

OREGON DEPARTMENT OF FORESTRY (ODF)
CERTIFIED BURN MANAGER PROGRAM ADVISORY COMMITTEE
Charter and Collaboration Principles (Charter)

For any collaborative process, the participants should establish procedures to govern the committee and its members. Such agreement increases success and decreases meeting time by assuring a good faith process that explores competing needs and leads to balanced recommendations to the sponsor.

I. Background

The Oregon Department of Forestry has current prescribed burn policy that describes how the State Forests Division will safely conduct prescribed burn activities on forestland it manages for the Board of Forestry, and under contract for the Department of State Lands. This policy outlines the establishment of burn objectives and standards for prescribed burns. The prescribed burn policy draws from the following authorities:

- ORS 477.515 – Permits required for fires on forestlands
- ORS 477.625 – Permit to use fire or power-driven machinery
- ORS 526.360 – State Forester to assist in developing forestland for agricultural uses.
- ORS 526.425 – Management assistance to nonindustrial private forest landowners.
- ORS 526.510 – Department to provide technical assistance to governmental units
- ORS 530.050 – Management of lands acquired; power of forester.
- ORS 530.500 – Authority of State Forester in management, protection, utilization and conservation of lands and waters.
- OAR 629.042 – Fire Control

Senate Bill 762, passed in the 2021 legislative session and signed by Gov. Kate Brown on July 19th, revises Oregon Revised Statutes (ORS) 477 and ORS 526 in Section 25 of the bill. The Bill requires the Oregon Department of Forestry to establish by rule a Certified Burn Manager Program (CBMP), which includes the formation of a Certified Burn Manager Advisory Committee (CBMAC). The rules governing the implementation of the CBMP were passed by the Board of Forestry and submitted to the Secretary of State for filing in November 2022.

II. Scope & Charge

The CBMAC is not a decision-making body, but rather an advisory and recommendation-making group. The CBMAC is charged with providing perspective, input, and assistance to ODF so ODF can administer the CBMP pursuant to OAR 629-042-1060 and as described in ORS 526.360.

ODF will consider the recommendations of the CBMAC when creating curriculum, burn plan templates, certifications of those seeking historical recognition, and revocation of certification.

III. Guiding Principles

The CBMAC should consider the following guiding principles and/or policies, among others, in advising ODF in the implementation of the CBMP as follows:

- ORS 477.005 Policy provisions, which follow, are paramount:
 - 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.
 - In order to accomplish the purposes of the policy stated in this section:
 - The need for a complete and coordinated forest protection system is acknowledged and the primary mission of the State Forestry Department in such a system is protecting forest resources, second only to saving lives. Structural protection, though indirect, shall not inhibit protection of forest resources; and
 - This chapter shall include all persons and activities designated in this chapter, irrespective as to whether or not such person or activity is concerned with the harvesting, cutting, removal or marketing of trees, timber or other forest products.
- The relevant section of ORS 526.360.
- Relevant policy considerations

IV. Membership

The following members will provide their diverse perspectives on policy proposals and fiscal impacts of the program as voting and ex-officio members.

Organization	CBMAC Member / (Alternate)	Voting
Associated Oregon Loggers	Amanda Astor	X
Oregon Prescribed Fire Council	Colby Drake	X
Medford Fire	Mark Shay	X
Willamette Valley Fire Collaborative	Katie MacKendrick	X
The Nature Conservancy	Katie Sauerbrey	X
Oregon State University	John Punches	X
Giustina Resources LLC	Kenny Rose	X
Bureau of Indian Affairs – ex officio	Daniel Dyer	
USDA Forest Service – ex officio	TBD	
DOI Bureau of Land Management – ex officio	TBD	

Each member is allowed to assign an alternate by providing written notice to Stacy McCarter at stacy.mccarter@odf.oregon.gov in advance of the meeting the primary member will miss. Alternatives shall have the same rights as CBMAC Members when fulfilling their duties as an alternative member.

While not part of the CBMAC, Board of Forestry Members may be present to listen. Additionally, ODF staff will be present during the meetings as resources, but they are not part of CBMAC.

V. Non-Committee Member Attendees

CBMAC meetings are public meetings. There will be time on the agenda dedicated to receiving input from the public with time limits for each person.

VI. Chair and Subcommittees

The CBMAC will elect a Chair who will work with ODF in leading and organizing subcommittees as needed.

VII. CBMAC Material and Support

All committee materials will be provided electronically as a sustainability measure.

Meeting notices, agendas, materials, summary, and recordings (<https://www.youtube.com/c/OregonDepartmentofForestry/featured>) will be posted on the following webpage: <https://www.oregon.gov/odf/fire/pages/prescribed-fire.aspx>. The meeting recordings will be used as the formal meeting minutes, and they control, in the event of a conflict.

Technical input from agencies, organizations, or individuals with specialized expertise will be available to the CBMAC as issues arise.

VIII. Work Plan/Schedule

The CBMAC will meet at minimum twice a year through a hybrid meeting, starting April 10, 2023. Meetings are anticipated to occur more frequently for the first year of program establishment.

X. Collaboration Protocols for CBMAC Recommendations

The CBMAC will follow these protocols.

- a) **Quorum:** At least 51% of CBMAC voting organizations listed above.
- b) **Meetings:** Meetings of the CBMAC and its subcommittees, if any, are open to the public and will include an opportunity for public comment. Notice of CBMAC meetings will be posted in advance of meetings on the ODF project website.
- c) **Meeting Agendas and Meeting Materials:** ODF and the CBMAC Chair will develop working agendas for each meeting. Meeting agendas and meeting materials will be sent

electronically to CBMAC members in advance of the meetings and will be posted on the ODF website.

d) CBMAC Commitments: The CBMAC members, staff, and participants will participate in good faith, which means:

- 1) Prepare for and set aside time for the meetings and the entire process,
- 2) Participate fully, honestly, and fairly, commenting constructively and specifically,
- 3) Speak respectfully, briefly, and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
- 4) Allow people to say what is true for them without fear of reprisal,
- 5) Avoid side conversations during meetings,
- 6) Provide information to CBMAC members and ODF personnel as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
- 7) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other CBMAC members,
- 8) Consult regularly with their appointing/nominating bodies and provide their input in a clear and concise manner,
- 9) Work toward fair, practical, and durable recommendations that reflect the diverse interests of the entire CBMAC and the public,
- 10) When communicating with others, accurately summarize the CBMAC process, discussion, and meetings, presenting a full, fair, and balanced view of the issues and arguments out of respect for the process and other members,
- 11) Not attempt to affect a different outcome outside of the CBMAC process once the CBMAC has reached a “consensus” recommendation,
- 12) Strive vigorously for consensus and closure on issues, and
- 13) Self-regulate and help other members abide by these commitments.

XI. Public Comment

There will be public comment opportunities during the CBMAC process. Comments from the public will be limited to a maximum of three minutes per person. Participants are encouraged to submit written comments via email addressed to stacy.mccarter@odf.oregon.gov or ODF, Stacy McCarter, 2600 State Street, Building D, Salem, OR 97310 in advance of the meeting so they can be circulated to the entire CBMAC for their consideration.

XII. Process for CBMAC Recommendations

ODF will assist the CBMAC and its members in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations. Each voting CBMAC member will have one vote. A vote represents that the member will strongly recommend to their

government, organization, or group that they should support or oppose the voted-upon proposal consistent with the member's vote.

The CBMAC will strive for and use a "consensus" recommendation-making approach to determine their level of agreement on proposals. This allows CBMAC members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, "*taken as a whole.*" This means that a member may vote to support a consensus proposal even though they would prefer to have it modified in some manner to give it their full support. Consensus is a process of "*give and take,*" of finding common ground and developing creative solutions in a way that everyone can support. Consensus is reached if all voting members support an idea or can say, "*my organization can live with that.*"

When developing recommendations, the CBMAC will address each component individually, and in various combinations. The CBMAC will decide on whether it wants to make a package recommendation for the entirety at the end of the process.

1) "1-2-3" Consensus Polling: ODF will assist the CBMAC in articulating points of agreement, as well as articulating concerns that require further exploration. The CBMAC will use a "Consensus Polling" procedure for assessing the group's opinion and adjusting proposals. In "Consensus Polling," ODF will articulate the proposal. Each CBMAC voting member will then offer "one," "two," or "three," reflecting the following:

- "One" indicates full support for the proposal as stated.
- "Two" indicates that the participant agrees with the proposal as stated but would prefer to have it modified in some manner to give it full support. Nevertheless, the member will support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal is worthy of general support, as written.
- "Three" indicates refusal to support the proposal as stated.

ODF will repeat the consensus voting process as reasonably practical and as time allows to assist the group in achieving consensus regarding a particular recommendation, so that all members are voting "one" or "two." Either way, the result will be noted in the ODF Staff Report and/or the CBMAC Report.

2) No Consensus – Majority and Minority Recommendations: If a consensus on an issue is not likely, as determined by ODF, the votes of those present at the meeting will be taken and recorded as a Majority – Minority recommendation in the meeting summary, which will include the specific majority recommendation, the specific minority recommendation, along with the names supporting each recommendation.

3) Summary of CBMAC Recommendations: The meeting summaries will serve as the record of CBMAC recommendations as supplemented by the addition of CBMAC

member statements who elect to submit additional information by the deadline to be established at the last CBMAC meeting. ODF will package all this information in its staff report to the Board.

XIII. Additional Provisions

The following provisions apply to the CBMAC process.

- a) Regular Communication with Affiliated Group:** There is an expectation of regular, two-way communication between CBMAC members and their appointing jurisdictions / organizations. This is intended to ensure meaningful representation of those interests. Time will be set aside on the CBMAC agenda for reports from this outreach.

- b) Transparency and Media:** Members agree that transparency is essential to all deliberations. In that regard:
 - 1) CBMAC members agree to notify Stacy McCarter at stacy.mccarter@odf.oregon.gov of written communications with the media.
 - 2) Members agree to direct public testimony about CBMAC work to Stacy McCarter at stacy.mccarter@odf.oregon.gov. These communications will be included in the public record and copied to all CBMAC members.
 - 3) Individual members should not speak on behalf of the entire CBMAC.
 - 4) Whenever reasonable, CBMAC members and staff will refer press, citizen, and other inquiries to Stacy McCarter at stacy.mccarter@odf.oregon.gov.

- c) Disclosure of Conflicts of Interest:**
 - 1) Some CBMAC members may be “public officials.” A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
 - 2) Some CBMAC members may be Certified Burn Managers. A Certified Burn Manager is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
 - 3) The announcement needs to be made on each occasion when met with the conflict of interest, and the CBM or public official must disclose the nature of the conflict of interest.
 - 4) For example, the CBM or public official would have to make the public announcement one time when met with the conflict of interest, but only one time

in each meeting of the CBMAC. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.

5) For guidance, please see

<https://www.oregon.gov/ogec/Documents/2021%20PO%20Guide%20Final%20Adopted.pdf>

d) Open Meetings and Records: Meetings of the CBMAC and subcommittee meetings are open to the public. Notice to the public regarding the dates, times, and locations of all meetings will be provided in advance of a meeting.

CBMAC members can participate through telephonic and/or video conference calls. All records of the Committee, including formal documents, discussion drafts, meeting recordings, and exhibits, etc. are public records.

"Communications" refers to all statements and votes made during meetings, memoranda, work products, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence. The personal notes of individual members taken at public meetings might be public record to the extent they relate to the conduct of the public's business.

e) Amendment and Interpretation: ODF shall lead a CBMAC discussion designed to reach a consensus on any proposed Scope & Charge, Guiding Principles, Collaborative Protocols, and Process for CBMAC Recommendations amendment(s) to this document. Any remaining amendments can be made informally. The terms of this document, except those required by law, are process guidelines – not binding mandates. Ultimately, ODF will make the final decision on the proposed amendments and interpretation issues.

f) CBMAC Member Agreement: Participation on this advisory committee is agreement to abide by the terms of this document.