the Committee for Family Forestlands (CFF), and appointment of Kaola Swanson as vice-chair to CFF.

**Action: Approve the appointment of Barrett Brown (Attachment 2) as the northwest landowner representative, and the appointment of Kaola Swanson as vice-chair of the CFF.**

- C. 2019 BOARD GOVERNANCE PERFORMANCE SELF-EVALUATION  
Approval for the Board of Forestry annual self-evaluation with the adopted governance performance measure.

**Action: Proceed with alternative one and approve the summary evaluation report as the conclusion of the 2019 self-evaluation process.**

Mike Rose motioned for approval of the consent agenda. Joe Justice seconded the motion. Voting in favor of the motion: Nils Christoffersen, Tom Imeson, Joe Justice, Jim Kelly, Mike Rose and Brenda McComb. Against: none. With Board consensus for Items A through C, these items were approved, and the motion carried.

**ACTION AND INFORMATION:**

1. STATE FORESTER, BOARD MEMBER, AND PUBLIC COMMENTS  
[Listen to audio](#) MP3 – (50 minutes and 50 seconds – 17.4 MB)

Chair Imeson commented on:

- Public Meeting will be live streamed.
- Executive Session is scheduled.
- Public comment open for each topic, and not to exceed 30 minutes.

State Forester Daugherty commented on:

- Welcomed the newest addition to the Oregon Department of Forestry (ODF) Executive Team, Tricia Kershaw as the Human Resources Director.
- Provided a summary of the 2019-2021 legislatively adopted budget. Reviewed projected funds and allocation to Division programs. Remarkd on the adjustments and the Department's budget current status. Remarkd on HB 5050 status, and potential appropriations to ODF divisions.

- Outlined the Board’s strategic planning process and objectives. Provided information on the upcoming Board meetings, retreat and workshop scheduled in fall 2019.
- Explained the Shared Stewardship review process and updated the Board on the signing ceremony of the agreement.

Board Members Comments:

- Jim Kelly commented on the Secretary of State 2016 Audit response regarding the militia approach and its impact onto the agency. He observed that the capacity issue for the Agency is addressed but unresolved. On a separate note, asked the public to submit testimony earlier to ODF for the Board to review and the State Forester commented that the Department capacity can be limited.
- Joe Justice attended the Environmental Quality Commission (EQC) in July 2019 as Board liaison, discussed the partnership with EQC, and engagement with the EQC Commissioner regarding items in front of the Board.
- Brenda McComb attended the Oregon Watershed Enhancement Board (OWEB) in July 2019 as Board liaison, reported on a multi-agency collaborative discussion, and many issues discussed interface with the issues brought in front of the Board.

Public Testimony:

- Glenna Gray from North Coast Communities for Watershed Protection, provided oral and written testimony ([attachment 1](#)) to the Board about the observed changes to the north coast landscapes. Urged the Board to change the Oregon Forest Practices Act (FPA) to the same levels as surrounding states, and read from the testimony submitted by Richard Felley.
- Barbara Rippey from North Coast Communities for Watershed Protection provided oral and written testimony ([attachment 2](#)) to the Board on the functionality of the north coast landscapes and waterways. Urged the Board to change stream buffers, spraying, and timber harvest on steep slopes.
- Craig Mackie provided oral and written testimony ([attachment 3](#)) to the Board on campground fees. Shared concerns that high fees can be limiting to those on a fixed income, and may promote illegal camping if fees increase. Asked for the forest industry to contribute more to the counties they are harvesting from and to pay more for harvest and property tax.
- Jay Haladay provided oral and written testimony ([attachment 4](#)) to the Board on the Norriston Heights timber sale. Asked for the timber sale to be delayed for one year, and allow the landowner to understand how the sale would impact their water supply and the ecological balance of their adjacent property.
- Justin Price provided oral and written testimony ([attachment 5](#)) on the Disciples of Dirt organization and how it links to community and forestry. Provided an overview of the mountain bike club, shared objectives, and volunteer efforts. Commented on the challenge land managers encounter to balance ecological, economical and socio-cultural requirements, and commented on the relationships that can be made with recreational communities that benefit sustainable forest management.
- Grant Price provided oral and written testimony ([attachment 6](#)) on his experiences as a Disciple of Dirt mountain biker, and thanked the Board for providing recreational opportunities on state forest lands.
- Jed Arnold provided oral testimony on forest sector jobs and local economy for rural county residents. Referenced a report published by the National Association of Forest landowners on

the economic impacts of the forest sector. He highlighted forest sector contributions nationwide, offered statistics of economic impact, and cited the importance of timber jobs.

- Nancy Holmes provided oral testimony regarding northern coastal political atmosphere over HB 2020 and the Oregon FPA. She cautioned the Board to be thoughtful and clear with information disseminated around issues that directly impact north coastal communities, especially water protections and restrictions.
- Bill Kluting provided oral testimony on Oregon fish habitats, spawning, and runs to the Board. He noted the main issue is fish return to waterways.
- Lisa Arkin from Beyond Toxics organization, provided oral and written testimony ([attachment 7](#)) on the herbicide spray applications of state forest lands, and how the applications may overlap designated drinking watersheds. She submitted a case study on the Tillamook State Forest to the Board, as result of a public record request to ODF. Asked the Board to add this topic to a future agenda, so more information can be presented. Noted a divergence between spray buffers noted by DEQ and OHA from the Oregon FPA. Urged the Board to adopt regulations to end all herbicide sprays on state forestlands that overlap designated watersheds and phase out all aerial sprays on state forestlands.
- Richard Felley provided written testimony ([attachment 8](#)) to supplement the testimony provided by Glenna Gray. Urged the Board to close the loophole in the FPA with limited clearcutting on steep slopes, encouraged longer rotations with more thinning, decrease logging and spraying across streambeds.
- Lynette Hofler provided written testimony ([attachment 9](#)) and urged the Board to not accept a petition that may apply more restrictions on the timber industry in order to protect salmon.

### **Information Only.**

#### 2. COMMITTEE FOR FAMILY FORESTLAND ANNUAL REPORT [Listen to audio](#) MP3 – (10 minutes and 31 seconds – 3.61 MB)

Kyle Abraham, Private Forests Division Chief introduced the Committee for Family Forestlands (CFF), provided background on CFF, described the advisory capacity of CFF to the Board, and offered a brief overview of what the annual report will cover.

Evan Barnes, CFF chair, reviewed the make-up and representation of the committee members. He commented on the many goals in front of the committee to complete over the next year. He invited the Board members to attend any meeting, and to join the committee's discussion. Barnes introduced Barrett Brown the newest member to CFF. Brown offered his perspective as a committee member, described his experiences as a landowner, and closed by encouraging future Board participation in CFF meetings.

Barnes highlighted the key elements of the 2018-2019 annual report. Commented on the committee's success with the passage of HB 2469. He discussed succession planning, fire prevention, and forestland management related to timberland fracturing. Reported on the committee's involvement with the Governor's Council on Wildfire Response and communication with the council chair.

The Board looked forward to continued committee engagement.

**ACTION: Approve the CFF annual report and consider the Committee's policy recommendations.**

Mike Rose motioned to approve the CFF annual report. Nils Christoffersen seconded the motion. Voting in favor of the motion: Nils Christoffersen, Tom Imeson, Joe Justice, Jim Kelly, Mike Rose and Brenda McComb. Against: none. Motion carried.

3. 2019 FIRE SEASON UPDATE  
[Listen to audio](#) MP3 – (26 minutes and 39 seconds – 9.15 MB)  
Presentation ([attachment 10](#))

Doug Grafe, Fire Protection Division Chief, provided an overview of the presentation topics and introduced his fellow presenter. He noted the relatively favorable situation, with minimal fires on the landscape.

Ron Graham, Fire Protection Deputy Chief, commented on the national significant fire potential for Oregon. He reviewed the eight to 14 day outlook for July 2019 and presented a one month weather outlook for August 2019. He noted the state is on preparedness level two and described what this level signifies for state preparedness. Graham reviewed drought monitoring across the state, and fire stats year-to-date for July 2019, noting a 96% of fires were suppressed at 10 acres or less. He highlighted the severity air resources utilized in inaccessible areas around the state, and how it provides time for ground resources to reach the fire. Graham shared the statewide briefing map, and stated no incident or interagency management teams were deployed, no conflagration act has been made, and no fire has qualified for FEMA FMAG grant assistance to date. He reviewed the fires on the landscape, and the net expenditures for 2019 compared to 2018.

Grafe added that 75% of most fires are human caused, but described how lightning strikes contribute to more acres burned, and noted lightning events are minimal so far in the year, which has provided some relief across the state. Graham commented that air quality remains good across the state as well.

Graham updated the Board on the technology coordinated, tested, and utilized by the Department to detect fires, day or night. He commented on the safety numbers per fiscal year, reviewed the average number of injuries for the amount of total hours worked, and provided the number of injuries from fiscal year 2018. He described the yellow sheet program implemented in 2018, how the Department reports any injury or accident that required medical attention, minor or major injuries. Graham reviewed a recent incident in Grants Pass that is undergoing a safety review, and closed by stating a safety update will be included with each fire season report to the Board.

Board commented on the 2019 Fire Season Update presentation.

- Commended the District Foresters who maintain open communication with landowners and land managers with fire updates, resource locations, and notifications.
- Commented on the level of risk perceived in eastern Oregon, and how it differs from what is included as a significant fire potential area. Graham stated how the model can change as the summer progresses, and that there are multiple variables in play beyond the available fuel on the ground. Grafe offered statistics of the average acres burned over a 10-year period as a baseline for Oregon, and noted in 2019 the acres burned has not surpassed the baseline. He also

mentioned that the predictive services tool is to assess the large fire potential on the landscape, not the probability of ignition.

- Expressed appreciation for the inclusion of safety information in the fire update. Grafe stated the importance of Board feedback, and commented how this feedback is raising awareness across the Department.
- Chair Imeson asked about additional Department updates beyond Oregon. Graham commented on Alaska and California's fire severity. He outlined the Department's contributions, collaborations, and resources to assist in Alaska, Washington, and Canada's fire efforts.

Public Testimony: None

### **Information Only.**

#### 4. 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 information exempt by law from public inspection and the Board's legal rights and duties in regards to current litigation or litigation likely to be filed [ORS 192.6600(2)(f) and (h)].

No decisions were made during Executive Session. The Board exited the Executive Session and reconvened meeting.

### **Information Only.**

**Board Member Cindy Deacon Williams joined the Board meeting at 1:00 p.m by phone.**

#### 5. FOREST TRUST LANDS ADVISORY COMMITTEE TESTIMONY

[Listen to audio](#) MP3 - (26 minutes and 49 seconds – 9.20 MB)

David Yamamoto, Chair for the Forest Trust Land Advisory Committee (FTLAC), provided oral and written testimony ([attachment 11](#)) to the Board on multiple topics. In his testimony, Yamamoto thanked the Board in understanding the complexity and interdependency of forestry issues. He discussed four topics to be added to the FTLAC agenda, ranging from data development measuring economic impact of Department proposals, up to further discussion on how carbon credits work. Yamamoto looked forward in continuing the collaborative work between FTLAC and the Department.

### **Public Testimony:**

- Kathleen Sullivan Clatsop County Commissioner provided oral and written testimony ([attachment 12](#)) to the Board on various county items. She mentioned Clatsop County's timber volume, their non-involvement with the Linn County lawsuit, and listed current cost of the lawsuit. She shared the Clatsop County leaders' vision, values and beliefs with the Board. She aired support for many of the Department's and Board's efforts. Stated the County will continue to provide comment if views are not integrated into FTLAC testimony.
- Roger Neugebauer provided oral and written comment ([attachment 13](#)) on the Norriston Heights timber sale in the Clatsop County. He aired concern about the lack of Department

communication with property owners about the timber sale and how it may impact the resident's water supply. He closed by commenting on global warming and the impacts of reforestation.

- Loren Hutnick, Director of Timber Unity 501C4 and President of H & H Heavy Haul Inc., provided oral comment on the Coho initiative and the on the cap and trade bill. Shared observations of current logging practices in Oregon and compared it to California, cautioned the Board to be thoughtful in adoption of bills that add more oversight to fund natural resources.
- Breeauna Sagdal, from Timber Unity 501C4, provided oral comment to the Board on the importance of conservation and inquired about research on stream buffer variances. Shared concern about the potential economic implications for communities that may be impacted by the Coho petition, and encouraged more research to be done before accepting petition.

### **Information Only.**

#### 6. FOREST PRACTICES ACT RULE ENFORCEMENT POLICY REVIEW

[Listen to audio](#) MP3 - (1 hours, 49 minutes and 36 seconds – 37.6 MB)

Presentation ([attachment 14](#))

Kyle Abraham, Private Forests Division Chief, introduced the presenters of the Forest Practices Act Rule Enforcement Policy Review and outlined the [presentation](#) objectives. He offered historical context for the Oregon Forest Practices Act (FPA) as it relates to the Board's Forestry Program for Oregon principles, and provided a high-level overview of the FPA policy framework. Explained the purpose and key components of the FPA and how it functions with water protection rules. Proposed an FPA rule goal is to continue maintenance as well as improvement of the conditions for riparian vegetation and the waters of the state over time.

Thomas Whittington, Water Quality Specialist for the Private Forests Division, provided an overview of the key updates to the current FPA rules, and the water quality performance metrics around forestlands and stream protections. He explained that the Division engages in streamside protection reviews to assess FPA effectiveness and outlined which reviews are planned to be presented to the Board in 2019. He reemphasized the FPA goal to maintain resource protection on logging operations and highlighted the key resources. Whittington reviewed the preliminary analysis of the Department of Environmental Quality (DEQ) Oregon Water Index Report and the voluntary measures made by forestland owners for the Oregon Plan for Salmon and Watersheds program.

Josh Barnard, Private Forests Field Support Unit Manager, reviewed ORS 183.390 the Administrative Procedures Act (APA) process and ORS 527.710(3) outlining the Board's duties and powers concerning the petition. Board Chair asked about timeline compliance, and Barnard confirmed petitioner agreement to extend the timeline for petition decision to be held at the present Board meeting. Barnard highlighted the petitioners' requests, commented on the petition's criteria as prescribed by APA, and noted that the petition proposes new rules with proposed rule language. He reminded the Board of the decision in front of them to either accept or deny the petition. Barnard initially offered three options to the Board and an alternative fourth option, which he reviewed for their consideration.

#### **Invited Testimony:**

- Jessica Butt provided oral and written testimony ([attachment 15](#)) on the Board's duties and powers outlined by statute ORS 527.710(1) and (2) for the FPA rule enforcement policy review.



She reviewed in depth ORS 527.630, ORS 527.710(3)(a), ORS 527.710(3)(b), ORS 527.710(3)(c), and ORS 183.490 as a reminder to the Board of their nondiscretionary statutory but legal obligations to respond to the petition.

- Noah Mikell provided oral testimony on ORS 527.630 for the FPA rule enforcement policy review, tied it to sound forest management practices, and highlighted key rules for the Board to consider under Chapter 629. Mikell provided written testimony ([attachment 16](#)) on behalf of Cascadia Wildlands, stating identification of resource sites and protection for coho salmon are overdue. Urged the Board to fulfill statutory duties and legal obligations to this species.
- Bob Van Dyk from Wild Salmon Center provided oral and written testimony ([attachment 17](#)) for the FPA rule enforcement policy review. Encouraged the Board to accept the petition. He reviewed coho salmon statistics on abundance, and explained why he joined the petition. Commented on staff recommended options, and the uncertainty of option three. Emphasized Departmental discretion in proceeding with petition and asked to not halt critical work but to work in tandem and add value to existing projects. Shared interest in working with Board.
- Conrad Gowell from Native Fish Society provided oral testimony for the FPA rule enforcement policy review. Commented on the coho Salmon's current habitats, and their goals for the future. Encouraged the Board to accept the petition. He proposed the resource site petition will help forest practices be seen as a whole, and more sustainably.
- Mary Scurlock from Oregon Stream Protection Coalition, provided oral testimony for the FPA rule enforcement policy review. Closed for the group, and asked the Board to accept the petition. She looked forward to working with the Board in a collaborative process as they decide the form and content of the rule. Provided slides on landscape-level road impacts ([attachment 18](#)).
- Seth Barnes from Oregon Forest Industries Council (OFIC) provided oral testimony for the FPA rule enforcement policy review. He acknowledged the existing rules under FPA in connection to the existing Departmental projects, and listed the outcomes from the Stoel Rives LLP written testimony ([attachment 19](#)) submitted to the Board by Greg Corbin. Corbin, legal representative for OFIC, provided oral testimony highlighting key results from his legal and policy analysis of the petition. He commented on the sufficiency of the petition, listed the various options in front of the Board, cited other elements to consider before they make a decision, and commented on the case law around species habitat determination. Asked the Board to not make a decision based on a single species, and addressed the deficiencies of the petition.
- Jeff Light on behalf of Forestland owners, provided oral and written testimony ([attachment 20](#)) on contemporary forest management effects on coho and their habitats for the FPA rule enforcement policy review. He stated the science presented in the petition offers an inaccurate picture of the current state of coho. Provided other information on the species from spawners, paired watershed studies, to juvenile monitoring and did not support the petition.

Public Testimony:

- Rex Storm from Associated Oregon Loggers (AOL) provided oral and written testimony ([attachment 21](#)) for the FPA rule enforcement policy review. He urged the Board to deny the petition, and offered three positions to support his recommendation. Stated there is no need to warrant regulation of coho, and concurred with OFIC testimony.
- Mike Barsotti from Oregon Small Woodlands Association (OSWA) provided oral and written testimony ([attachment 22](#)) for the FPA rule enforcement policy review. He endorsed the OFIC testimony, provided historical context on FPA rules, and asked the Board to reject the petition.

- Jim James from OSWA provided oral and written testimony ([attachment 23](#)) for the FPA rule enforcement policy review. He urged the Board to reject the petition, and offered three positions to support his recommendation. Stated the petition is not needed to benefit the coho population.
- Meghan Tuttle from Weyerhaeuser, provided oral and written testimony ([attachment 24](#)) for the FPA rule enforcement policy review. She reviewed the interagency plans and projects in place that support coho habitat improvements, and explained how these efforts are having a positive impact on the species population resiliency and growth. Urged the Board to reject the petition.
- Stanley Petrowski provided oral testimony for the FPA rule enforcement policy review. He shared his experiences as an advocate and supporter of natural resource restoration in Oregon. Commented that the coho are listed because the FPA has not kept up with the ongoing science on the species. Encouraged the Board to accept the petition to help recover the keystone species.
- Garrett Kleiner, SW Regional Forest Practice Committee (SW RFPC), provided oral testimony for the FPA rule enforcement policy review and advised the Board to not accept the petition. He provided a brief overview of the Board's advisory committees, reviewed RFPC's engagement with the Department, and stated what the Board decides the advisory committees will follow. Cautioned against being controlled by petitions.
- Loren Hutnick, Director of Timber Unity 501C4 and President of H & H Heavy Haul Inc., provided oral testimony on the FPA rule enforcement policy review and requested the Board to deny the petition. Stated the report did not include how the species numbers have decreased and excludes how predation may impact the species. Commented regulations may make it harder for the logging industry. He was uncertain how private landowners are included with the APA process. Questioned if the agency would be able to pay for timber loss due to excess regulations.
- Heath Curtiss from Hampton Lumber, provided oral testimony on the FPA rule enforcement policy review and urged the Board to deny the petition. Supported OFIC testimony and believed coho was adequately protected. He spoke to the governance issue and reviewed past Board actions with petitions and rulemaking initiation. Concerned about the Board workload, and does not want the Board to offset current work to reprioritize for this petition.
- Kevin Godbout, from Weyerhaeuser provided oral testimony for the FPA rule enforcement policy review, and asked the Board to reject the petition. Advised the Board to not conduct rulemaking alone, explained this is a statewide issue around land management and to work collaboratively with other agencies and stakeholders on these issues.
- Bob Rees from Northwest Guides and Anglers Association, provided oral testimony for the FPA rule enforcement policy review. He outlined some opportunities and threats to native fish ecosystems. Stated reliance on fish economically and environmentally. Acknowledged the continued work the Division has made to enhance wild salmon populations. Explained Coho numbers indicate an upward rebound, but maintain slow growth. He urged the Board to accept the petition and asked that efforts be collaborative with stakeholders on both sides of the issue.
- Craig Pope, Polk County Commissioner provided written testimony ([attachment 25](#)) for the FPA rule enforcement policy review and asked the Board to deny the petition. Outlined interagency efforts that contributed to programs for salmon recovery, watershed and habitat improvements. Stated salmonid management is a wider issue than one agency's jurisdiction.
- Joseph Youren, Audubon Society of Lincoln County provided written testimony ([attachment 26](#)) for the FPA rule enforcement policy review. He asked the Board to accept the petition and direct the Department to take action to designate resource sites for threatened or endangered species. Asked the Board to pursue an ecosystem approach to habitat conservation and resource protection. Shared concern over FPA rules effectiveness and rule enforcement in Oregon.

- Stacey Detwiler from Rogue Riverkeeper, provided written testimony ([attachment 27](#)) for the FPA rule enforcement policy review encouraging the Board to accept the petition and proceed with rulemaking. She reviewed forest practice impacts to Coho populations in the Southern Oregon and Northern California Coast. Aired concern for the Siskiyou region's weaker protections of salmon and steelhead streams. Emphasized gap in FPA around haul roads construction and stream sediment prevention on state and private lands.
- Fran Cafferata Coe, provided written testimony ([attachment 28](#)) for the FPA rule enforcement policy review. Listed background and expertise in working on forestlands. Offered counter points to the petition's claims. Stated no justification for petition, and urged the Board to reject the petition. Noted past and current forest landowner's efforts to improve coho habitats.
- Matthew DePaolis provided written testimony ([attachment 29](#)) for the FPA rule enforcement policy review and urged the Board to accept the petition. Suggested rulemaking on coho resources sites would benefit rural economies, and the management of public and private forestlands. Stated data on coho population growth is unreliable and existing protections are not effective, even with the current agency efforts to recover the species.
- Campaign to reject unnecessary petition for Oregon coastal coho salmon submitted testimony ([attachment 30](#)) for the FPA rule enforcement policy review and urged the Board to reject the petition. Suggested the petition may have an economic impact to rural communities and to the management of private and public forestlands. Noted increase of coho populations and the current plan in place by State agencies to protect coho habitats.

Board commented on the Forest Practices Act Rule Enforcement Policy Review presentation.

- Discussed the basis of staff recommendation option three. Division commented that there is no linkage of the specified resource site rules and the Board's policy under the Water Protection Division listed in the FPA and outlined Board's obligations under ORS 527.710. Reviewed how resource site definitions for each listed species is required under statute.
- Discussed the relevance of the petition. Board members shared opposition to the petition with an adaptive management process, protective measures in place, and acknowledged the various work implemented over the last 20 years to protect coho habitats. Commented that the petition may not be the appropriate method to address and remedy issues. Contemplated the aggregate of salmonid data over a ten-year span, and no clear indication that coho populations are recovering. Other Board members aired support for accepting the petition with the request for a diverse multi-stakeholder group to collaborate on proposed next steps for rulemaking. Shared agreement in the importance of a diverse stakeholder conversation and considered the need for the petition to conduct those conversations. Commented on the observed divergence between the stakeholders' information, aired frustration around the alignment of the information to fit each group's arguments, and warned stakeholders that operating through a petition for action may overload the system they are attempting to work with.
- Recognized the Board's strategic planning efforts, work plan development, and statutory committees in place to respond and prioritize complex issues. Emphasized ORS 567.630 is not just to address resource sites but involve many other elements, and the Board is tasked to come up with sound natural resource policy to balance all of those elements. Cautioned that utilizing single species as a hammer to drive individual interests is counterintuitive if attempting a greater conversation to solve complex issues in a holistic way among stakeholders and agency partners. Commented on the importance of identifying primary limiting factors, reviewing decadal data, and assessing cost effective solutions.

- Discussed the process between accepting versus denying the petition may alter the Board's next steps. Broad discretion by the Board was discussed.

Cindy Deacon Williams motioned to accept petition and proceed in a collaborative approach towards rulemaking. Board discussion followed with Department staff.

- Private Forests Division Chief Abraham read aloud option four, which was offered as a combination of staff recommendation option one and three. Option four stated as to accept the petition, direct the department to conduct rulemaking to define resource site for coho salmon, and proceed with rulemaking related to resource site protection rules for coho salmon described in ORS 527.710.
- Board member Deacon Williams responded by amending her motion to include in a collaborative manner with stakeholder towards rulemaking. Chair Imeson sought Board feedback on proposed amended motion, and a request for more discussion was made. Board member McComb offered a clarification to the proposed motion to further define collaborative approach, and stated that a multi-stakeholder group will further refine what the issues are that will be brought to the Board, as part of the rulemaking process. Board member Deacon Williams accepted the clarification presented by Board member McComb. Other Board members vocalized preference of newly formed staff recommended option four. Abraham recognized Board member Deacon Williams had not reviewed option four and sent it by email for her to review, and Chair Imeson adjourned for an afternoon break.

Board returned from break, and member Deacon Williams offered a substitution to her original proposed motion. To accept the petition and proceed with rulemaking related to resource site protection rules for coho salmon described in ORS 527.710 to address the requirement under 527.710(3)(a), the Board directs the Department to conduct rulemaking to define resource site(s) for coho salmon. The Board also directs the Department to evaluate all other obligations under 527.710 (3) in the context of the Board's previous and current work and current stream classification and stream protection strategies.

- State Forester reviewed the differences from Board member Deacon Williams's original to substituted motion. Board sought opinion from Abraham to assess whether the changes suggested were substantive and altered the original intent behind option four. Abraham commented that the changes did not alter the original understanding of option four. DOJ Counsel Matt Devore concurred with Abraham's opinion. State Forester asked Board if further clarification on the substituted (i.e., amended) motion proposed by member Deacon Williams was needed, and no further questions were posed.
- Chair Imeson asked for a vote on the amended motion.

**ACTION: Board accepted Board Option 4: Accept the Petition, direct the department to conduct rulemaking to define resource site(s) for coho salmon.**

**Accept the petition and proceed to rulemaking related to resource site protection rules for coho salmon described in ORS 527.710. To address the requirements under ORS 527.710 (3(a)), the Board directs the Department to conduct rulemaking to define resource site(s) for coho salmon. The Board also directs the department to evaluate all other obligations under ORS 527.710 (3) in the context of the Board's previous and current work and current stream classification and stream protection strategies.**

Voting in favor of the amended motion: Nils Christoffersen, Cindy Deacon-Williams, Jim Kelly, and Brenda McComb. Against: Mike Rose and Joe Justice. Tom Imeson abstained. Motioned passed and carried.

**Board Member Cindy Deacon Williams discontinued call at 3:31 p.m.**

7. AGENCY FINANCIAL DASHBOARD AND BUDGET UPDATE  
[Listen to audio](#) MP3 - (10 minutes and 6 seconds – 3.46 MB)  
Presentation ([attachment 31](#))

Bill Herber, Deputy Director for Administration, provided a high level overview of the Department’s financial status for the biennium 2017-2019 and introduced James Short the Assistant Deputy Director for Administration. He narrated how the budget can change between entering and vacating a fiscal biennium. Commented on the challenges to fund fire seasons, and described the complexity in cost recovery to offer the Department some funding relief. Herber reviewed the 2017-2019 legislatively adopted budget versus the approved, noted how the funding expanded to primarily address the costs of the current and past fire seasons. Herber reviewed the Department’s revenues and expenditures to date and explained how numbers may change when the 2018-2019 fiscal year closes. He shared the Department’s main operating cash account balance as of date, then explained the peaks and valleys of the account as it highlights the agency’s efforts to fund fire suppression efforts over the 2017-2019 biennium. Herber referenced the State Forester’s opening comments and how it covered the Department’s update on the 2019-2021 biennium legislatively adopted budget. He closed by outlining how the Department is operating on a continuing resolution until the 2019-2021 budget is approved.

State Forester Daugherty asked to review the 2019-2021 graphs provided to the Board. Herber proceeded to outline the comparisons of the agency requested budget versus the legislatively adopted budget, and breakdown how the projected funds may be distributed among the divisional programs.

Public Testimony: None

**Information Only.**

With no further business before the Board, Chair Imeson adjourned the public meeting at 3:47 pm.

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Respectfully submitted,

/s/ Peter Daugherty



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Peter Daugherty, State Forester and Secretary to the Board

HR

**Meeting Minutes Approved at the September 4, 2019 Board Meeting**